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thinkLaw Curriculum

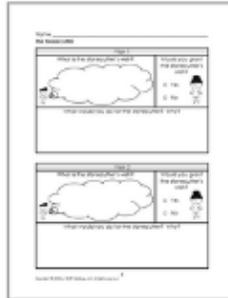
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Assessments Designed to Measure Critical Thinking Skills and Dispositions



Extension Activities

Additional Extension Activities to Review Math, Writing, and Science Skills Using Social Justice as a Motivator!



Project-Based Learning Experiences



Allow Students Real-World Opportunities for Active Citizenship

Comprehensive Teacher Onboarding



Training Video Calls to Explain the thinkLaw Approach and Materials

All thinkLaw Materials are Standards Aligned!



THINK LAW

VOLUME 1
EARLY EDUCATION EDITION
TEACHER EDITION
Sample Download

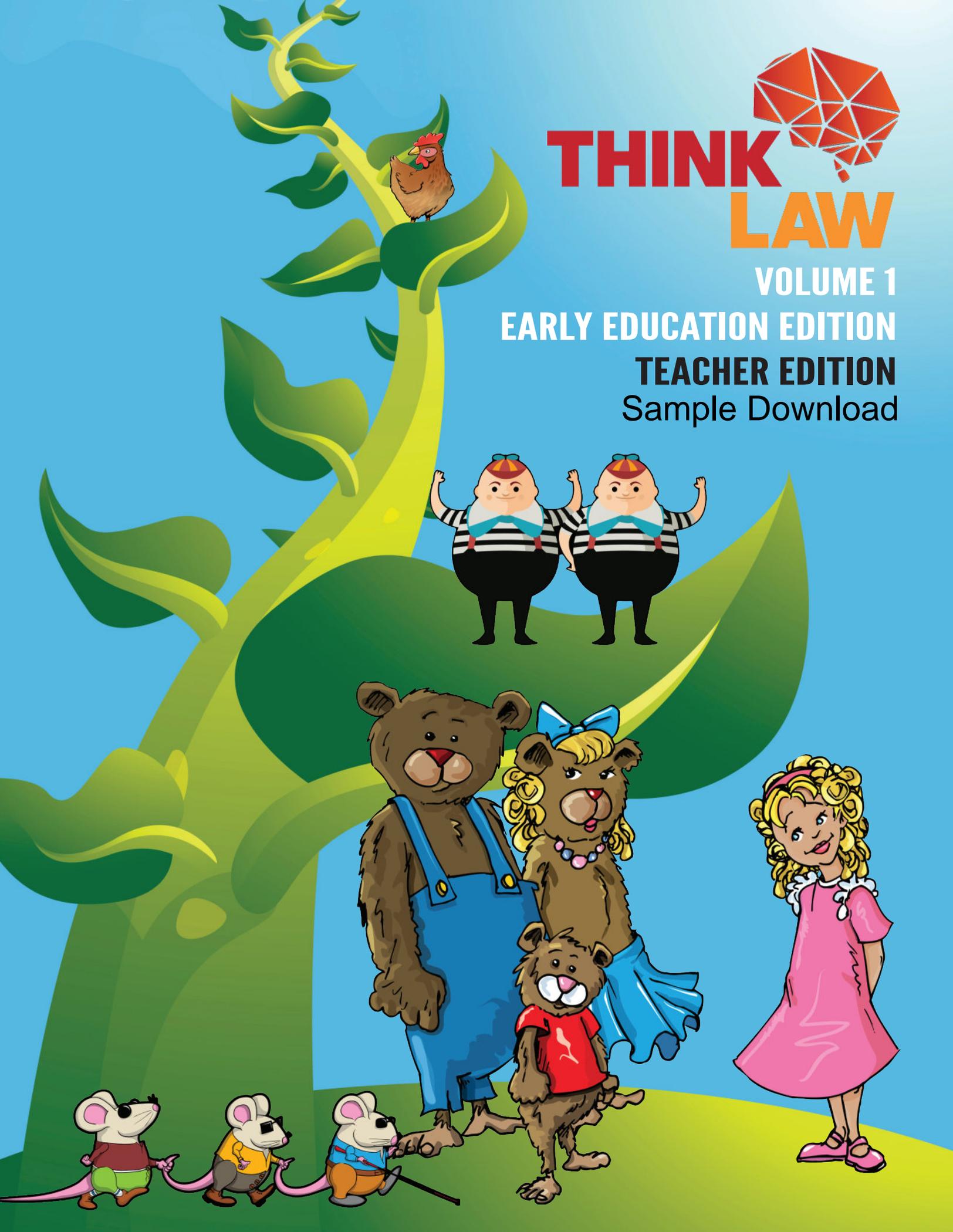




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Lesson 1



Peter Peter Pumpkin Eater: Introduction

Objective: Thinkers will predict the species of Peter the Pumpkin eater, determine his wife's feelings about being kept in a pumpkin, and justify their choices with reasoned evidence.

Lesson Outline

1. During the thinkStarter thinkers will be introduced to the idea that thinking hard is exercise for their brains.
2. After reading the nursery rhyme, "Peter Peter Pumpkin Eater," thinkers will deduce the species of Peter.
3. Thinkers will consider the ending line of the poem, "He put her in a pumpkin shell and there he kept her very well." They will determine how Peter's wife must be feeling and justify their response with supporting evidence.

Materials

Peter Pumpkin Eater
PowerPoint
Presentation



Peter Pumpkin Eater
Student Response
Sheets

A student response sheet for the nursery rhyme. It includes a 'Name' field, the text of the rhyme, a large empty box for writing, and a small pumpkin icon. At the bottom, it asks 'What does it mean that Peter kept a wife and a coven? Keep her?'

Thinker Materials:
Writing Utensils

Texas Essential Knowledge and Skills

KINDERGARTEN	FIRST GRADE	SECOND GRADE
1(A) listen actively and ask questions to understand information and answer questions using multi-word responses	1(A) listen actively, ask relevant questions to clarify information, and answer questions using multi-word responses	1(A) listen actively, ask relevant questions to clarify information, and answer questions using multi-word responses
5(B) generate questions about text before, during, and after reading to deepen understanding and gain information with adult assistance	6(B) generate questions about text before, during, and after reading to deepen understanding and gain information with adult assistance	6(B) generate questions about text before, during, and after reading to deepen understanding and gain information
5(F) make inferences and use evidence to support understanding with adult assistance	6(F) make inferences and use evidence to support understanding with adult assistance	6(F) make inferences and use evidence to support understanding
6(C) use text evidence to support an appropriate response	7(C) use text evidence to support an appropriate response	7(C) use text evidence to support an appropriate response

Peter Peter Pumpkin Eater: Introduction

thinkStarter



What do all of these pictures have in common?

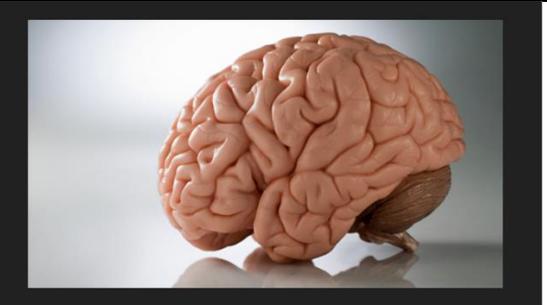
They're all pictures of people exercising.



What happens to your muscles when you exercise?

Pictures will appear as you click through the slide

Your muscles get bigger and stronger the more you exercise.



But did you know that your brain needs exercise too?

It needs exercise to make it bigger and stronger. What kind of exercise do you think you can do for your brain?

Allow thinkers to share their responses.

In class, we do a lot of things to exercise your brain. But we're going to start doing some new brain exercises by thinking really hard about stories and poems and asking lots of questions! Are you ready to get started?

Peter Peter Pumpkin Eater: Introduction

thinkStarter



What do all of these pictures have in common?

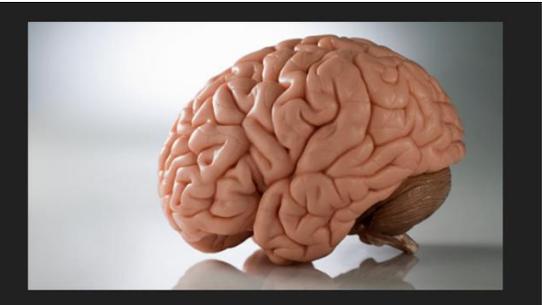
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thinkAnalysis

Peter Peter Pumpkin Eater

Peter, Peter pumpkin eater
had a wife and couldn't keep her.
He put her in a pumpkin shell
and there he kept her very well.
Put her in a pumpkin shell
there he kept her very well.



This nursery rhyme is called "Peter, Peter Pumpkin Eater."

You may have heard this poem before.

Read the poem aloud.

Raise your hand if you have heard this poem before.

Some of you may have heard this poem before and, for some of you, today might be the first time.

This nursery rhyme makes me have a LOT of questions. Does it make you have questions? What questions do you have about this poem? Give thinkers the opportunity to share their questions.

Who is Peter?



My first question is who is Peter?

What do we know about Peter?
The poem doesn't give a lot of information but we know that Peter eats pumpkins, had a wife, and he put his wife in a pumpkin

shell.

When you click on the slide, the images will appear.

Who is Peter?



A boy? A man?

Could Peter be a boy or do you think he's a man? Why did you pick boy/man?

Thinker responses will vary. Many thinkers might choose man since it says that Peter is married

Is Peter human?

Do you think Peter is human? Why or why not?

Thinker responses will vary. The most important part of any response is the justification. A thinker's reasoning that Peter could be an animal might be that people don't fit in most pumpkins.

What kind of animal could Peter be? What would eat a pumpkin?

When you click on the slide, the images will appear. Go through each animal individually.

Is Peter human?



A tiger?



A giraffe?



A mouse?

Do you think Peter could be a tiger? Why or why not?

Most thinkers will probably argue no because tigers eat meat and a pumpkin is a fruit.

Do you think Peter could be a giraffe? Why or why not?

Most thinkers will probably argue no because giraffes are very big and couldn't fit in a pumpkin. However giraffes do eat plants.

Do you think Peter could be a mouse? Why or why not? It is reasonable to think that Peter might be a mouse. A mouse would eat a pumpkin and would be small enough to fit inside a pumpkin.

What other animals could Peter be? You could keep a list of possible animals on the board. Sample responses might be a squirrel, chipmunk, rat, rabbit, etc.

Your turn:

Name _____
Peter Pumpkin Eater
Peter, Peter pumpkin eater
had a wife and couldn't keep her.
He put her in a pumpkin shell
and there he kept her very well.
Put her in a pumpkin shell
there he kept her very well.
Who or what is Peter? How do you know?


Your turn to tell me.

Who or what do you think Peter is?

Thinker responses will vary.
Depending on the age your learners, responses may be pictures, writing, or a combination of both.

Give thinkers time to respond and share.

What does it mean that Peter has a wife and couldn't keep her?



What does it mean that Peter had a wife and couldn't keep her?

There are a lot of possible answers to this question. Maybe Peter's wife was tired of him eating pumpkins all of the time and so she'd run away. Maybe, if Peter

and his wife are mice, she's in danger and birds and cats are trying to eat her. Allow thinkers to share their thoughts and follow up with the question "Why?" to make sure that they explain their reasoning.

Your turn:

What does it mean that Peter "Had a wife and couldn't keep her"?

Your turn to tell me.

What does it mean that Peter had a wife and couldn't keep her?

Thinker responses will vary.
Depending on the age your learners, responses may be pictures, writing, or a combination

of both. When thinkers are finished allow them to share their responses.

He put her in a pumpkin shell and there he kept her very well.



The last part of the rhyme tells us that "He put her in a pumpkin shell. There he kept her very well."

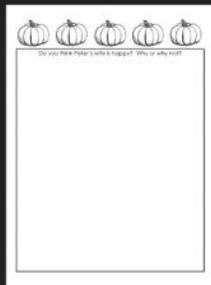
What do you think that means?

Do you think his wife is happy?
Why or why not?

It says that he kept her very well. How might that mean she's unhappy? How might that mean she's happy?

Thinker's responses will depend largely on their previous responses. If Peter and his wife are mice she might be happy about the situation. She has a safe place to hide. They could have decorated the pumpkin really nicely and it could be really cozy. If she's been trying to escape and it's more of a prisoner situation she might be more upset about being put in a pumpkin shell.

Your turn:



Your turn to tell me.
What does it mean that Peter put her in a pumpkin shell and there he kept her very well?

Thinker responses will vary.

When thinkers are finished allow them to share their responses.

I want to thank you for your hard work and big thoughts for today. We're going to keep looking at fairy tales and nursery rhymes to exercise our brains!

Name _____

Peter, Peter Pumpkin Eater

Peter, Peter pumpkin eater
had a wife and couldn't keep her.
He put her in a pumpkin shell
and there he kept her very well.
Put her in a pumpkin shell
there he kept her very well.

Who or what is Peter? How do you know?



What does it mean that Peter "Had a wife and couldn't keep her"?



Do you think Peter's wife is happy? Why or why not?



THINK 
LAW

VOLUME 2
EARLY EDUCATION EDITION
TEACHER EDITION



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Lesson 7

Why the Pineapple has 1,000 Eyes

Settlement and Negotiation

Objective: Thinkers will analyze problems faced by characters in the story and determine why the problems are occurring. Thinkers will devise solutions to the problems faced by the characters.

Lesson Outline

1. Thinkers will begin by sharing experiences with lost shoes and how their parents responded.
2. Thinkers will listen to the story "Why the Pineapple has 1,000 Eyes." Thinkers will analyze the problems faced by the characters in the story. They will determine why the mother and daughter are having those problems and create solutions the characters could implement.
3. Thinkers will examine a picture of a strawberry and make observations. They will then extend their thinking by writing a story about a child who turns into a strawberry.

Materials

Why the Pineapple
PowerPoint
Presentation



Why the Pineapple
Student Sheet

The student sheet is a worksheet with a grid for notes. At the top, it says "Name" and "Date". Below that is the title "Why the Pineapple has 1,000 Eyes". The grid has four columns with the following headers: "What is the problem?", "What are the characters' problems?", "What is the problem causing the characters?", and "How could they solve their problem?". There are small icons of a person in each of the four grid cells. Below the grid is a large rectangular area for writing.

Thinker Materials:
Writing Utensils

Optional
Bring in a real
pineapple for
students to examine

Texas Essential Knowledge and Skills Standards

KINDERGARTEN	FIRST GRADE	SECOND GRADE
1(A) listen actively and ask questions to understand information and answer questions using multi-word responses	1(C) share information and ideas about the topic under discussion, speaking clearly at an appropriate pace and using the conventions of language	1(C) share information and ideas that focus on the topic under discussion, speaking clearly at an appropriate pace and using the conventions of language
5(G) evaluate details to determine what is most important with adult assistance	6(C) make, correct, or confirm predictions using text features, characteristics of genre, and structures with adult assistance	6(B) generate questions about text before, during, and after reading to deepen understanding and gain information
6(C) use text evidence to support an appropriate response	7(C) use text evidence to support an appropriate response	6(F) make inferences and use evidence to support understanding
7(B and D) identify and describe the main character(s) and setting	8(B and D) describe the main character(s) and the reason(s) for their actions, describe the setting	7(C) use text evidence to support an appropriate response

Why the Pineapple has 1,000 Eyes

A Folktale from the Philippines

thinkStarter



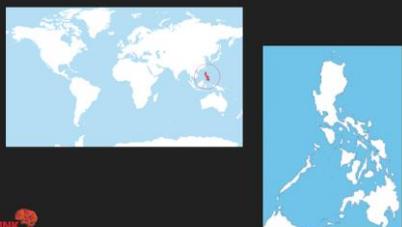
THINK
LAW

Raise your hand if you've ever lost one of your shoes at your house. Why was your shoe missing? **Allow thinkers to share their responses. Thinkers might say their shoe was missing because they did not put it away in the correct spot.**

- What do your parents say when you lose a shoe?
- Are they grumpy?
- What if they're trying to go somewhere and they're going to be late because they must find your shoe?
- Are they grumpy if it's only happened one time?
- Are they grumpier if it's happened a lot of times?
- Do they help you look?

