



NZQA Assessment Support Material

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| Unit standard | 27848 | | | | |
| Title | Explain a law making process | | | | |
| Level | 2 | Credits | 4 | Version | 2 |

Note

The following guidelines are supplied to enable assessors to carry out valid and consistent assessment using this internal assessment resource.

Assessors must manage authenticity for any assessment from a public source, because students may have access to the assessment schedule or student exemplar material. Use of this assessment resource without modification may mean that students' work is not authentic. The assessor will need to change figures, measurements or data sources or set a different context or topic.

While this ASM lends itself to written assessments, there are other activities and approaches that could be taken.

See Generic Resources and Guidelines at <https://www.nzqa.govt.nz/providers-partners/assessment-and-moderation/assessment-of-standards/generic-resources/>

Assessor guidelines

Context/setting

In this activity, students will explain a law making process, with supporting detail, in terms of the evolution of a specific law.

They must include reason(s) and/or need(s) for the law, key features and/or steps, and agents. The supporting detail includes – background, relevant names, dates, and identifying differing viewpoints.

The context for this particular assessment activity is black civil rights in the United States of America and the development of the equal protection clauses of the 14th Amendment to the Constitution of the United States.

Students will need familiarity with the history of the black civil rights movement in the United States of America, the legal system of the United States (and in particular the Constitution), and the cases of *Plessy v Ferguson* and *Brown v Topeka Board of Education*.

A W A R D O F G R A D E S



- For award with **Achieved**, candidates must be able to explain law making processes, with supporting detail, in terms of the evolution of a specific law.
- For award with **Merit**, the explanation of the law making process is developed by including relevant supporting detail. Supporting detail may include, but is not limited to any one of:
 - describing differing viewpoints;
 - source details;
 - case studies, examples, statistics;
 - media reports.
- For award with **Excellence**, the explanation of the law making process is fully developed by discussing differing viewpoints in terms of the known and/or predicted effects of the evolution of a specific law.

C O N D I T I O N S O F A S S E S S M E N T

Assessors will set the conditions of assessment as appropriate.

Assessment activity

This assessment activity has two tasks.

Task one involves the students explaining with supporting evidence how the interpretation of the equality provisions of the fourteenth amendment to the United States Constitution evolved from the interpretation as defined in the case of *Plessy v Ferguson* to the interpretation as defined in the case of *Brown v Topeka Board of Education*.

The student's explanation must include:

- (a) The reasons and/or needs for the new interpretation of the Constitution.
- (b) The key features and/or steps involved.
- (c) The agent/s (people/institutions/organisations) involved.

Task two involves the students identifying and describing the differing viewpoints of at least two interested parties and discussing the known and/or predicted effects of the new interpretation of the Constitution from their points of view.

Resource requirements

Assessors may find the following resources useful in gathering information on the law making process used for this assessment.

- Summaries of the cases of *Plessy v Ferguson* and *Brown v Topeka Board of Education*.
- Background information on the history of black civil rights in the United States of America.
- The 14th Amendment to the United States Constitution.

Assessment Schedule

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| Judgements for achievement | | Judgements for achievement with merit | | Judgements for achievement with excellence | |
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| Explain law making processes, with supporting detail, in relation to the evolution of a specific law. | | The explanation of the law making process is developed by including relevant supporting detail which may include but is not limited to any one of: <ul style="list-style-type: none"> ▪ describing differing viewpoints; ▪ source details; ▪ case studies, examples, statistics; ▪ media reports. | | The explanation of the law making process is fully developed by discussing differing viewpoints in terms of the known and/or predicted effects of the evolution of a specific law. | |
| Task | Evidence for achievement | Evidence for achievement with merit | | Evidence for achievement with excellence | |
| One Outcome 1 PC 1.1 | The student has explained, with supporting detail how the interpretation of the equality provisions of the 14 th Amendment to the United States Constitution evolved from the interpretation as defined in the case of <i>Plessy v Ferguson</i> to the interpretation as defined in the case of <i>Brown v</i> | A part answer relating to the reasons and/or needs for the new interpretation of the Constitution could read: <i>"The Fourteenth Amendment to the US Constitution was passed in 1868 after the Civil War with the aim of ending the institution of slavery prevalent in the Southern States. One of its parts stated</i> | | | |