Allow thinkers to share their responses. Remember, in thinkLaw lessons you don't need to ask every, single question! Pick and choose the best questions for your class. Some thinkers will probably share that their families start to get frustrated over missing shoes.

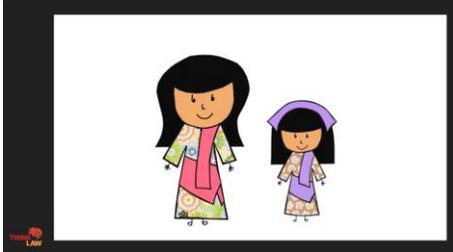
Sometimes kids have trouble finding things. They might ask their parents over and over to help them look. If you were a mom or dad, would you be grumpy if your kid always had trouble finding things? Why or why not? **Allow thinkers to share their responses.**



THINK
LAW

Our story today is from the Philippines. The Philippines is an island country in Asia. The story is called "Why the Pineapple has 1,000 Eyes," and it's about a girl who had trouble finding things.

thinkStory



Once upon a time, there was a widow named Rosa. Rosa had a 10-year-old daughter named Pingang whom she loved very much.

Rosa wanted Pingang to grow up and know how to do housework, so she taught her how to take care of their home and gave Pingang many chores.



Pingang always argued with her mother. Whenever Rosa tried to teach Pingang something new, Pingang would tell her mother that she already knew what to do.

But whenever Pingang had chores to do, she always had many questions for her mother.

Where is the broom? (Click to make the broom appear.)

Where is the dust pan? (Click to make the dust pan appear.)

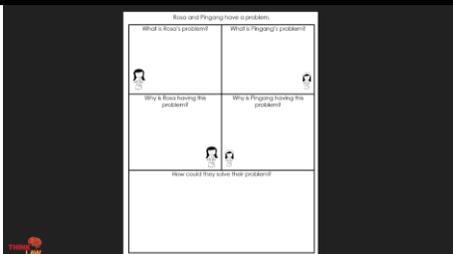
Where is the rice? (Click to make the rice appear.)

Where is the soap? (Click to make the soap appear.)

Where is the pot? (Click to make the pot appear.)

Where is my dress? (Click to make the dress appear.)

Pingang would never look for things herself. She would just ask her mother to find them.



Pingang and her mother are having a problem.

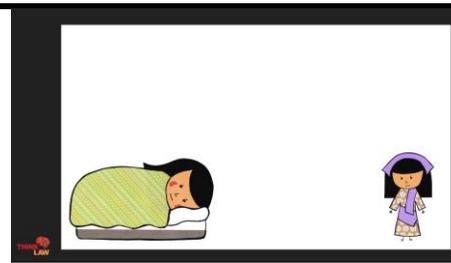
First, let's think about what problem Rosa is having and then about what problem Pingang is having. **Give**

thinkers time to respond and share their answers. Rosa's problem is that her daughter asks her too many questions. Pingang's problem is that she cannot find anything! Thinkers do not have to give these responses. They may have alternative problems. The most important point is that students can support their ideas.

Second, why do you think they are having this problem? Why do you think Pingang can't find the items she looks for? **Give thinkers time to respond and share their answers.** Some thinkers might suggest that Pingang isn't paying attention or she just asks her mom instead of looking for what she wants.

Finally, let's think about how they could solve their problem. How could Pingang do a better job of finding the items she's looking for? How would that help Rosa? What solution can you think of that might make them both happy? **Give thinkers time to respond and share their answers.**

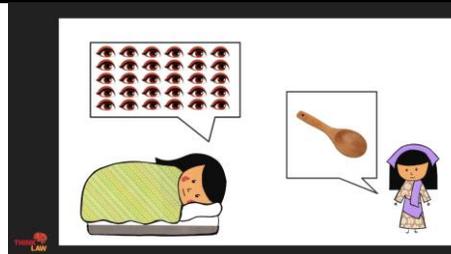
Let's keep reading to see what happens.



One day Rosa got very sick. She could not get out of bed.



Pingang was forced to do all of the housework. All day long she asked her mother questions.

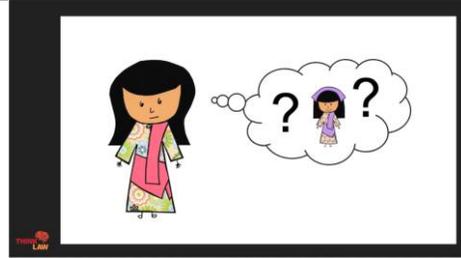


Rosa did not get mad, but she was disappointed that Pingang could not find anything on her own. Rosa was sick for a few more days, so Pingang had to keep taking care of the house.

One day while Pingang was cooking, she could not find the spoon for the rice, so she asked her mother where it was. **(Click to make the spoon appear.)**

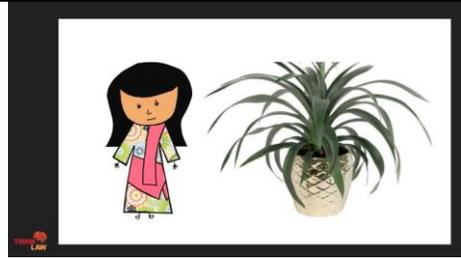
Rosa was fed up with Pingang's questions. "Oh Pingang," she said, "I wish you had 1,000 eyes. **(Click to make the eyes appear.)** If you

had 1,000 eyes, then maybe you could find all of the things yourself and never ask questions again.”



The next morning Rosa was feeling better. She got out of bed. But she could not find Pingang.

She looked outside. She looked in the kitchen. She looked in the basement.



She could not find Pingang. But in the basement, she did find a strange plant growing.

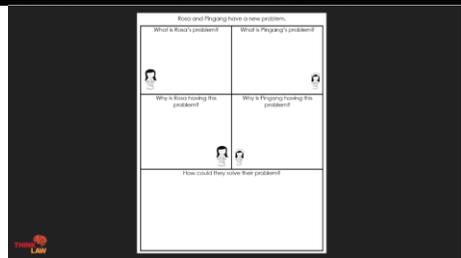
Rosa took the plant and put it in her garden.



The plant grew and soon there was a fruit. The fruit was shaped like a human head and surrounded by many eyes.

Rosa suddenly remembered her last words to Pingang that she wanted her

to have a lot of eyes to find all the things she was looking for. Rosa realized that the plant WAS Pingang. **(Click to make the thought bubble appear.)**



Now Rosa and Pingang REALLY have a problem.

First, let's think about what problem Rosa is having and then about what problem Pingang is having. **Give**

thinkers time to respond and share their answers. Rosa's problem is that she said something when she was angry and now her daughter has turned into a pineapple! Pingang's problem is that she's a pineapple. Thinkers do not have to give these responses. They may have alternative problems. The most important point is that students can support their ideas.

Second, why do you think they are having this problem? Why do you do you think Pingang turned into a pineapple? Give thinkers time to respond and share their answers. Some thinkers might suggest that Rosa was very angry when she told Pingang that she wished she had 1,000 eyes and didn't think about what she said.

Next, let's think about how they could solve their problem. How could Pingang turn back to a girl? Give thinkers time to respond and share their answers. Some thinkers might suggest that maybe if Rosa apologized to Pingang, she would turn back into a girl.

Let's keep reading to see how the story ends.



Rosa was very sad, but she took good care of the plant and called it Pingang after her daughter.

Later the fruit was called "pinya" or "pineapple" in English.

What did you think about the ending of the story? Did you like it? Why or why not? Give thinkers an opportunity to respond. Some thinkers might feel like the ending of the story was sad for both Rosa and Pingang.

Were you disappointed that Pingang did not turn back into a girl? Why or why not? Some thinkers might think it's sad that Pingang did not turn back into a girl because Rosa will miss her very much. Others might feel like Pingang and Rosa deserved what happened.

thinkBigger



Why do you think that the author of this story chose for Pingang to turn into a pineapple?

Do you think a pineapple looks like it has 1,000 eyes? Why or why not?



THINK
LAW

Now I want you to write a story about a kid who turns into a strawberry.

Let's start by thinking about how strawberries look.

- What color are strawberries?
- What size?
- What shape are strawberries?
- What are these little spots over the outside of the strawberries? (**seeds**) What do the seeds remind you of?
- What is the green part at the top of the strawberries? (**stems**) What do the stems remind you of?

Now that you've had some time to think about strawberries, I want you to write a story about a kid who turns into a strawberry! **Give thinkers time to write and share their responses with the class.**

The student response sheet comes in two formats: one for just drawing and one for drawing and writing. You could also provide students with a few sentence starters such as:

- Once upon a time there was a boy/girl who had a big problem!
- The boy/girl's mom/dad always told him/her...
- The boy/girl never listened. They always did _____ instead...

Write a story about a kid that turns into a strawberry.

Write a story about a kid that turns into a strawberry.

Write a story about a kid that turns into a strawberry.

Name _____

Why the Pineapple has 1,000 Eyes

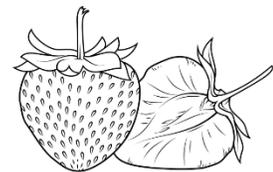
Rosa and Pingang have a problem.

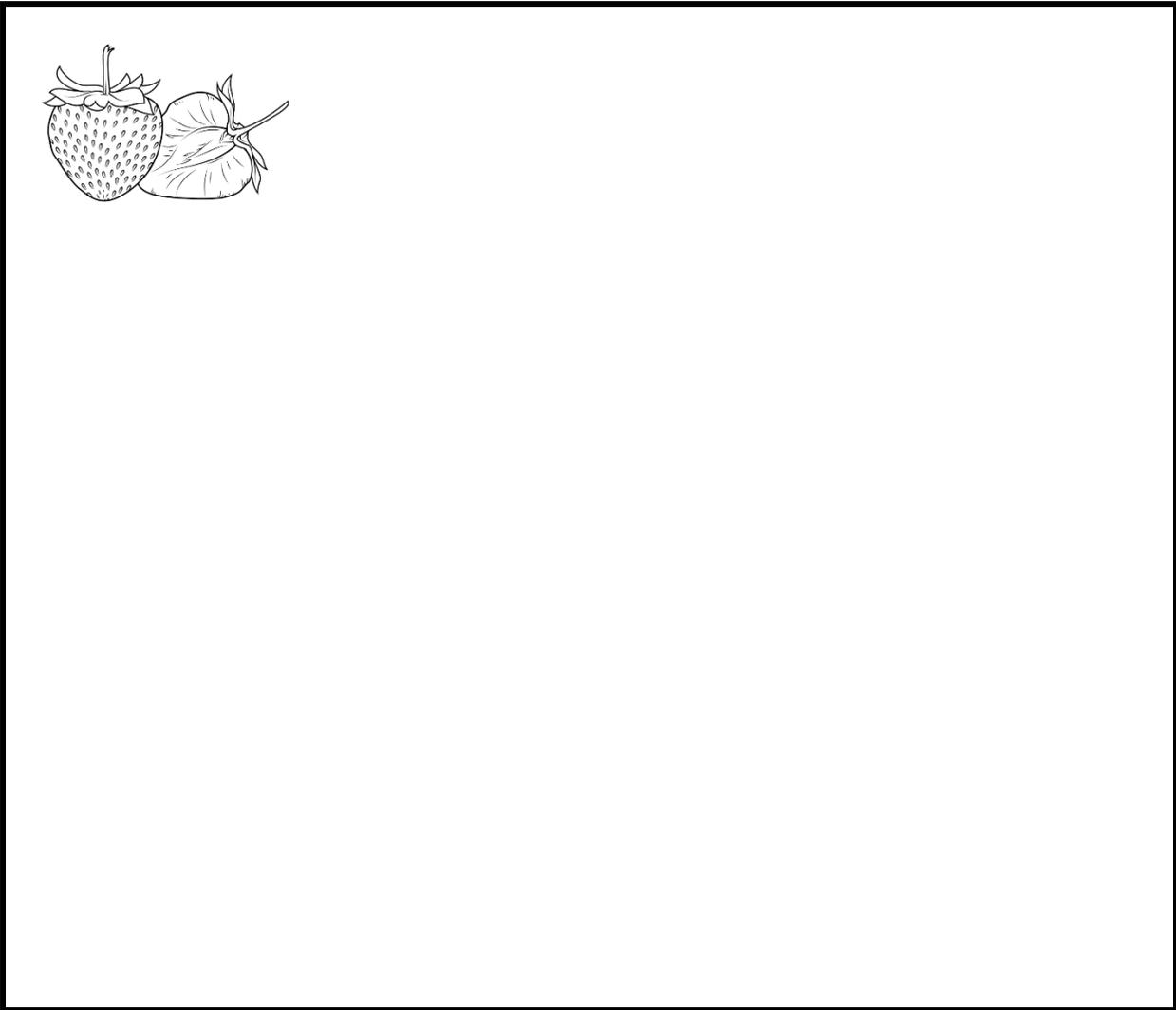
<p>What is Rosa's problem?</p> 	<p>What is Pingang's problem?</p> 
<p>Why is Rosa having this problem?</p> 	<p>Why is Pingang having this problem?</p> 
<p>How could they solve their problem?</p>	

Rosa and Pingang have a new problem.

<p>What is Rosa's problem?</p> 	<p>What is Pingang's problem?</p> 
<p>Why is Rosa having this problem?</p> 	<p>Why is Pingang having this problem?</p> 
<p>How could they solve their problem?</p>	

Write a story about a kid that turns into a strawberry:





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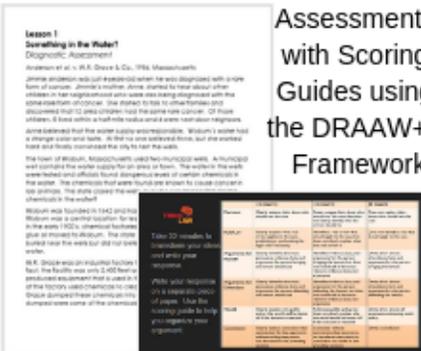


Additional Lessons



thinkLaw Users have Access to a Library of over 50 Additional thinkLaw Lessons

Writing Assessments



Assessments with Scoring Guides using the DRAAW+C Framework

Braincandy

Online Database of over 1,000 questions that accompany all thinkLaw Lessons



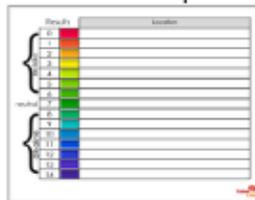
Extension Activities

Additional Extension Activities to Review Math, Writing, and Science Skills Using Social Justice as a Motivator!

Activity	Math	Writing	Science
1. Make a number of Pop-Tarts from your neighborhood. Place in your house.			
2. Make a number of Pop-Tarts from your neighborhood. Place in your house.			
3. Make a number of Pop-Tarts from your neighborhood. Place in your house.			
4. Make a number of Pop-Tarts from your neighborhood. Place in your house.			
5. Make a number of Pop-Tarts from your neighborhood. Place in your house.			

Project-Based Learning Experiences

Allow Students Real-World Opportunities for Active Citizenship



Comprehensive Teacher Onboarding



Training Video Calls to Explain the thinkLaw Approach and Materials

All thinkLaw Materials are Standards Aligned!



THINK 
LAW

VOLUME 1
THIRD AND FOURTH GRADES
TEACHER'S EDITION

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Lesson 3

The Chair and the Stick (Part 1)

Applying Legal Rules from Multiple Perspectives



Objective: Thinkers will use their personal knowledge about unwanted touching to create a rule defining the legal elements of battery, learn the actual rule for battery through real-life battery cases, and analyze multiple perspectives of these cases.

Lesson Outline:

1. Thinkers will briefly discuss exceptions for the general rule that it is not okay to hit people and use this exercise to define a general rule for battery.
2. Thinkers will learn the formal elements of a battery claim and apply these elements.
3. Thinkers will apply the rule from the chair case to determine if a battery occurred in the bicycle case.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 3

TX 6B- Students will generate questions about text before, during, and after reading to deepen understanding and gain information.

TX 6F- Students will make inferences and use evidence to support understanding.

TX 7E- Students will interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating.

TX 12C- Students will compose argumentative texts, including opinion essays, using genre characteristics and craft.

GRADE 4

TX 6B- Students will generate questions about text before, during, and after reading to deepen understanding and gain information.

TX 6F- Students will make inferences and use evidence to support understanding.

TX 7E- Students will interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating.

TX 12C- Students will compose argumentative texts, including opinion essays, using genre characteristics and craft.

The Chair and the Stick

Part 1
Applying Legal Rules from Multiple Perspectives



Instructor's Note:

Have thinkers brainstorm reasons to hit someone first. Then ask them "Why?" several times to spark deeper discussion.

Instructor's Note:

Have thinkers write what they think might be the rule for legal battery in the box. Thinkers should consider the reasons they brainstormed of times that it is okay to hit someone when they write their rule.

Braincandy Questions:

- (3.1) Should you ever be able to hit someone without getting in trouble for it? Why or why not?
- (3.2) What do you think is the legal definition of battery?

Instructor's Note:

Thinkers may copy the 4 elements of battery off of a slide in the Lesson 3 PowerPoint.

Lesson 3

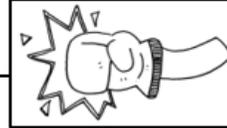
The Chair and the Stick (Part 1)

Applying Legal Rules from Multiple Perspectives

thinkStarter

Should you ever be able to hit someone without getting in trouble for it? Why or why not?

Reasons to hit someone	Why should this reason keep you from getting into trouble?
You should be able to hit someone in self-defense.	You should not get in trouble for self-defense because you were protecting yourself.
You should be able to hit someone if they give you permission to hit them. For example, if you are a boxer.	If you are in a boxing match or someone gives you permission to hit them, you aren't doing anything wrong.



Summary of thinkStarter

If you hit someone, that person can sue you for **battery**. Battery is a fancy word for hitting someone. If you commit a battery and get sued, you will be the **defendant**. The **plaintiff** is the person suing you.

What do you think is the rule for battery?
 Thinkers' rules should focus on when it is not okay to hit someone else.

There are four elements that make hitting someone a battery. A battery must meet all four elements.

1. Intentional (on purpose)
2. Contact with another person
3. Harmful or offensive
4. Cause damages

Legal Definition: Battery

To prove that a battery happened, a plaintiff must prove all four elements. That a battery was...

- Intentional (on purpose)
- Contact with another person
- Harmful or offensive
- Cause damages



The Chair

(Garrett v. Daily, 1956, Washington)

Brian was five years old and his aunt sued him for battery. He aunt claimed that Brian saw that she was about to sit down in a chair. Brian pulled the chair away from her just as she was going to sit down. As a result, she fell on the floor. She seriously hurt her hip and had to pay \$11,000 in hospital bills.

Do you think Brian is liable (responsible) for battery?

- Yes
- No



Did Brian's actions meet all 4 requirements?

Element 1: Brian's act was on purpose.	
How will Brian's aunt argue that Brian's act was on purpose?	How will Brian's lawyer argue that Brian's act was NOT on purpose?
He pulled out the chair right before she sat down, so that shows he must have known what he was doing.	Brian is only five. He was too young to realize what he was doing.
What do you think? Why?	
Responses will vary.	

Element 2: Brian's act involved contact with another person	
How will Brian's aunt argue that Brian's act involved contact with another person?	How will Brian's lawyer argue that Brian's act did NOT involve contact with another person?
Brian's actions caused his aunt to fall and make contact with the floor.	Brian did not actually touch his aunt; he just touched the chair.
What do you think? Why?	
Responses will vary.	

Instructor's Note:

Poll your thinkers at this point to see how many people believe Brian is liable for battery if the aunt's story is true. Initial reactions to facts are important because when a jury hears a case like this, people sitting in a jury may also have emotional reactions.

Many thinkers will want more information. But in this case, like the real world, there is no additional information. Push thinkers to look very closely at the given facts rather than speculating about missing information.

Probing Questions:

- What is the strongest evidence that Brian's act was not done on purpose? (He is only five.) Why is this a strong piece of evidence?

- What is the strongest evidence that Brian's act was done intentionally or on purpose?
- Did Brian's act involve contact with another person? Why or why not?
- If there was contact, was that contact harmful or offensive? Why or why not?
- Have you ever had a chair pulled out from under you and fallen on the floor? Did you enjoy that? Why or why not? Does your past experience influence your opinion?

Braincandy Questions:

- (3.3) Poll: Is Brian liable for battery?
- (3.4) Poll: Which element of battery do you think will be the most difficult for the aunt to prove?

Probing Questions:

- Did Brian's aunt suffer damages as a result of Brian's act? Why or why not? What is the best argument that Brian's aunt didn't suffer any damages?

Instructor's Note:

Here we know that Brian's aunt had serious injuries that caused her to go to a hospital. But since we know that Brian's aunt still has to prove three other elements besides the damages, it makes more sense to focus on the elements that are less clear. Thinkers should also reach the conclusion that there is no good argument that pulling out a chair is harmful or offensive contact.

Element 3: Brian's act was harmful or offensive	
How will Brian's aunt argue that Brian's act was harmful or offensive? His aunt hurt her hip and had to go to the hospital.	How will Brian's lawyer argue that Brian's act was NOT harmful or offensive? It was just a prank that was not meant to be harmful.
What do you think? Why? Responses will vary.	

Element 4: Brian's act caused damages	
How will Brian's aunt argue that Brian's act caused damages? His aunt broke her hip and had \$11,000 in medical bills.	How will Brian's lawyer argue that Brian's act did NOT cause damages? None
What do you think? Why? Responses will vary.	

thinkBigPicture

Would you sue your 5-year-old nephew if he did this to you? Why or why not?

Thinker responses will vary.



Probing Questions:

- Is there any reason not based on evidence that Brian should or should not be liable for the lawsuit?
- Would you want to live in a world where it was okay to sue a 5-year-old for damages caused by their pranks? Why or why not?
- Would you want to live in a world where an adult could sue for serious medical injuries because the person who harmed him or her was only 5-years-old? Why or why not?

Why do you think she is suing her own family member?

Thinker responses will vary. Thinkers usually feel that there is something else going on. Thinkers may wonder if there is family drama. Thinkers may wonder if the aunt just really needs money.

Do you think Brian is liable (responsible) for battery?

- Yes
- No

NEW FACT: Brian was actually 5 years and 9 months old when this happened. Does that change your mind about whether Brian is responsible? Why or why not?

Usually thinkers do not change their minds based on this fact. You may remind thinkers that Brian was probably at the end of his kindergarten year.



Do you think Brian is liable (responsible) for battery?

- Yes
- No

NEW FACT: Brian's aunt had arthritis in her knees, which is a medical condition that caused her to sit down much slower than most other adults do. Does that change your mind about whether Brian is responsible? Why or why not?

Ask thinkers how both sides will argue this fact to support their case. Brian's attorney will say that Brian can't see arthritis and probably doesn't know what it is. The aunt's attorney will say that Brian had to wait longer for his aunt to sit down, so he had a lot of time to change his mind.



Do you think Brian is liable (responsible) for battery?

- Yes
- No

Instructor's Note:

Thinkers may conclude that it is odd for an aunt to sue a child. Push thinkers to come up with reasons why the aunt would make this interesting choice to sue her 5-year-old nephew. Thinkers might think that there must have been some sort of ongoing family dispute, which is often the case in lawsuits involving family members. In the actual case, Brian's parents had a home insurance policy that would have covered the aunt's injuries if Brian was found liable for battery. This is probably the major reason why the lawsuit happened.

Braincandy Questions:

- (3.5) New Information: Brian was actually five years and nine months old when this happened. Poll: Is Brian liable for battery?
- (3.6) New Information: Brian's aunt had arthritis in her knees, which is a medical condition that caused her to sit down much slower than other adults. Poll: Is Brian liable for battery?
- (3.7) What is Brian's strongest evidence?
- (3.8) What is the aunt's strongest evidence?

Instructor's Note:

In this case, it did not matter that Brian may not have meant to hurt her. All that mattered is that he meant for her to hit the ground instead of her chair. Therefore, Brian was liable for battery.

Instructor's Note:

Thinkers should find that the answer to the thinkBigger depends on whether Juliet and Jacob crashed into Claire on purpose. If this was an accident, then it would not be intentional. In the actual case, Claire did not sue Juliet and Jacob for battery. She sued for negligence, which basically means that Juliet, Jacob, and their parents violated their duties to make sure their children rode their bikes safely.

Your teacher will tell you what happened in the real case. What do you think about the decision?
The Court decided that Brian was liable for the battery, but the final result does not matter. What matters is how the Court thought about the case. The Court explained that even though Brian did not touch his aunt, he pulled out her chair just before she sat down. Therefore, her injury was "substantially certain" to occur.

thinkBigger

(Menagh v. Breitman, 2010, New York)

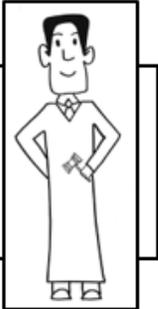
Juliet was 4 years old when she and her 5-year-old friend Jacob raced their bikes down a sidewalk in New York. Juliet and Jacob's mothers were watching them. Their bikes still had training wheels. The children crashed into Claire, an 87-year-old woman who was walking on the sidewalk. Claire broke her hip. She sued Juliet and Jacob for battery.

How is this case like the chair case?	How is this case different from the chair case?
<ul style="list-style-type: none"> Both cases involve 5-year-old children who caused serious harm to an adult. The woman in both cases broke their hips. 	<ul style="list-style-type: none"> The chair case involved a boy who pulled out a chair as someone was sitting down. The bike case involved two children crashing into a woman on the sidewalk.

Do you think Juliet and Jacob are liable (responsible) for battery?

- Yes
- No

Why?
Thinkers should find that the answer depends on whether Juliet and Jacob crashed into Claire on purpose. If this was an accident, then it would not be intentional. The act must be intentional for it to be considered battery.



Braincandy Question:

- (3.9) Poll: Should Juliet and Jacob be liable for a battery against Claire?



ENVIRONMENTAL JUSTICE EDITION
THIRD AND FOURTH GRADE
TEACHER MATERIALS

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Lesson 2:



Are you Going to Drink That? (Part 1)

Making and Evaluating Tough Decisions

Objective: Thinkers will analyze the impact of the Flint, Michigan, water crisis on local residents and businesses. They will determine how they would have responded to the crisis if they were in charge.

Lesson Outline:

1. Thinkers will imagine a scenario where a principal makes an announcement. Thinkers will brainstorm questions to ask the administrator.
2. Thinkers will be introduced the Flint water crisis and determine what they would do if they were the mayor of Flint.
3. Thinkers will ask questions about the Flint water crisis and consider how they would feel if they were residents of Flint.
4. Thinkers will conclude by considering different locations in a town and determining how these places would be impacted by the water crisis.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 3

TX 6B- Students will generate questions about text before, during, and after reading to deepen understanding and gain information.

TX 6F- Students will make inferences and use evidence to support understanding.

TX 7E- Students will interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating.

TX 12C- Students will compose argumentative texts, including opinion essays, using genre characteristics and craft.

GRADE 4

TX 6B- Students will generate questions about text before, during, and after reading to deepen understanding and gain information.

TX 6F- Students will make inferences and use evidence to support understanding.

TX 7E- Students will interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating.

TX 12C- Students will compose argumentative texts, including opinion essays, using genre characteristics and craft.

PowerPoint:

Are You Going to Drink That? (Part 1)

Making and Evaluating Tough Decisions



Instructor's Note:

There are no right or wrong answers to most thinkLaw questions. The teacher's edition shows possible thinker responses in red. It is okay if thinkers reach different conclusions. The most important part of their answer is the explanation of their thinking.

Instructor's Note:

thinkLaw lessons contain a lot of probing questions. These are discussion questions you can use as you go through the lesson. You do not need to ask every question. Pick and choose the questions that you feel have the best fit.

Instructor's Note:

Give thinkers an opportunity to share their questions. Ask thinkers to explain why the answer to that question is important.

Probing Questions:

- How do you think your parents would react when you told them about this announcement? Why do you think they would react in that manner?
- If you heard this announcement in the morning, would you feel comfortable eating lunch from the cafeteria? Why or why not?
- What other ways does the school use tap water throughout the building? (To wipe down tables in the cafeteria, to mop the floors, etc.) What safety concerns would you have about these water uses?

Lesson 2

Are You Going to Drink That? (Part 1)

Making and Evaluating Tough Decisions

thinkStarter

One day, the principal comes into class to make an announcement.

Today we are having problems with water in the school building.

You may use water to flush the toilet only. Do **NOT** use the water to wash your hands. You must not drink any of the school water or get it into your mouth. Do not use the drinking fountains or use school water to fill up your water bottles. If you drink the school water, you may get sick.



What questions would you ask?

What happened to the water?
What made it unsafe to use?

What exactly will happen to us if we drink the water?

When will the water problem be fixed?

thinkStarter Summary

You might not think about the water you drink every day. You might not worry if the water you drink is safe. But what if you needed to worry?

Are You Going to Drink That?

Flint, Michigan got the water for their town from Lake Huron and the Detroit River.

In 2014, the city switched to use water from the Flint River instead.

When they made the switch, lead from the pipes got into the water of over 100,000 people.

WARNING

Swallowing lead can cause the following problems:

- Memory Problems
- Headaches
- Brain Damage
- Abdominal Pain
- Seizures
- Comas

If you were the mayor of Flint, what would you do as soon as you heard that water from the pipes contained lead?

To Do:

- I would organize a community meeting to warn people about the dangerous water.
- I would ask for donations for bottled water to pass out in the community.
- I would ask the state governor for help.
- I would switch the water pipes back to Lake Huron and the Detroit River.



Instructor's Note:

You may point out to thinkers that at most wellness visits, the pediatrician will ask if a child has experienced any exposure to lead. Why do you think doctors ask parents this question?

Instructor's Note:

thinkLaw lessons are designed to be flexible and allow for flexible grouping options. Thinkers can brainstorm how they would handle the crisis individually, with a partner, in a small group, or with the whole class. Be sure to leave enough time for thinkers to share their ideas with the class.

Probing Questions:

- Which side effect of swallowing lead do think is the most serious? Why?
- Do you think 100,000 people is a large number? Why or why not?
- If you were the mayor of Flint, would you tell people right away that the water was contaminated? Why or why not? What reasons would the mayor have for not telling people right away?
- What items on your "To Do" list would be the easiest to complete? What items on your "To Do" list would be the most difficult to complete?
- Which item on your "To Do" list is the most important? Why?

Instructor's Note:

- **April 2014**- Flint switched their water supply from Lake Huron and the Detroit River to the Flint River.
- **October 2014**- The General Motors Plant in Flint stopped using Flint tap water because the water was destroying the metal on their car parts.
- **February 2015**- A worker from the Environmental Protection Agency tested water in a home in Flint. The lead levels in the water were 7 times higher than acceptable limits.
- **July 2015**- The Flint Mayor drank a glass of tap water on local television to show that the water was safe.
- **September 2015**- Virginia Tech scientists said that lead levels were too high in 40% of the homes in Flint. They recommend that Michigan declare that water in Flint is not safe to drink or to use when cooking
- **September 2015**- A local pediatrician releases a report about the increase of lead being found in the blood of local children.
- **October 2015**- Michigan's governor signs a bill to have Flint switch back to Lake Huron/Detroit River.
- **December 2015**- Flint's mayor declared a state of emergency.
- **January 2016**- President Obama declared a state of emergency and promises \$5 million in aid.

At first, no one noticed a problem. The leaders in Flint told people that the water was safe for months. But then people started to get concerned. The water coming out of their faucets looked like this.



What questions would you have for the mayor if you lived in Flint?

Three speech bubbles containing questions:

- Why did it take so long to figure out and tell people that the water was dangerous?
- Why did it take so long to figure out and tell people that the water was dangerous?
- We used the dangerous water for a long time. What will happen to us?



The mayor of Flint even went on TV. He drank a glass of Flint tap water to show people that the water was safe to drink. Would you feel better if you lived in Flint and saw the mayor drink the water?

- Yes
- No

Why or why not?

Thinker responses will vary. Some thinkers will say that it would make them feel better to see the mayor drink the water because he wouldn't drink it if he didn't think it was safe. Others might say the water still looks really bad.