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| <p><i>Topeka Board of Education</i> by discussing:</p> <p>(a) The reasons and/or needs for the new interpretation of the Constitution.</p> <p>(b) The key features and/or processes involved.</p> <p>(c) The agents (people/institutions/organisations) involved.</p> <p>The explanation references relevant detail such as: the background in terms of the “Jim Crow” laws permitted by the case of <i>Plessy v Ferguson</i>.</p> <p>A part answer relating to the processes and agents involved in terms of the key features of the Supreme Court’s role in interpreting the United States Constitution and the processes it uses could read:</p> <p><i>“It is the role of the courts part of government in the United States to make rulings on what the Constitution means. If a state or federal law does not comply with the Constitution then the Court has the power to overturn it. The Supreme Court as the highest court in the USA has the last say on what the words of the</i></p> | <p><i>that every person is entitled to ‘the equal protection of the laws’...</i></p> <p><i>The Supreme Court discussed the meaning of this amendment in the case of Plessy where the Court said that segregating blacks and whites was OK. The facts of that case were...</i></p> <p><i>...Sixty years later it had become clear that many states were taking advantage of the ‘separate but equal’ rule to provide worse treatment to black people. For example, in the 1950s, the state of South Carolina spent three times more on white only schools than it did on black only schools. Value of school property in white only schools was six times higher than their black counterparts and the state spend one hundred times more on transporting white children to school...</i></p> | |
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Constitution mean. Each time it gives a new meaning to a particular section or changes an old section then the law evolves. An example of this can be seen in the Court's interpretation of the equal protection clauses found in the 14th Amendment of the Constitution where the Court changed its mind from what it said in the case of Plessy v Ferguson in 1896 to what it said in the case of Brown v Topeka Board of Education in 1954 case.

The Supreme Court cannot randomly provide the meanings of the words in the Constitution. The process begins when..."

A part answer relating to the reasons and/or needs for the new interpretation of the Constitution could read:

"The Fourteenth Amendment to the US Constitution was passed in 1868 after the Civil War with the aim of ending the institution of slavery prevalent in the Southern States. One of its parts stated that every person is entitled to 'the equal protection of the laws'..."

The Supreme Court discussed the meaning of this amendment in the case of Plessy where the Court

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| | <p><i>said that segregating blacks and whites was OK. The facts of that case were...</i></p> <p><i>...Sixty years later it had become clear that many states were taking advantage of the 'separate but equal' rule to provide worse treatment to black people. This can be seen in the case of Linda Brown who...</i></p> | | |
| <p>Two</p> <p>Outcome 1</p> <p>PC 1.1</p> | <p>A part answer could read:</p> <p><i>"One of the plaintiffs was Oliver Brown. He initiated the case. His view was that the existing laws were discriminating against his daughter."</i></p> | <p>A part answer could read:</p> <p><i>"One of the plaintiffs was Oliver Brown. He initiated the case by claiming that his constitutional rights were being violated because he couldn't enrol his daughter in the school nearest to his house which was only seven blocks away, instead she had to walk 6 blocks before catching a bus to her segregated school. Oliver Brown believed that the separate but equal laws were discriminating against his daughter."</i></p> | <p>A part answer could read:</p> <p><i>"The NAACP (the National Association for the Advancement of Coloured Peoples) believed that the existing laws discriminated against black people and condemned them to an inferior status in society</i></p> <p><i>"From the point of view of many of the white people in the Southern States of America, the impact of the ruling was predicted to have dire consequences, particularly relating to the well-being of their children which they believed would somehow suffer if they were forced to mix with black people or treated as equals. When States set about integrating their schools in order to comply with the ruling of the Supreme Court there was widespread protest and dissent among white people. An example of this occurred when Little Rock High School in Little Rock, Arkansas admitted nine black students in 1956. Even the Governor of the State (Orville Faubus) fought against the ruling and deployed the National Guard to keep the black students out of the school."</i></p> |

Final grades will be decided using professional judgement based on a holistic examination of the evidence provided against the criteria in the unit standard.