The events listed above are a few points on the Flint water crisis timeline. Almost 2 years passed between the start of the crisis and the point where the situation was declared a state of emergency. Why do you think it took so long?

thinkBigger

The water in Flint was not safe to drink for a very long time. The water was also not safe to use when people brushed their teeth, took a shower, or washed their hands. What kinds of problems do you think this would cause? List all the problems unsafe water would cause in each of the following places.

<p>At a School</p> <ul style="list-style-type: none">• Students couldn't wash their hands or use the drinking fountains.• It would be more difficult to cook in the cafeteria if the workers couldn't use the tap water.	<p>At a Hospital</p> <ul style="list-style-type: none">• Doctors and nurses couldn't use the water to wash their hands.• The nurses couldn't use the water to clean wounds.• Hospitals must be very sterile. They wouldn't want to use the water to clean or mop.
<p>At a Store</p> <ul style="list-style-type: none">• If customers weren't washing their hands, there would be a lot of germs. The store would need to buy hand sanitizer.• At the grocery store they couldn't spray the produce to keep it wet.	<p>At a Restaurant</p> <ul style="list-style-type: none">• Restaurants wouldn't be able to cook with the tap water.• Usually when people order water at a restaurant it's free because it's tap water. If they couldn't serve the tap water, they would have to charge for bottled water.
<p>At a Park or Community Center</p> <ul style="list-style-type: none">• If the park or community center had a pool or splash pad they would need to worry about the safety of the water.• Parks would need to shut off their drinking fountain.	<p>At a House</p> <ul style="list-style-type: none">• Families use tap water to do laundry, wash dishes, and cook.• Pets also wouldn't be able to safely drink the water. 

Instructor's Note:

This exercise is an opportunity to think big. What are all the things that will be impacted by contaminated tap water?

If thinkers get stuck, ask them to begin by thinking about all the ways each of these locations use water. There are some similarities between how each of these places use water. For example, people at every location use water to wash their hands. How is each location uniquely affected by the water crisis?

Instructor's Note:

As a flexible grouping option, you could split the class into six groups and assign each group a different location.

Probing Questions:

- Will all these issues lead to an increase in lawsuits in the city? Why or why not?
- Would you sue if you were a Flint resident? Who would you sue? What would be your complaint?
- Do you think about the quality of water? At home? At a store? At a park? Why or why not?
- What do you think is the biggest challenge during a water crisis? Why?
- Do you think people would want to visit Flint to shop, stay, or do business? Why or why not? How will that impact the area?

Lesson 3:



Are You Going to Drink That? (Part 2)

Making and Evaluating Tough Decisions

Objective: Thinkers will analyze the impact of the Flint, Michigan, water crisis on the students and schools in that area. They will determine how they would help the students who may need additional support and evaluate Court's response to the crisis

Lesson Outline:

1. Thinkers will imagine a scenario where they are the superintendent of Flint schools.
2. Thinkers will be introduced to a class actual lawsuit against the Michigan Department of education. They will assume the role of the judge and address the three main complaints of the suit.
3. Thinkers will evaluate the settlement of the lawsuit.
4. Thinkers will conclude by brainstorming a list of outside individuals and companies that could help the families impacted by the water crisis.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 3

TX 6B- Students will generate questions about text before, during, and after reading to deepen understanding and gain information.

TX 6F- Students will make inferences and use evidence to support understanding.

TX 7E- Students will interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating.

TX 12C- Students will compose argumentative texts, including opinion essays, using genre characteristics and craft.

GRADE 4

TX 6B- Students will generate questions about text before, during, and after reading to deepen understanding and gain information.

TX 6F- Students will make inferences and use evidence to support understanding.

TX 7E- Students will interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating.

TX 12C- Students will compose argumentative texts, including opinion essays, using genre characteristics and craft.

Lesson 3

Are You Going to Drink That? (Part 2)

Making and Evaluating Tough Decisions

thinkStarter

Lead poisoning is very dangerous for children. Many children who drank the water that contained lead will have trouble paying attention. The children will have an increase in learning problems and behavior problems.



In Flint, 30,000 children from birth to age 19 were exposed to very high levels of lead in their water for almost two years. Many of those children bathed in the water, washed their hands, drank the water, and had their food cooked using the water.

These children will need extra help in school to recover from the effects of the lead exposure.

If you were the superintendent of Flint schools, what would you need to do to get ready to help that many children with special needs?

To Do:

- They should hire more teachers.
- The school district should make sure that the teachers have special training to learn how to help the students.
- The school should make sure that the students have extra breaks during the day.



PowerPoint:

Are You Going to Drink That? (Part 2)

Making and Evaluating Tough Decisions



Instructor's Note:

It might help thinkers to expand their thinking by considering different age groups that school districts service.

- What support do you need to provide children affected by lead who are between 0 and 5?
- What supports will elementary aged students need?
- Middle school students?
- High school?
- How will students continue to need support as they graduate?

Instructor's Note:

Give thinkers an opportunity to share their questions. Ask thinkers to explain why the answer to that question is important.

Probing Questions:

- How do you think your parents would react when you told them about this announcement? Why do you think they would react in that manner?
- If you heard this announcement in the morning, would you feel comfortable eating lunch from the cafeteria? Why or why not?
- What other ways does the school use tap water throughout the building? (To wipe down tables in the cafeteria, to mop the floors, etc.) What safety concerns would you have about these water uses?

Braincandy Questions:

(3.1) What is the most important thing the school can do to prepare to meet the needs of these students?

Instructor's Note:

This case is a class action lawsuit. A class action lawsuit is a lawsuit where a lot of people join to sue on behalf of a group.

- Why would people want to file a class action lawsuit instead of filing a lawsuit by themselves?
- Why do you think the people in this case chose to file a class action suit?

Instructor's Note:

Encourage thinkers to move past just saying, "I would have the school make a plan."

- What kind of plan should they make?
- How long will you give them to make the plan?
What information should they include in their plan?

Instructor's Note:

The ACLU released a 3-minute video overview of this lawsuit. The video includes interviews with several plaintiffs.

The video is embedded in the PowerPoint or may be found at the following link:

<https://bit.ly/2RJlm8z>

Instructor's Note:

For this section, you could split the class into 3 groups. Assign each group one of the 3 complaints. Have each group brainstorm a solution to present to the class. When they present their solution, you could have the rest of the class brainstorm possible problems with this solution.

Today you'll think about a lawsuit that was filed because many parents felt that Flint schools were not ready to help the children who had lead poisoning.

thinkCivilRights

(D.R., et. al. v. Michigan Department of Edu., Michigan, 2016)



Chandrika is a woman who lives in Flint, Michigan. Chandrika has a 4-year-old son who use the dirty the water for two years. Her son was covered in hives and rashes from bathing in the Flint water.

Chandrika's son was tested for lead poisoning by the county, but they waited over a year to call her with the results. Her son had very high levels of lead in his blood. Chandrika knew that her son would need help in school and tried to enroll him in preschool, but all the preschool programs were full.

Chandrika was not the only parent who needed help. She joined together with other parents to fil a lawsuit against the Michigan Department of Education.

The lawsuit said that the Department of Education needed to help Flint Schools. The Flint school system did not have enough staff or resources to test and help 30,000 kids who might have special needs.

There were 3 main problems listed in the lawsuit. Pretend you're the judge in this lawsuit.

How would you tell them to fix these three problems?

Problem 1
The Flint School Board has not created a plan to prepare to meet the special needs of so many children with lead poisoning.
The school board should have two weeks to draft a plan to give to the Court. The plan should include how they will test all of the students and what they will do to help them once they have the test results.



Problem 2

The governor of Michigan made a 75-point plan to fix the Flint water crisis, but none of the 75 points related to education.

The governor should have 2 weeks to add points to his plan about education. The governor's team should meet with the school to learn more about the problem. The plan should include how much money the state will give the school and other resources the state will give to the district.

Problem 3

The Flint School District was already \$10 million in debt before the water crisis and was already struggling to meet the needs of their special education students.

The school district is going to need more money from the government to meet the needs of their students. Thinkers should write how much money they think the district will need in aid. What resources will they need? What repairs will their need to make to their pipes? Think about everything they will need and estimate an amount of money.

Your teacher will tell you what the Judge told the Department of Education to do.

Do you think this plan will help the students in Flint, Michigan?

- Yes
- No



Why or why not?

Thinker responses will vary. What do thinkers like about the plan? What do thinkers dislike about the plan? How will this plan help students in Flint?

Braincandy Question:

(3.2) Poll: Which of the three complaints in the lawsuit do you think is the most serious?

Probing Questions:

- Which of the three complaints do you think is the most serious? Why?
- If you were a parent in Flint, what would be your biggest concern? Why?
- If you were a student in Flint, what would be your biggest concern? Why?
- Is it important for the Flint School Board to plan ahead for the students with lead poisoning? Why or why not?
- Is it important for the governor to talk about the schools in his plan? Why or why not?

Instructor's Note:

A slide in the PowerPoint contains the result of the settlement

- The state of Michigan will provide more than \$4 million to test children affected by the tainted water to see how they have been affected. The tests will look at effects of lead on brain cognitive development, memory and learning.
- The state, city and school district will provide staff to make sure the testing program and the schools are working together. Training and professional development will be provided for administrators, teachers and staff about how to recognize children potentially harmed by lead who may need to be referred for testing.
- The results of the assessments will be sent to the schools to be used in the process of evaluating students for special education services.

Probing Questions:

- What are the strengths of this settlement? What are the weaknesses?
- If you were a parent in Flint, would you be satisfied with this settlement?

Probing Questions:

- What needs will the school district have? What are companies that have products that would meet those needs?
- Who are experts that might be able to help with the problems in Flint? How could they donate their time or resources to help?
- What can everyday people do to help the residents of Flint? What could you do to help the residents of Flint?
- Why should we care about what happened in Flint?
- If you were a student in Flint, who would you like to help you? How would you want people to help?
- Why do you think people just don't move away from Flint?

- Would you want to move away from here if we had a water crisis? Why or why not? Why might it be difficult to move?
- If you were a millionaire, what would you do for the residents of Flint? Why?

Braincandy Questions:

- (3.3) Poll: Do you think this plan will help students in Flint, Michigan?
- (3.4) What else do you think needs to be added to the settlement?
- (3.5) Who are private citizens or private companies that you think could help the residents of Flint?

What else could the Department of Education and Flint Schools do to help the students who were affected by the water crisis?

Thinker responses will vary. What do thinkers like about the plan? What do thinkers dislike about the plan? How will this plan help students in

Flint?

thinkBigger

Government rules say that if water has levels of lead above 15 ppb (parts per billion) the water is unsafe to drink and must be treated.

Samples of water were taken from Flint's 11 public schools. The water from the schools had lead levels ranging from 61 ppb to 2,856 ppb!



Billionaire Elon Musk is famous for Tesla Cars and his Space X company that wants to create a colony on Mars. Elon gave new water filtration systems for all 11 public schools in Flint. The filtration systems cost about \$500,000.

If you were a community activist in Flint, who else could you ask for help? Brainstorm a list of people and companies that might be able to help solve some of the problems created by the water crisis.

Brainstorm- Who could help?



THINK
LAW

VOLUME I
TEACHER'S EDITION

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The Chair and the Stick (Part I): Applying Legal Rules from Multiple Perspectives

This is the first part of a two-part lesson that can be broken into two days for 45-55 minute sections or done in one day taught in a 90-110 minute block.

Objective: Thinkers will use their personal knowledge of rules about unwanted touching to create a rule for defining the legal elements of battery, learn the actual rule for battery through real-life battery cases, and analyze multiple perspectives of these cases.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 5

TX 11- Students analyze, make inferences, and draw conclusions about expository text and provide evidence from text to support their understanding.

TX 11B- Students determine the facts in text and verify them through established methods

TX 19- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 27A- Students listen to and interpret a speaker's messages and ask questions to clarify the speaker's purpose or perspective.

GRADE 6

TX 10- Students analyze, make inferences, and draw conclusions about expository text and provide evidence from text to support their understanding.

TX 10 B- Students will explain whether facts included in an argument are used for or against an issue.

TX 18- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 26A- Students listen to and interpret a speaker's messages and ask questions to clarify the speaker's purpose or perspective.

GRADE 7

TX 10- Students analyze, make inferences, and draw conclusions about expository text and provide evidence from text to support their understanding.

TX 10 B- Students will distinguish factual claims from commonplace assertions and opinions.

TX 18- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 26.A- Students listen to and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions or making comments about the evidence that supports a speaker's claim.

Lesson Outline

1. Thinkers will briefly discuss exceptions for the general rule that it is not okay to hit people and use this exercise to define a general rule for battery.
2. Thinkers will learn the formal elements of a battery claim and apply these elements to the broader context.
3. Thinkers will analyze the public policy considerations of the decision while arguing the plaintiff and defendant sides of The Chair case.
4. Thinkers will apply the rule from The Chair case to determine if a battery occurred in The Bicycles case.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 8

TX 10- Students analyze, make inferences, and draw conclusion about expository text and provide evidence from text to support their understanding.

TX 10B- Students will distinguish factual claims from commonplace assertions and opinions.

TX 18- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 26- Students are expected to listen to and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions or making comments about the evidence that supports a speaker's claim.

English 1

TX 10- Students analyze, make inferences, and draw conclusions about persuasive text and provide evidence from text to support their analysis.

TX 10A- Students will analyze the relevance, quality, and credibility of evidence given to support or oppose an argument for a specific audience.

TX 16- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 9.B- Students are expected to distinguish among different kinds of evidence (e.g. logical, empirical, anecdotal) used to support conclusions and arguments in texts.

English 2

TX 10- Students analyze, make inferences, and draw conclusions about persuasive texts, and provide evidence from text to support their analysis.

TX 10A- Students will explain shifts in perspective in arguments about the same topic and evaluate the accuracy of the evidence used to support the different viewpoints within those arguments.

TX 16- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 9.B- Students are expected to explain how authors writing on the same issue reached different conclusions because of differences in assumptions, evidence, reasoning, and viewpoints.

Instructor's Note:

Enter thinker answers into the following chart. Thinkers are likely to come up with self-defense, accidental hitting, or consent as reasons hitting someone would be okay. After completing the chart with 3-4 entries, ask thinkers probing questions about the rules for hitting someone, following up with several "why?" questions to spark deeper thought into the rules.

Instructor's Note:

Have thinkers write the legal rule for battery in the box underneath.

Table 3B

What is the strongest evidence that Brian's act was not done on purpose? (He is only five.)

Why is this a strong piece of evidence?

What is the strongest evidence that Brian's act was done intentionally or on purpose?

Did Brian's act involve contact with another person? Why or why not?

If there was contact, was that contact harmful or offensive? Why or why not? Have you ever had a chair pulled out from under you and fallen on the floor? Did you enjoy that? Why or why not? Does your past experience influence your opinion about whether Brian's act was harmful or offensive?

Did Brian's aunt suffer damages as a result of Brian's act? Why or why not? What is the best argument that Brian's aunt didn't suffer any damages?

Sample chart: (Sample answers in red. The only column filled out in student workbooks is the "Element of Battery" column.)

Instructor's Note:

It is important to emphasize that great lawyers understand when there are no good arguments.

LESSON 3

The Chair and the Stick (Part I): Applying legal rules from multiple perspectives

Objective: Thinkers will use their personal knowledge of rules about unwanted touching to create a rule defining the legal elements of battery, learn the actual rule for battery through real-life battery cases, and apply multiple perspectives of these cases using these battery rules.



Should you ever be able to hit someone without getting in trouble for it? Why or why not?

TABLE 3A

REASON IT IS OKAY TO HIT SOMEONE	WHY SHOULD THIS REASON PREVENT YOU FROM GETTING IN TROUBLE FOR HITTING SOMEONE?
Self-defense	
They gave you permission to hit them	
You hit them by accident	

Summary of thinkStarter

If you hit someone, the person can sue you for battery – which is just a fancy word for hitting someone. If you commit a battery and get sued, you will be the defendant and the plaintiff could win a lawsuit against you. If the plaintiff wins, you will be

liable for battery. In other words, you will have to pay the plaintiff money for the harm you caused.

thinkHypothesis

Based on the discussion in the thinkStarter activity, write a rule for battery in the space below.

A BATTERY HAPPENS WHEN A DEFENDANT:

Legal Rule: Battery

thinkCreatively: Using the names Angel and Brianna, create a set of facts that would allow Brianna to win a lawsuit for battery (proving all of these ele-

ments) against Angel and write it down in the space below. Make sure that your story involves Angel intentionally making harmful or offensive contact with Brianna that causes damages.

Here, we know that Brian's aunt had serious injuries that caused her to go to a hospital. But since we know that Brian's aunt still has to prove three other elements besides the damages, it makes more sense to focus on the elements that are less clear. Thinkers should also reach the conclusion that there is no good argument that pulling out a chair is harmful or offensive contact.

Instructor's Note:

Thinkers may conclude that it is odd for an aunt to sue a child. Push Thinkers to come up with reasons why the aunt would make the interesting choice to sue her 5-year-old nephew. Thinkers might think that there must have been some sort of ongoing family dispute, which is often the case in lawsuits involving family members. In the actual case, Brian's

Now that we know what a simple case of battery looks like, let's take a look at one of the most famous battery cases ever:

The Chair Case

(Garrett v. Daily, 1956, Washington)

Brian is five years old, and his aunt has sued him for battery. His aunt claims that Brian saw that she was about to sit down in a chair and pulled the chair away from her just as she was going to sit down. As a result, she fell on the floor, seriously hurt her hip, and had to pay \$11,000 in hospital bills.

thinkAnalysis

Now, let's consider the checklist of battery elements:

- 1) **Intentional**
- 2) **Contact with another person**
- 3) **Harmful or offensive**
- 4) **Cause damages**

Remember, to prove that a battery occurred, a plaintiff has to prove all four of these elements.

Complete the following chart:

Is Brian liable for a battery? Vote.

TABLE 3B - SUGGESTED LINE OF QUESTIONING

ELEMENT OF BATTERY	EVIDENCE SUPPORTING ELEMENT (PLAINTIFF)	EVIDENCE AGAINST ELEMENT (DEFENDANT)	WHICH EVIDENCE IS STRONGER?
1) Brian's act was intentional	He pulled out the chair right before she sat down, so that shows that he must have known what he was doing.	Brian is only five. He was too young to realize what he was doing.	Plaintiff or Defendant
2) Brian's act involved contact with another person	Brian's actions caused his aunt to fall and make contact with the floor.	Brian did not actually touch his aunt, he just touched the chair. (What if Brian shot his aunt? That would not be actual touching either so would that be okay?)	Plaintiff or Defendant
3) Brian's act was harmful or offensive	His aunt hurt her hip and had to go to the hospital.	It was just a prank that was not meant to be harmful.	Plaintiff
4) Brian's act caused damages	His aunt had \$11,000 in medical bills.	None	Plaintiff

thinkBigPicture

Before we do another poll, let's examine the big picture. In this case, an aunt is suing her five year old nephew because he pulled out a chair from under her and she ended up with \$11,000 in hospital bills. Is there anything strange about this case? Would you sue your 5-year-old nephew if he did this to you? Why do you think she is suing her own family member?

Final vote: Is Brian liable for a battery? Take a poll.

Brian was actually five years and nine months old when this happened. Does this change your thoughts about whether Brian is liable for battery? Why or why not?

Second final vote: Now that we know Brian was actually five years and nine months old, is Brian liable for a battery? Take a poll.

Brian's aunt had arthritis in her knees, which is a medical condition that caused her to sit down much slower than most other adults do.

Third final vote: Is Brian liable for a battery? Take a poll.

Instructor's Note:

Poll your Thinkers at this point to see how many people believe Brian is liable for a battery if the aunt's story is true. Initial reactions to facts are important, because when a jury hears a case like this, people sitting in a jury may also have emotional reactions.

The aunt's attorney will need to prove all four elements of battery in order to win. Brian's attorney will just need to disprove one element to win.

Braincandy Questions:

(3.1) Should you ever be able to hit someone without getting in trouble for it? Why or why not?

(3.2) What do you think is the legal definition of battery?

(3.3) Poll: Is Brian liable for battery?

(3.4) Poll: Which element of battery do you think will be the most difficult for the aunt to prove?

(3.5) New Information: Brian was actually five years and nine months old when this happened. Poll: Is Brian liable for battery?

(3.6) New Information: Brian's aunt had arthritis in her knees, which is a medical condition that caused her to sit down much slower than other adults. Poll: Is Brian liable for battery?

parents had a home insurance policy that would have covered his aunt's injuries if Brian was found liable for battery. This is probably the major reason why this lawsuit happened.

Additional Probing Questions

Is there any other reason, not based on evidence, that Brian should or should not be liable for the lawsuit?

Would you want to live in a world where it was okay to sue a 5-year-old for damages caused by their pranks? Why or why not?

Would you want to live in a world where an adult could sue for serious medical injuries because the person who harmed him or her was only 5 years old? Why or why not?





THINK
LAW

**SOCIAL JUSTICE
TEACHER'S EDITION**

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Dangerous Pop Tarts: Legal Synthesis and Rule Making

Objective: Thinkers will assess the origin, application, and impact of zero tolerance policies in schools.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 5

TX 11- Students analyze, make inferences, and draw conclusions about expository text and provide evidence from text to support their understanding.

TX 11B- Students determine the facts in text and verify them through established methods

TX 12- Students analyze, determine, make inferences, and draw conclusions about persuasive text and provide evidence from text to support their analysis.

TX 29- Students are expected to participate in student-led discussions by eliciting and considering suggestions from other group members and by identifying points of agreement and disagreement.

GRADE 6

TX 10- Students analyze, make inferences, and draw conclusions about expository text and provide evidence from text to support their understanding.

TX 10 B- Students will explain whether facts included in an argument are used for or against an issue.

TX 11- Students analyze, make inferences, and draw conclusions about persuasive text and provide evidence from text to support their analysis.

TX 28- Students are expected to participate in student-led discussions by eliciting and considering suggestions from other group members and by identifying points of agreement and disagreement.

GRADE 7

TX 10- Students analyze, make inferences, and draw conclusions about expository text and provide evidence from text to support their understanding.

TX 10 B- Students will distinguish factual claims from commonplace assertions and opinions.

TX 11- Students analyze, make inferences, and draw conclusions about persuasive text and provide evidence from text to support their analysis.

TX 28- Students are expected to participate productively in discussions, plan agendas with clear goals and deadlines, set time limits for speakers, take notes, and vote on key issues.

Lesson Outline:

1. Thinkers will brainstorm school safety rules and the consequences for breaking those rules.
2. Thinkers will consider the origin, pros, and cons of “Zero Tolerance Policies”.
3. Thinkers will analyze two real-life cases that relate to weapons at school and Zero Tolerance policies.

They will consider the impact of the punishments as they relate to the intent of the offender.

4. Thinkers will determine the impact, if any, these two cases should have on Zero Tolerance policies.
5. Thinkers will learn about Restorative Justice Circles and analyze their potential effectiveness as an alternative to more traditional punishments.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 8

TX 10- Students analyze, make inferences, and draw conclusion about expository text and provide evidence from text to support their understanding.

TX 10B- Students will distinguish factual claims from commonplace assertions and opinions.

TX 11- Students analyze, make inferences, and draw conclusions about persuasive text and provide evidence from text to support their analysis.

TX 28- Students are expected to participate productively in discussions, plan agendas with clear goals and deadlines, set time limits for speakers, take notes, and vote on key issues.

English 1

TX 10- Students analyze, make inferences, and draw conclusions about persuasive text and provide evidence from text to support their analysis.

TX 10A- Students will analyze the relevance, quality, and credibility of evidence given to support or oppose and argument for a specific audience.

TX 16- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 26- Students are expected to participate productively in teams, building on the ideas of others, contributing relevant information, developing a plan for consensus-building, and setting ground rules for decision-making.

English 2

TX 10- Students analyze, make inferences, and draw conclusions about persuasive text and provide evidence from text to support their analysis.

TX 10A- Students will explain shifts in perspective in arguments about the same topic and evaluate the accuracy of the evidence used to support the different viewpoints within those arguments.

TX 16- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 26- Students are expected to participate productively in teams, building on the ideas of others, contributing relevant information, developing a plan for consensus-building, and setting ground rules for decision-making.

Dangerous Pop Tarts: Legal Synthesis and Rule Making

Objective: Thinkers will assess the origin, application, and impact of zero tolerance policies in schools.



Many rules in school are written to make sure students are safe. What are some rules at your school that focus on student safety? What are the consequences for students who break those rules?

Instructor's Note:

Thinkers may feel that consequences should vary based on the severity of the offense and/or the intent of the offender. If the responsibility of the school is to keep all students safe, how does this impact policy? Is it possible for the school to determine intent? Hindsight is often 20/20 and often intent only becomes clear after an incident occurs. How does this impact their thinking?

TABLE 2A

SAFETY RULE	CONSEQUENCE FOR BREAKING RULE
No weapons on school grounds	Suspension/Long term suspension/Expulsion
No fighting at school	Mediation/In school suspension/Out of school suspension
No latex, peanut butter, etc.	Reminder to not bring items to school, place item in backpack or locker to take home at the end of the day

Sometimes there is only one consequence for breaking a rule, but there are many different ways the rule can be broken. One rule that all schools have is that students are not permitted to bring weapons. Usually the consequence of breaking

this rule is suspension. Consider some of the situations below. All of the situations are weapon related. What consequences do you feel would be appropriate?

TABLE 2B

SITUATION	CONSEQUENCE
A student has a paintball gun in his or her backpack	Phone call home/parent pick up of paintball gun
A student has a pocket knife on his or her keychain	Office holds pocket knife until the end of the day/student warned not to bring it back
A student draws pictures of guns and other weapons on his or her paper	Student speaks with principal or counselor. Student is asked to stop drawing weapons

Probing Questions:

- What are all the ways schools are expected to keep students safe? (i.g.: safe from violence, bullying, allergens, exposure to dangers online, etc)
- Should safety rules be very specific or broad? Is it possible to create a rule for every potential situation?

thinkStarter Summary

When people write rules or laws, they have to consider many different possibilities. Lawyers do the same thing using a concept called legal synthesis. Legal synthesis is when lawyers look at Constitutions, laws, and cases to create legal rules and use these rules to help them argue.

When it comes to weapons in school, many schools

use “zero tolerance” policies. Zero tolerance means that anyone who breaks the rule will receive a harsh punishment, no matter what.

Let’s look at two cases surrounding school safety and zero tolerance policies.

thinkAnalysis

Dangerous Pop Tarts (2016, Maryland)

In 2013, Josh was eating a Pop Tart at school. Josh was a seven-year-old second-grader who had some behavior problems in the past, including disrupting his class. Josh chewed his Pop Tart into the shape of a gun and said, “Look! I made a gun!” He began to aim and point Pop Tart at his classmates who were at their desks or in the hall and said, “Bang, Bang.”

The school district suspended Josh for two days. Josh’s family felt this punishment was unfair, but the school maintained that Josh’s behavior was disruptive and the two day suspension was fair. What arguments could both sides make to support their positions?

TABLE 2C

SUSPENSION WAS APPROPRIATE	SUSPENSION WAS INAPPROPRIATE
Josh had been in trouble at school recently. He wasn't just in trouble for the Pop Tart gun.	There was no real weapon. It was just a Pop Tart which cannot hurt anyone.

thinkBigPicture

What impact could this decision have on Josh and his future?

Josh has a suspension related to weapons on his permanent school record. This may cause future teachers or administrators to judge him unfairly.

Instructor’s Note:

Thinkers may fixate exclusively on the frivolity of making a Pop Tart gun. Ask them to consider the big picture of the entire classroom environment. How could this make other students feel? How would they feel if someone took the image of a gun, pointed it at them, and said “Bang, Bang?”

Instructor Note:

At this point in the lesson, Thinkers might place all of the blame in the situation on the building principal. If this is the case, ask Thinkers to recall what a zero tolerance policy means? Does this leave the administrator any other options to handle the situation?

Court Decision:

Josh’s family asked his school district and two different courts to review Josh’s suspension. However, the district and both courts found that the school’s decision to suspend Josh was proper. His parents fought the decision and the suspension was

upheld. They continued their appeal to the court system, where the punishment was again upheld. The school district maintained that Josh had a series of behavior infractions, and the suspension was a culmination of all of these incidents. Josh’s family requested that the suspension be removed from Josh’s record, but this request was also denied. The judge ruled that Josh received due process and the punishment was an appropriate response to his escalating behaviors.



Pocket Full of Trouble (2016, Minnesota)

Alyssa was a junior when she brought a small pocket knife to school. She claimed that she used the knife at home for farm chores and had simply forgotten it was in her purse. The purse with the knife was left in her locker and was found by a drug-sniffing dog. Alyssa said that no one, including herself, knew the knife was in the locker. Alyssa's school also had a zero tolerance policy and she was expelled for the remaining six weeks of the school year. Under school policy, if Alyssa had told the

officers she was in possession of the knife she would not have been expelled.

Alyssa's family strongly disagreed with her punishment and decided to take legal action. The school maintained that bringing the knife to school was a violation of the zero tolerance weapon policy. What arguments could both sides make to support their positions?

Instructor's Note:

Alyssa's case went all the way to the Minnesota State Supreme Court. Her hearing focused intently on the words "intent" and "endanger." The court ruled in favor of Alyssa, saying that the knife did not pose a real danger to the student body as no one, including Alyssa, was aware that the knife was in the locker. Alyssa had graduated by the time the case was heard but continued in order to have an impact on school discipline policies. Alyssa had a lot of local support. Her punishment received a lot of backlash from her community, and many online sites were created to show support for her.

SUSPENSION WAS APPROPRIATE	SUSPENSION WAS INAPPROPRIATE
Knives are clearly in violation of school policy. Someone else could have gotten a hold of the knife and caused injury to students/staff. She should have been more careful when handling a knife.	No one, not even Alyssa, knew it was there so it was not a threat. She did not intend harm, it was a simple mistake. It's a tool she uses on her farm not a weapon. She could not have told the officers she had the knife because she didn't know she had it.

What impact could this decision have on Alyssa and her future?

Alyssa was not permitted to finish her Junior year of high school. That could have serious implications for her GPA and college plans. If she has a weapon-related offense on her record that could impact her opportunities when applying for colleges

thinkApplication

Thinking back to the concept of **legal synthesis**. How could these two cases be used to shape

a district's no tolerance policy when it relates to weapons at school?

Intent must be considered when punishing students

thinkBigger

Now that we've examined zero tolerance policies and the impact they have on student consequences, let's look at a different way some schools are handling student misbehavior.

Restorative Justice Circles began in Native American communities as meetings that were held within in the community. In the 1980's, the First Nations People of the Yukon began to use them formally within their justice system. The process is now used all over the world for both juvenile and adult offenders in a wide variety of offenses. Many schools have also adopted Restorative Justice Circles within their buildings.

Restorative Justice Circles involve a victim, offender, and other members of the community. The

participants gather together to talk through the situation. Everyone takes a turn talking. Members cannot speak unless they are holding the "talking piece." The group decides together what the resolution will be. Will the offender be punished? What does the offender need to do to make the situation right? These are the tough questions the circles are designed to address. They are designed to build relationships and strengthen the community.

Should schools use Restorative Justice Circles instead of zero tolerance policies when it comes to serious problems like bringing a weapon to school? Why or why not?

I do not think justice circles would be effective because people could just go to the circle and lie about being sorry./ I do think they would be effective because the circle gives them an opportunity to learn and grow as a person. If the incident was simply a mistake the situation can be resolved without a lengthy punishment.

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Web Link:

The following link

<https://bit.ly/2f2p1e1>

connects to a PBS News story about the effect of Restorative Justice Circles in a Colorado high school.

Instructor's Note:

For more information Thinkers can visit

<http://restorativejustice.org/>

The Centre for Restorative Justice provides an online tutorial to serve as an introduction to restorative justice. This online resource also provides a library of articles, research, and videos. A possible extension activity could be for thinkers to design a presentation for their school administrators about the concept of Restorative Justice circles and the impact they could have for the school community.

Probing Questions:

- Are Restorative Justice Circles a realistic alternative to traditional methods of punishment?
- In the real world, will people have this kind of opportunity to "talk it out"?
- In a school setting, who should be invited to participate in a Justice Circle?
- What would happen if the offender disagreed with the consequence decided in the circle?
- What accountability should be in place to ensure the offender follows the directions of the circle? • Is it appropriate for other students to have a say in the discipline/consequences of another student?



THINK
LAW

VOLUME 3
SPORTS & ENTERTAINMENT
TEACHER EDITION

Sample Lesson

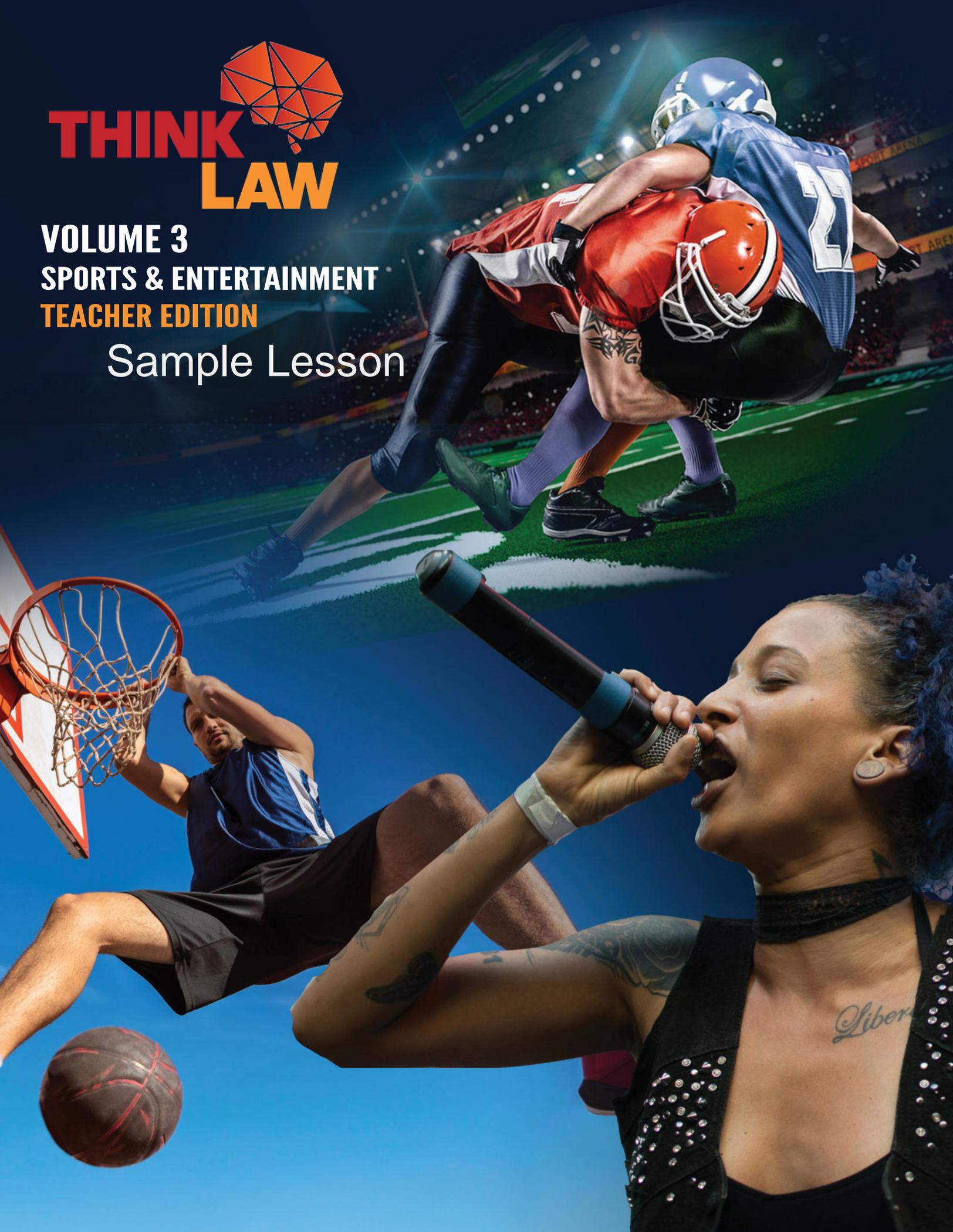


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That Looks Alike!

Making and Evaluating Tough Decisions

Objective: Thinkers will analyze multiples cases to determine if an original work was transformed to become something new.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

Grade 5	Grade 6	Grade 7
TX 11- Students analyze, make inferences, and draw conclusions about expository text and provide evidence from text to support their understanding.	TX 10- Students analyze, make inferences, and draw conclusions about expository text and provide evidence from text to support their understanding.	TX 10- Students analyze, make inferences, and draw conclusions about expository text and provide evidence from text to support their understanding.
TX 11B- Students determine the facts in text and verify them through established methods	TX 10 B- Students will explain whether facts included in an argument are used for or against an issue.	TX 10 B- Students will distinguish factual claims from commonplace assertions and opinions.
TX 19- Students Write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.	TX 18- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.	TX 18- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.
TX 27A- Students listen to and interpret a speaker's messages and ask questions to clarify the speaker's purpose or perspective.	TX 26A- Students listen to and interpret a speaker's messages and ask questions to clarify the speaker's purpose or perspective.	TX 26.A- Students listen to and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions or making comments about the evidence that supports a speaker's claim.
TX 29- Students are expected to participate in student-led discussions by eliciting and considering suggestions from other group members and by identifying points of agreement and disagreement.	TX 28- Students are expected to participate in student-led discussions by eliciting and considering suggestions from other group members and by identifying points of agreement and disagreement.	TX 28- Students are expected to participate productively in discussions, plan agendas with clean goals and deadlines, set time limits for speakers, take notes, and vote on key issues.

Lesson Outline

1. Thinkers will consider who has permission to wear costumes of licensed characters for children's parties.
2. Thinkers will read about a photographer's lawsuit against Nike and compare and contrast the two Jumpman images to determine if Nike should pay the photographer.
3. Thinkers will organize their thinking using the DRAAW+C framework to explain who should win the Jumpman lawsuit.
4. Thinkers will extend their thinking to consider a lawsuit about a tattoo and its use in a major film franchise.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS**Grade 8**

TX 10- Students analyze, make inferences, and draw conclusion about expository text and provide evidence from text to support their understanding.

TX 10B- Students will distinguish factual claims from commonplace assertions and opinions.

TX 18- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 26 A- Students will listen to and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions or making comments about the evidence the supports a speaker's claim.

TX 28- Students are expected to participate productively in discussions, plan agendas with clean goals and deadlines, set time limits for speakers, take notes, and vote on key issues.

English 1

TX 10- Students analyze, make inferences, and draw conclusions about persuasive text and provide evidence from text to support their analysis.

TX 10A- Students will analyze the relevance, quality, and credibility of evidence given to support or oppose and argument for a specific audience.

TX 16- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 24A- Students will listen responsively to a speaker by taking notes that summarize, synthesize, or highlight the speaker's ideas for critical reflection and by asking questions related to the content for clarification and elaboration.

TX 26- Students are expected to participate productively in teams, building on the ideas of others, contributing relevant information, developing a plan for consensus-building, and setting ground rules for decision making.

English 2

TX 10- Students analyze, make inferences, and draw conclusions about persuasive texts, and provide evidence from text to support their analysis.

TX 10A- Students will explain shifts in perspective in arguments about the same topic and evaluate the accuracy of the evidence used to support the different viewpoints within those arguments.

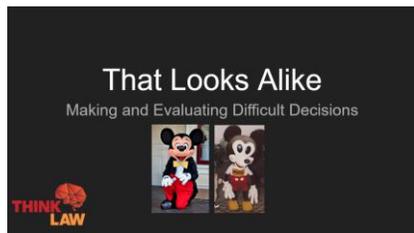
TX 16- Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues.

TX 24A- Students will listen responsively to a speaker by taking notes that summarize, synthesize, or highlight the speaker's ideas for critical reflection and by asking questions related to the content for clarification and elaboration.

TX 26- Students are expected to participate productively in teams, building on the ideas of others, contributing relevant information, developing a plan for consensus-building, and setting ground rules for decision making.

Lesson 23: That Looks Alike

Making and Evaluating Difficult Decisions



Instructor's Note:

Companies will pursue legal action against businesses that provide licensed costumed characters without permission to children's parties.

There have been several lawsuits filed by Disney over party companies that provide *Frozen*, *Star Wars*, and more traditional characters for children's parties, trade shows, and other events. Disney even has a special e-mail address where people can send tips about copyright infringement. tips@disneyantipiracy.com

Lesson 23

That Looks Alike

Making and Evaluating Tough Decisions

thinkStarter

Little kids love birthday parties. Sometimes at children's parties, parents hire a character to make an appearance. A princess or superhero might surprise children at a party and take pictures with the party goers. Most of the time the characters parents hire for parties are just someone the family knows, like a teenager. So, for example, a family might pay their teenage neighbor to come to a birthday party in a Spiderman costume.

Do you think you could create a business where you charge parents to show up at parties dressed like characters from movies? List arguments for both sides.

The Business Would Be Okay	The Business Would NOT be Okay
<ul style="list-style-type: none"> - It's just something that you're doing for kids that you know, and it makes the kids really happy. - You're not making a lot of money. 	<ul style="list-style-type: none"> - Those characters are licensed, and you don't own the right to them. You can't make money off of characters that you don't own without permission.

thinkStarter Summary

Specific princesses and superheroes are licensed by companies. This means you would need permission to use the characters in a way that is making money. But what if you change the image just a little?

Slam Dunk

(Rentmeester v. Nike, 2015, Oregon)

In 1984, photographer Jacobus Rentmeester did a photoshoot with basketball star Michael Jordan for LIFE Magazine. Jacobus took a picture of Jordan in his Olympic warm-ups. In the photo Jordan is jumping up to make a slam-dunk. Jordan's legs are spread. His arm is reaching up and holding a basketball. This was not the normal way Jordan jumped when making a slam dunk. The jump was actually inspired by a ballet technique called a "grande jete." Using this technique to pose was Jacobus's idea.

Nike later recreated the same shot of Michael Jordan. In the photo, Jordan is jumping up to make a slam-dunk. Nike actually even paid Jacobus \$150 for a slide of the photo. Jordan's legs are spread. His arm is reaching up and holding a basketball. The primary

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thinkStarter Probing Questions:

- Why do you think companies don't want businesses to use their characters without permission? Do you think it's a big deal? Why or why not?
- What if a business was using a children's character without permission at an event that was questionable? Like a gun show or a party with alcohol? Would that change your mind? Why or why not? How might a child react to seeing the character in a questionable situation?
- How is this issue similar to the cases we analyzed regarding the right of publicity? Should companies be able to control the business use of their characters even though they aren't real people? Why or why not?

difference in the photos is that in the Nike photo, Jordan is wearing a Bulls uniform and the Chicago skyline can be seen in the background.

The Nike photo later served as the inspiration for the famous logo used on Jordan products such as shoes, hats, jackets, pants, shorts, and socks. In the icon, Jordan is jumping up to make a slam-dunk. Jordan's legs are spread. His arm is reaching up and holding a basketball.



In 1985, Jacobus was paid \$15,000 by Nike for permission to use the Jumpman image on billboards and posters for 2 years.

In 1987, Nike modified the logo. They no longer paid Jacobus money nor asked his permission for the logo to be used.

The Jordan brand continued to grow. In 2014, the Jordan brand made \$3.2 billion in sales.

Jacobus sued Nike in 2015, saying they created the logo from his photograph and owed him money. Jacobus's image is on the left, and the Nike image is on the right.

Compare the two images

Similarities	Differences
<ul style="list-style-type: none"> - Both figures are jumping. - Both figures are holding a basketball with the same arm/hand. - The images are both solid black. - Both figures have bald heads. 	<ul style="list-style-type: none"> - The legs are different. In one image they're bent. - The arms are different. In the Nike image the arms are very straight, but in the other image, the arms are bent.

Do you think they are similar enough for Jacobus to claim that Nike stole his image? Why or why not?

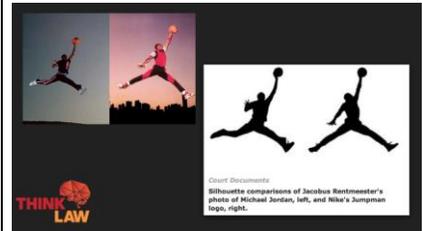
Some thinkers might feel that the images are very close and that the ballet pose had been Jacobus's idea rather than the natural way Michael Jordan dunks.

To win this case, Jacobus would have to prove that his image was stolen. Copyrights protect just the actual work and not the ideas behind them. So proving that Nike stole his idea would not be enough. He would have to prove the image from his photograph was used without permission. Look at the images again.

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Instructor's Note:

The lesson 23 PowerPoint presentation contains a slide with a side-by-side comparison of the photos and the logos. Have thinkers analyze the photographs before the logos.



Instructor's Note:

Have thinkers vote. Did Nike steal Jacobus's image? Yes or No? Allow thinkers from each side to share their rationales.

Probing Questions:

- Do you think Nike should pay Jacobus more money? Do you think the \$15,000 is enough? Why or why not?
- We've talked about "transforming" a piece of art into something else? Do you think the Jumpman logo is a transformation from the photograph? Why or why not?
- Do you think that Jacobus would be as upset about the situation if the Jordan brand was not as financially successful? Why or why not?

Braincandy Questions:

(23.1) Poll: Should anyone be allowed to dress up like a licensed character for a party or other event?

(23.2) How are the two Jumpman logos similar?

(23.3) How are the two Jumpman logos different?

Instructor's Note:

The Court ruled in 2018 that the photographer's picture was not substantially similar to Nike's Jumpman logo.

Jacobus was told that his 1984 photograph of Michael Jordan displays a different setting, alternative lighting and other elements that makes it different from it from Nike's creation.

Instructor's Note:

Have thinkers vote. Should Warner Brothers need Victor's permission to use the tattoo in the film? Allow thinkers from each side to share their rationales.

Should Jacobus win this lawsuit? Use the DRAAW + C framework in your response.

D- Jacobus should not win his lawsuit.

R- The rule is that the image must be transformed. It can't be the same as the original. It needs to have noticeable differences.

A- Jacobus will argue that the concept of the image is the same and that the two images have a lot of his similarities. The original pose was his idea.

A- Nike will argue that the icon has changed over time. The current logo is different from the original photo that was taken in 1984 by Jacobus.

Who Owns a Tattoo?

(Whitmill v. Warner Brothers, 2011, Missouri)

Missouri tattoo artist Victor Whitmill designed a tattoo. That tattoo was placed on boxer Mike Tyson's face. Mike Tyson had retired from fighting and decided to appear in The Hangover movie franchise. In the second movie, actor Ed Helm's character woke up with the same face tattoo as Mike Tyson. The movie was a comedy, but Victor wasn't laughing.

Victor claimed that he designed the tattoo. Victor also had the design copyrighted. He sued Warner Brothers for not getting his permission to use the design in the film.

What arguments will both sides present?

Victor's Arguments	Warner Brothers' Arguments
<ul style="list-style-type: none"> - Victor created an original design that he copyrighted. - He owns the image. - The image in the movie was not just included on Mike's face; the movie put the same image on a different character's face. 	<ul style="list-style-type: none"> - The tattoo is on Mike Tyson's face, and Mike is in the movie. If Mike is in the movie, they should not have to get special permission to use the image of the tattoo.

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Probing Questions:

- Do you agree with the Court's decision in the Nike case? Why or why not?
- Do you think Nike would sue you if you made a similar jumping logo? Why or why not?
- What do you think is odd about the tattoo case?
- Would your opinion about the tattoo being featured in the movie be different if Mike Tyson was not in the movie? Why or why not?
- Do you think tattoos should be copyrighted? Why or why not? Who should own the copyright? Should Victor own the copyright? Should Mike Tyson own the copyright? Why or why not?

Should Victor win this lawsuit? Use the DRAAW + C framework in your response.

D- Victor should win his lawsuit.

R- The rule in this case is about copyright. Victor created the image and owned the copyright, so the studio would need his permission to use the design.

A- Victor will argue that he owns the design and that the movie studio cannot put the image on a character's face without his permission.

A- The movie studio will argue that the tattoo is permanently featured on Mike Tyson's face, and Mike Tyson is in the movie. The character who gets the tattoo in the movie is copying Tyson.

thinkBigger

Victor Whitmill designed Mike Tyson's face tattoo and copyrighted the design. If you wanted to get the same tattoo on your face, do you think you would need Victor's permission to get the same tattoo as Mike Tyson? Why or why not?

Responses will vary. Some thinkers may feel that Victor sued the movie company because they were using his design in a movie that would make a lot of money. He may not care about an individual getting the tattoo.

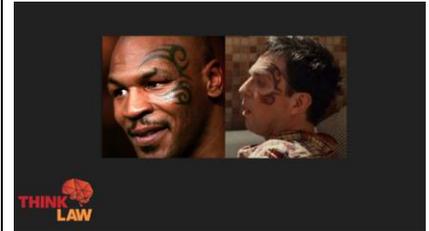
Does this seem reasonable? Why or why not?

Thinkers may argue that it would be unreasonable to have to get permission because people get tattoos of licensed characters all of the time without permission from the companies that own the characters.

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Instructor's Note:

The lesson 23 PowerPoint presentation contains a slide with a side-by-side comparison of Tyson's tattoo and the tattoo in the movie.



Braincandy Questions:

(23.4) Poll: Do you think the tattoo should be allowed in the movie?

(23.5) In the tattoo case, what evidence do you think is the strongest?

Instructor's Note:

Warner Brothers settled with Victor for an undisclosed amount. The tattoo was used in the movie.

Probing Questions:

- If you were a lawyer for Warner Brothers, how much money would you offer Victor to use the tattoo? If you were Victor, how much money would Warner Brothers need to offer you to use your tattoo design? Why?
- Do you think someone should be able to get a trademarked image as a tattoo? The McDonald's arches? The Nike Swoosh? Why or why not? Would there be any way to regulate these types of tattoos? Why or why not?

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Are you Going to Drink That? (Part 1)

Making and Evaluating Tough Decisions

Objective: Thinkers will analyze the impact of the Flint, Michigan, water crisis on local residents and businesses. They will determine how they would have responded to the crisis if they were in charge.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

Grade 5	Grade 6	Grade 7
TX RC.D- Students are expected to make inferences about text and use textual evidence to support understanding.	TX RC.D- Students are expected to make inferences about text and use textual evidence to support understanding.	TX RC.D- Students are expected to make complex inferences about text and use textual evidence to support understanding.
TX 10- Students are expected to draw conclusions and evaluate how well the author's purpose was achieved.	TX 17.C- Students are expected to write responses to literary or expository texts and provide evidence from the text to demonstrate understanding.	TX 10.A- Students are expected to evaluate a summary of the original text for accuracy of the main ideas, supporting details, and overall meaning.
TX 11.A- Students are expected to summarize the main ideas and supporting details in a text in ways that maintain meaning a logical order.	TX 18- Write persuasive essays that establish position and include sound reasoning, detailed and relevant evidence, and consideration of alternatives	TX 12.A- Students are expected to follow multi-dimensional instructions from a text to complete a task, solve a problem, or perform procedures.
TX 11.B- Students are expected to determine the facts in a text and verify them through established methods.	TX 24.B- Students are expected to evaluate the relevance and reliability of sources for the research.	TX 18A- Students are expected to write a persuasive essay to the appropriate audience that establishes a clear thesis or position.
TX 12A- Students are expected to identify the author's viewpoint or position and explain the basic relationship among ideas.	TX 26.A- Students are expected to listen to and interpret a speaker's messages (both verbal and nonverbal) and ask questions to clarify the speaker's purpose and perspective.	TX 26.A- Students are expected to listen to and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions about the evidence that supports a speaker's claim.

Lesson Outline:

1. Thinkers will begin by considering how they would react to a water crisis at their school.
2. Thinkers will examine the timeline of the water crisis in Flint, Michigan, and determine what they would have done if they were the mayor of Flint.
3. Thinkers will create questions they would ask if they were residents of Flint.
4. Thinkers will analyze the impact of the contaminated water on all areas of the community.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

Grade 8

TX RC.D- Students are expected to make complex inferences about text and use textual evidence to support understanding.

TX 10.C- Students are expected to make subtle inferences and draw complex conclusions about the ideas in text and their organizational patterns.

TX 11.B- Students are expected to determine the facts in a text and verify them through established methods.

TX 19- Write persuasive essays that establish a position and include sound reasoning, detailed and relevant evidence, and consideration of alternatives.

TX 26- Students are expected to listen to and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions or making comments about the evidence that supports a speaker's claim.

Grade 9/10

TX RC.B- Students are expected to make complex inferences about text and use textual evidence to support understanding.

TX 9.B- Students are expected to distinguish amount different kinds of evidence (e.g. logical, empirical, anecdotal) used to support conclusions and arguments in texts.

TX 10.C- Students are expected to make subtle inferences and draw complex conclusions about the ideas in text and their organizational patterns.

TX 12.A- Students are expected to explain how different organizational patterns develop the main idea and the author's viewpoint.

TX 16- Write an argumentative essay to the appropriate audience that includes a clear thesis or position based on logical reasons supported by precise and relevant evidence.

Grade 11/12

TX RC.B- Students are expected to make complex inferences about text and use textual evidence to support understanding.

TX 9.B- Students are expected to explain how authors writing on the same issue reached different conclusions because of differences in assumptions, evidence, reasoning, and viewpoints.

TX 10.A- Students are expected to evaluate the merits of an argument, action, or policy by analyzing the relationship among evidence, inferences, assumptions, and claims in a text.

TX 16- Write an argumentative essay to the appropriate audience that include a clear thesis or position based on logical reasons with various forms of support.

TX 18- Students are expected to write a persuasive essay to the appropriate audience that includes evidence that is logically organized to support the author's viewpoint and that differentiates between fact and opinion.

PowerPoint:

Are You Going to Drink That? (Part 1)

Making and Evaluating Tough Decisions



THINK
LAW

Instructor's Note:

There are no right or wrong answers to most thinkLaw questions. The teacher edition shows possible thinker responses in red. It is okay if thinkers reach different conclusions. The most important part of their answer is the explanation of their thinking.

Instructor's Note:

thinkLaw lessons contain a lot of probing questions. These are discussion questions you can use as you go through the lesson. You do not need to ask every question. Pick and choose the questions that you feel have the best fit.

Probing Questions:

- What questions would you have for your administrator after hearing this announcement? Why?
- How do you think your parents would react when you told them about this announcement? Why do you think they would react in that manner?
- If you heard this announcement in the morning, would you feel comfortable eating lunch from the cafeteria? Why or why not?
- What other ways does the school use tap water throughout the building? (To wipe down tables in the cafeteria, to mop the floors, etc.) What safety concerns would you have about these water uses?
- Do you think that access to clean drinking water is a basic human right? Why or why not?
- If the water at your school was contaminated for a day, do you think that's a violation of your human rights? For a week? For a month? For a year? Why or why not?

Lesson 2

Are You Going to Drink That?

Making and Evaluating Tough Decisions

thinkStarter

Imagine your school principal made an announcement to the school:

Good morning students! We are having some issues today with water in the building. You may use water to flush the toilet, but do not use the water to wash your hands. You must not drink any of the school water or get it into your mouth. Do not use the drinking fountains or use school water to fill up your water bottles. If you drink the school water, you may get sick. The water is not safe, at this time.

What would you think about this announcement? Why?

Thinkers may feel this announcement would be upsetting. They might say that they wouldn't feel safe at school and that they wouldn't want to come to school until the problem was fixed.

What would you expect the school to do? Why?

Thinkers might feel like school should be canceled until the problem is fixed. They might say that the school should provide bottled water and hand sanitizer for students to use until the water was safe for use.

thinkStarter Summary

Access to clean drinking water is important. In 2010, the United Nations recognized the right to clean drinking water as an essential human right.

You might not think about the water you drink every day. You might not worry if the water you drink is safe. But what if you needed to worry?

Are You Going to Drink That?

Flint, Michigan, used to use Lake Huron and the Detroit River to supply the city with water. In 2014, the city began to pull water from the Flint River

instead. When they made the switch, lead from the pipes got into the water of over 100,000 residents.

Swallowing lead, even in small amounts, can cause memory problems, headaches, and intellectual disabilities. It can also cause abdominal pain and even lead to seizures or comas. Many people who bathed or washed their hands using the tap water had rashes or hives all over their skin.

If you were the mayor of Flint, what would you do as soon as you heard that water from the pipes contained lead?

What Would You Do?	Why?
<p>Thinkers may suggest:</p> <ul style="list-style-type: none"> Shut off the contaminated water pipes Switch back to using water from Lake Huron and the Detroit River Hold a press conference to talk about the crisis and to tell people what they should do to keep safe Hold community meetings to warn people about the dangers of lead Ask for help from the state and federal governments Collect donations of bottled water for families to use while the pipes are being repaired Hire additional workers to help repair the pipes and improve water filtration Ask for help from water experts 	<ul style="list-style-type: none"> You would shut off the pipes to try to reduce the impact of the contamination. There weren't major contamination problems with the other water sources so the town could keep using that. You would want to keep in contact with the public and keep them informed. If the water isn't safe you want to make sure that everyone knows. It would be important for the public to really understand the risks of using water so they can make informed choices. Many families won't be able to afford bottled water. Collecting donations would help families in the community and help to reduce their stress.

Instructor's Note:

thinkLaw lessons are designed to be flexible and allow for flexible grouping options. Thinkers can brainstorm how they would handle the crisis individually, with a partner, in a small group, or with the whole class. Be sure to leave enough time for thinkers to share their ideas with the class.

Instructor's Note:

This lesson includes an extension activity. Thinkers can estimate how many gallons of water their family uses in a day and how much it would cost to purchase that much bottled water.

NAME _____	
How Much Water Does Your Family Use?	
This worksheet estimates the volume of water used during normal household activities. Estimate how much water your family uses a day.	
Activity	Estimated Volume (Gallons)
Washing Your Hands 1. Give a number of times you wash your hands. Number of People in Your House _____	
Washing Your Face 1. Give a number of times you wash your face. Number of People in Your House _____	
Showering Your Hair 1. Give a number of times you wash your hair. Number of People in Your House _____	
Drinking 2. Estimate number of glasses per day of four ounces.	
Bath 3. Estimate number of baths per day of four ounces.	

Probing Questions:

- When you look at the pictures of water from Flint taps, would you believe public officials when they told you it was safe? Why or why not?
- How would your day be impacted if you could not use tap water? How would your morning change? How would your afternoon change? How would your evening change?
- How much bottled water would your family need to replace all the tap water you use? Is it fair to ask families to buy that much bottled water? Do you think most families could afford to buy that much bottled water? Why or why not?
- Who do you think is responsible for the water crisis in Flint? Why?

Braincandy Questions:

- (2.1) What would you think about this announcement from the principal?
- (2.2) What should the school do to solve the problem?
- (2.3) What is the first thing you would do if you were the mayor of Flint?
- (2.4) Poll: What event on the timeline do you think is the most shocking?

Instructor's Note:

An instructional option for the timeline could be to print out the timeline and have thinkers cut the events apart. Have thinkers put the events in order, not by time, but by importance. What are the most important events in this crisis? Why?

Probing Questions:

- If the water was destroying metal, how do you think it was impacting the people who were drinking it and bathing in it?
- What would you do if you lived in Flint and heard about the GM Plant? Who would you contact? What would you say?
- At what point do think the city should have declared a state of emergency?
- Do you think that the city waited too long to declare a state of emergency?
- As a resident of Flint, would you feel better if you saw the mayor drink a glass of water on television? Why or why not?

Instructor's Note:

Lead is very dangerous for human consumption. Lead can cause stomach problems, behavioral problems, brain damage, and other health problems. Once consumed, lead can move quickly throughout the body.

Instructor's Note:

A state of emergency is when there is a situation, like a disaster or civil unrest, and the government is allowed to perform actions that it ordinarily cannot. For example, in Flint once a state of emergency was declared, the Federal Government could give the city additional money to get the resources it needed to help its citizens.

Look at a short timeline of events:

- **April 2014**- Flint switched its water supply from Lake Huron and the Detroit River to the Flint River.
- **October 2014**- The General Motors Plant in Flint stopped using Flint tap water because the water was destroying the metal on their car parts.
- **February 2015**- A worker from the Environmental Protection Agency tested water in a home in Flint. The lead levels in the water were 7 times higher than acceptable limits.
- **July 2015**- The Flint Mayor drank a glass of tap water on local television to show that the water was safe.
- **September 2015**- Virginia Tech scientists said that lead levels were too high in 40% of the homes in Flint. They recommended that Michigan declare that water in Flint is not safe to drink or to use when cooking.
- **September 2015**- A local pediatrician releases a report about the increase of lead being found in the blood of local children.
- **October 2015**- Michigan's governor signs a bill to have Flint switch back to Lake Huron/Detroit River.
- **December 2015**- Flint's mayor declared a state of emergency.
- **January 2016**- President Obama declared a state of emergency and promised \$5 million in aid.

What stands out to you the most in this timeline? Why?

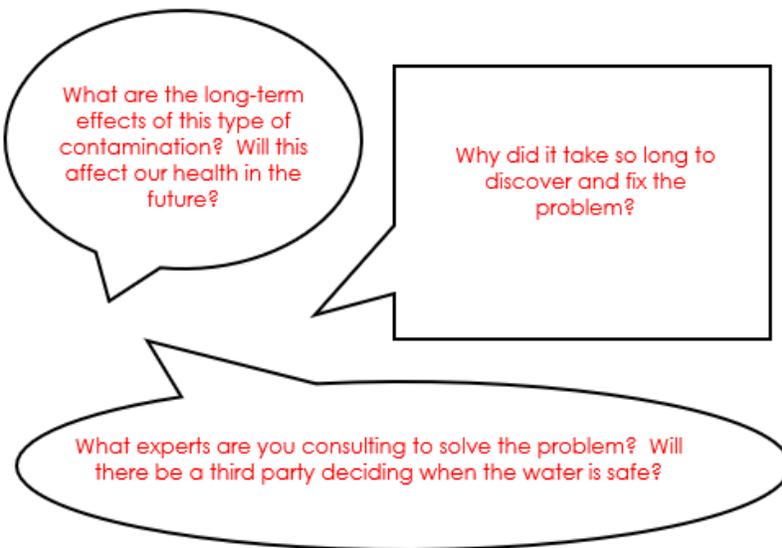
Thinkers might say that they found the amount of time that passed before the water lines were switched is the most shocking.

Why do you think it took so long for Flint to be declared in a state of emergency?

Thinker responses will vary. Some thinkers might say that fixing the problem would be very expensive and difficult, and so leaders were reluctant to acknowledge how bad the problem really was.

thinkQuestions

If you were a resident of Flint, what questions would you have for your local leaders?



Instructor's Note:

The timeline used in this lesson is a very brief overview of the Flint water crisis. As an extension, thinkers could research and create a more comprehensive timeline.

Instructor's Note:

An important characteristic of active citizenship is the ability to ask questions. What questions should Flint citizens ask? Why are the answers to those questions important?

Probing Questions:

- Which question do you think is the most important? Why is that question the most important? Who would have the answer to that question?
- Think about your local community and government. Have you ever wanted to ask those leaders questions? What questions did you want to ask? How could you contact those leaders to ask your question?

Braincandy Questions:

- (2.5) What questions would you ask if you lived in Flint?
- (2.6) What other problems would be created by the water crisis?
- (2.7) What lawsuits might be filed after the water crisis?

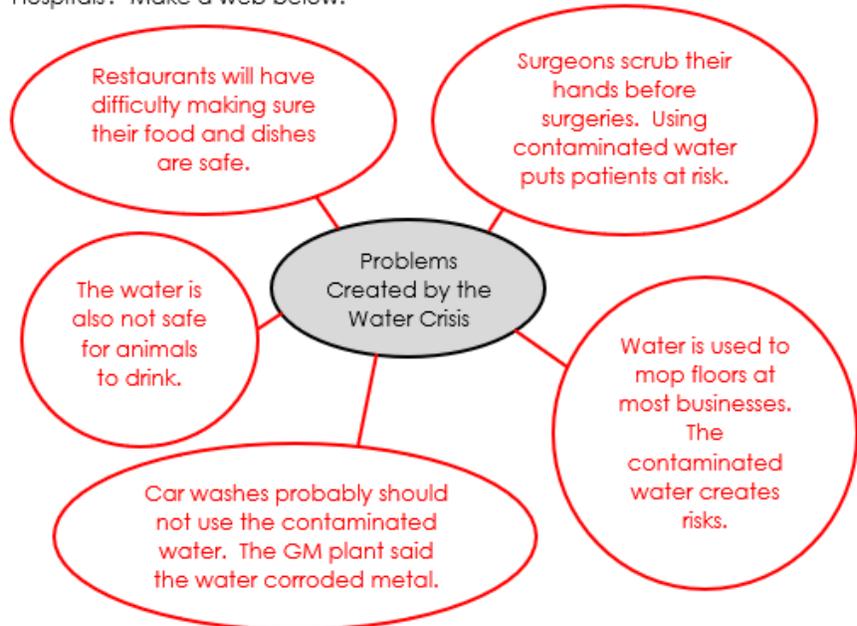
Instructor's Note:

This exercise is an opportunity to think big. What problems will be created by the water crisis? Encourage thinkers to brainstorm situations that are outside of the most obvious.

- How are animals impacted?
- How are pools and parks impacted? What about other public spaces?
- How are doctors' offices and surgeons impacted?
- If people can't use water to wash their hands, what issues might be created?
- How do custodians need to rethink how they clean?
- How is tourism impacted? Will people want to go to Flint to eat, shop, or stay?

thinkBigger

What problems do you will be created by the Flint Water Crisis? Think creatively. How will businesses be impacted? Animals? Schools? Hospitals? Make a web below.



What lawsuits do you think will be filed as a result of the water crisis?

- Pet owners might sue the city.
- Car washes and car dealers might sue the city because the water corroded the metal on cars.
- Restaurant owners and workers might sue because their businesses were negatively impacted.
- Parents might sue over the negative impacts the contaminated water has had on their children.

Instructor's Note:

Give thinkers an opportunity to share their ideas. Create a class list of all the types of issues that would be created. Sort them by impact. What problems are the greatest?

Probing Questions:

- Will all these issues lead to an increase in lawsuits in the city? Why or why not?
- Would you sue if you were a Flint resident? Whom would you sue? What would be your complaint?
- Do you think about the quality of water? At home? At a store? At a park? Why or why not? Do you think you will think about water quality after this lesson? Why or why not?



Are you Going to Drink That? (Part 2)

Making and Evaluating Tough Decisions

Objective: Thinkers will analyze the impact of the Flint, Michigan, water crisis on the students and schools in that area. They will determine how they would help the students who may need additional support and evaluate Court's response to the crisis.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

Grade 5	Grade 6	Grade 7
TX RC.D- Students are expected to make inferences about text and use textual evidence to support understanding.	TX RC.D- Students are expected to make inferences about text and use textual evidence to support understanding.	TX RC.D- Students are expected to make complex inferences about text and use textual evidence to support understanding.
TX 10- Students are expected to draw conclusions and evaluate how well the author's purpose was achieved.	TX 17.C- Students are expected to write responses to literary or expository texts and provide evidence from the text to demonstrate understanding.	TX 10.A- Students are expected to evaluate a summary of the original text for accuracy of the main ideas, supporting details, and overall meaning.
TX 11.A- Students are expected to summarize the main ideas and supporting details in a text in ways that maintain meaning a logical order.	TX 18- Write persuasive essays that establish position and include sound reasoning, detailed and relevant evidence, and consideration of alternatives	TX 12.A- Students are expected to follow multi-dimensional instructions from a text to complete a task, solve a problem, or perform procedures.
TX 11.B- Students are expected to determine the facts in a text and verify them through established methods.	TX 24.B- Students are expected to evaluate the relevance and reliability of sources for the research.	TX 18A- Students are expected to write a persuasive essay to the appropriate audience that establishes a clear thesis or position.
TX 12A- Students are expected to identify the author's viewpoint or position and explain the basic relationship among ideas.	TX 26.A- Students are expected to listen to and interpret a speaker's messages (both verbal and nonverbal) and ask questions to clarify the speaker's purpose and perspective.	TX 26.A- Students are expected to listen to and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions about the evidence that supports a speaker's claim.

Lesson Outline:

1. Thinkers will begin by pretending they are the superintendent of Flint schools and determine what they would need to do to address the increase of students with lead poisoning.
2. Thinkers will examine three complaints brought by the ACLU regarding the Flint school system.
3. Thinkers will read the Court's decision on how to help the children of Flint and determine what else the settlement should include.
4. Thinkers will brainstorm outside people and companies that could help the Flint community.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

Grade 8	Grade 9/10	Grade 11/12
TX RC.D- Students are expected to make complex inferences about text and use textual evidence to support understanding.	TX RC.B- Students are expected to make complex inferences about text and use textual evidence to support understanding.	TX RC.B- Students are expected to make complex inferences about text and use textual evidence to support understanding.
TX 10.C- Students are expected to make subtle inferences and draw complex conclusions about the ideas in text and their organizational patterns.	TX 9.B- Students are expected to distinguish amount different kinds of evidence (e.g. logical, empirical, anecdotal) used to support conclusions and arguments in texts.	TX 9.B- Students are expected to explain how authors writing on the same issue reached different conclusions because of differences in assumptions, evidence, reasoning, and viewpoints.
TX 11.B- Students are expected to determine the facts in a text and verify them through established methods.	TX 10.C- Students are expected to make subtle inferences and draw complex conclusions about the ideas in text and their organizational patterns.	TX 10.A- Students are expected to evaluate the merits of an argument, action, or policy by analyzing the relationship among evidence, inferences, assumptions, and claims in a text.
TX 19- Write persuasive essays that establish a position and include sound reasoning, detailed and relevant evidence, and consideration of alternatives.	TX 12.A- Students are expected to explain how different organizational patterns develop the main idea and the author's viewpoint.	TX 16- Write an argumentative essay to the appropriate audience that include a clear thesis or position based on logical reasons with various forms of support.
TX 26- Students are expected to listen to and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions or making comments about the evidence that supports a speaker's claim.	TX 16- Write an argumentative essay to the appropriate audience that includes a clear thesis or position based on logical reasons supported by precise and relevant evidence.	TX 18- Students are expected to write a persuasive essay to the appropriate audience that includes evidence that is logically organized to support the author's viewpoint and that differentiates between fact and opinion.

PowerPoint:

Are You Going to Drink That? (Part 2)

Making and Evaluating Tough Decisions



Instructor's Note:

It might help thinkers to consider different age groups. You could encourage the class to think about different age groups that school districts service.

- What support do you need to provide children affected by lead who are between 0 and 5?
- What supports will elementary aged students need?
- Middle school students?
- High school?
- How will students continue to need support as they go to college and post-secondary options?

Probing Questions:

- If you were the parent of a child in Flint, what support would you want the school district to give your child?
- If you were the superintendent of the school district and you didn't know how you should prepare to help the students, what experts could you talk to? How could those people help you?

Braincandy Questions:

(3.1) What is the most important thing the superintendent can do to prepare to meet the needs of these students?

Lesson 3

Are You Going to Drink That? (Part 2)

Making and Evaluating Tough Decisions

thinkStarter

Lead poisoning is very dangerous for children. In Flint, 30,000 children from birth to age 19 were exposed to very high levels of lead in their water for almost two years. Many of those children bathed in the water, washed their hands, drank the water, and had their food cooked using the water.

These children will need extra help in school to recover from the effects of the lead exposure. Many children will have trouble paying attention. The children will have an increase in learning problems and behavior problems.

If you were the superintendent, or boss, of Flint schools, what would you need to do to get ready to help that many children with special needs?

What Would You Do?	Why?
<ul style="list-style-type: none">• The school system should create a team of teachers and health professionals to create a plan.• The district should begin by testing all the children exposed to lead to get a realistic idea of how much support these children will need.• The schools should use the results from their testing to plan to meet the needs. They should figure out how many more teachers they need and what supplies they need. The district could ask the state for enough money to implement the plan.	<ul style="list-style-type: none">• The school will need to learn from experts about lead poisoning about the special needs of these students.• The district will need a realistic idea of how many students will need special services so that they can make sure they have enough staff and resources.• It's important that the school collect information, research, and expert advice to create a workable plan.

thinkStarter Summary

In the previous lesson, you brainstormed all the possible impacts of the water contamination in Flint and considered all of the lawsuits that might possibly be filed. In today's lesson, you will analyze one of those lawsuits.

thinkCivilRights (D.R., et. al. v. Michigan Department of Edu., Michigan, 2016)

A group of 15 Flint parents filed a lawsuit against the Michigan Department of Education. One of the parents is Chandrika Walker. Chandrika has a 4-year-old son who was exposed to the water for two years. Chandrika's son was covered in hives and rashes from bathing in the Flint water. Her son was tested for lead poisoning by the county, but they waited over a year to call her with the results. He had very high levels of lead in his blood. Chandrika knew that her son would need help in school and tried to enroll him in preschool, but all the preschool programs were full.

The lawsuit says that the Department of Education needs to help Flint Schools. The Flint school system does not have enough staff or resources to test and help 30,000 kids who might have special needs.

Pretend you're the judge in this lawsuit.

What would you decide for each complaint?

The Flint School Board has not created a plan to prepare to meet the special needs of so many children with lead poisoning.

How should this problem be addressed?

As a judge, thinkers might rule that the school must create a plan to address the needs of the 30,000 students. They might decide that they would give the school 3 months, or a similar timeline, to submit the plan to the Court.

Why might this problem be difficult to fix?

The school district knows that 30,000 children have been impacted by lead in the water but doesn't really know all the problems each student will have. It's difficult to plan if they don't know how many students will have learning-related issues.

Instructor's Note:

This case is a class action lawsuit. A class action lawsuit is a lawsuit where a lot of people join together to sue on behalf of a group.

- Why would people want to file a class action lawsuit instead of filing a lawsuit by themselves?
- Why do you think the people in this case chose to file a class action suit?

Instructor's Note:

This case was filed by the ACLU. Students can access a fact sheet with more information regarding this case at the following link.

<https://bit.ly/2sGrijUP>

Instructor's Note:

The ACLU released a 3-minute video overview of this lawsuit. The video includes interviews with several plaintiffs.

The video is embedded in the PowerPoint or may be found at the following link:

<https://bit.ly/2RJlm8z>



Instructor's Note:

For this section, you could split the class into 3 groups. Assign each group one of the 3 complaints. Have each group brainstorm a solution to present to the class. When they present their solution, you could have the rest of the class brainstorm possible problems with this solution.

The Governor of Michigan made a 75-point plan to fix the Flint water crisis, but none of the 75 points related to education.

How should this problem be addressed?

As a judge, thinkers might say that the governor of Michigan should add points about education to the 75-point plan or create a different plan to help the schools.

Why might this problem be difficult to fix?

The governor might have left education out of the 75-point plan on purpose because they had a different plan in mind for the schools. It might be difficult to get different groups to agree to how the schools should address the problems.

The Flint School District was already \$10 million in debt before the water crisis and was already struggling to meet the needs of their special education students.

How should this problem be addressed?

The district is going to need more money. The state of Michigan and the federal government could give them money to test students, buy materials students need, and hire additional teachers.

Why might this problem be difficult to fix?

The state might not have enough money to give the Flint school district. If the state has to take money away from other programs to help the Flint situation, other problems might be created because funding for other programs would have to be cut.

Braincandy Question:

(3.2) Poll: Which of the three complaints in the lawsuit do you think is the most serious?

Instructor's Note:

The national poverty rate for children in the United States is 14.8%. The childhood poverty rate in Flint is 42%. The city has one of the highest rates of poverty in the nation. Its population is primarily African American.

- How do you think Flint's poverty levels contributed to the water problem?
- How do you think Flint's poverty levels contributed to the slow response once people realized the water had been contaminated?

Probing Questions:

- Which of the three complaints do you think is the most serious? Why?
- If you were a parent in Flint, what would be your biggest concern? Why?
- If you were a student in Flint, what would be your biggest concern? Why?
- Is it important for the Flint School Board to plan ahead for the students with lead poisoning? Why or why not?
- Is it important for the governor to talk about the schools in his plan? Why or why not?

Instructor's Note:

A slide in the PowerPoint contains the result of the settlement.

- The state of Michigan will provide more than \$4 million to test children affected by the tainted water to see how they have been affected. The tests will look at effects of lead on brain cognitive development, memory and learning.
- The state, city and school district will provide staff to make sure the testing program and the schools are working together.
- Training and professional development will be provided for administrators, teachers and staff

about how to recognize children potentially harmed by lead who may need to be referred for testing.

- The results of the assessments will be sent to the schools to be used in the process of evaluating students for special education services.

A settlement, or agreement, was reached in this case. Read the details on the slide.

Do you think this plan will help the students in Flint, Michigan?

- Yes
- No

Why or why not?

Thinker responses will vary. Some thinkers might say that testing all of the students to assess the extent of the problems is a good first step. If they understand the needs, they will be able to create a better plan.

What else should they add to this plan? Why?

This plan will help create first steps and help the district make a plan to help, but these students will probably have life-long needs that have been caused by the lead poisoning. A long-term plan is needed.

thinkBigger

Federal regulations say that if water has levels of lead above 15 ppb (parts per billion) the water is unsafe to drink and must be treated. Samples of water were taken from Flint's 11 public schools. The water from the schools had lead levels ranging from 61 ppb to 2,856 ppb.

Billionaire Elon Musk is famous for Tesla Cars and his Space X company that wants to create a colony on Mars. Elon privately donated new water

Settlement:

- The state of Michigan will provide more than \$4 million to test children affected by the tainted water to see how they have been affected. The tests will look at effects of lead on brain cognitive development, memory and learning.
- The state, city and school district will provide staff to make sure the testing program and the schools are working together.
- Training and professional development will be provided for administrators, teachers and staff about how to recognize children potentially harmed by lead who may need to be referred for testing.
- The results of the assessments will be sent to the schools to be used in the process of evaluating students for special education services.

Probing Questions:

- What are the strengths of this settlement? What are the weaknesses?
- If you were a parent in Flint, would you be satisfied with this settlement? Why or why not?
- If you were a student in Flint, would you be satisfied with this settlement? Why or why not?
- If you were a teacher in Flint, would you be satisfied with this settlement? Why or why not?

filtration systems for all 11 public schools in Flint. The filtration systems cost about \$500,000.

If you were a community activist in Flint, who else could you ask for help? Brainstorm a list of people and companies that might be able to help solve some of the problems created by the water crisis.

Thinkers might list other millionaires who could donate money or resources.

Encourage thinkers to consider companies that specialize in water, water filtration, or educational resources.

Anheuser-Busch had their beer factories can water instead of beer to donate to Flint residents, and Nestle donated over 1.6 million bottles of water.

Thinkers might also brainstorm ways everyday people could help. They might say local schools and businesses could collect water or school supplies for Flint.

Probing Questions:

- What needs will the school district have? What are companies that have products that would meet those needs?
- Who are experts that might be able to help with the problems in Flint? How could they donate their time or resources to help?
- What can everyday people do to help the residents of Flint? What could you do to help the residents of Flint?
- Why should we care about what happened in Flint?
- If you were a student in Flint, whom would you like to help you? How would you want people to help?
- Why do you think people just don't move away from Flint?

- Would you want to move away from here if we had a water crisis? Why or why not? Why might it be difficult to move?
- If you were a millionaire, what would you do for the residents of Flint? Why?

Braincandy Questions:

(3.3) Poll: Do you think this plan will help students in Flint, Michigan?

(3.4) What else do you think needs to be added to the settlement?

(3.5) Who are private citizens or private companies that you think could help the residents of Flint?

Project 1:

After completing Lesson 2 and 3, thinkers may complete the first project. In Project 1, thinkers will test the pH levels of the water in various locations throughout their neighborhood or town. Thinkers will write a letter to their local water department with their findings.