

Read this rule:



“Personal electronic devices, games and toys are not permitted in school. These items include, but are not limited to: cell phones, iPads, electronic gaming devices, laser pointers, etc.

The use of cell phones is not permitted in school. However, cell phones may be turned on for use after school in order to make arrangements with parents.

Electronic devices brought to school will be held by the administration, to be picked up by a parent. The school is not responsible for damage to, theft of, or loss of personal property.”

John Doe was walking down the hall listening to music on his iPhone after school one day. The Vice Principal stopped him and told him to hand the iPhone to him. He was told that one of his parents would need to come to school to get it. He protested, saying that he thought it was okay to have his iPhone after school, just not during school. The Vice Principal referred to the student handbook for the written rule.

Directions:

1. Highlight or underline the sentence in the rule that tells about whether or not electronic devices are allowed.
2. Highlight or underline the sentence that tells about the use of cell phones after school.
3. Interpret the meaning of this rule by participating in the class discussion.

Name _____ **You Be The Judge on the Case of the iPhone in School**

- Before we begin analyzing John’s situation, do you think the rule is clear? Yes No
- **Big Question: According to the rule, should the Vice Principal have taken John’s iPhone?**
- **First Reaction: YES NO**

Here are some things to consider....

- 1. According to the rule, is cell phone use after school ONLY for contacting your parents? Yes No
- *Does this suggest that using cell phones for other things is NOT allowed?* Yes No
- *Was John using his phone to call his parents?* Yes No

According to the rule, should the Vice Principal have taken John’s iPhone?

- **Second Reaction: YES NO**
- 2. Are cell phones, according to this rule, considered an electronic device? Yes No
Therefore, according to this rule, are cell phones permitted (allowed) “in school?” Yes No
- 3. According to the rule, will electronic devices brought TO school be held by the administration for parents to pick up? Yes No
- *If you brought a device TO school, would it be IN school?* Yes No

According to the rule, should the Vice Principal have taken John’s iPhone?

- **Third Reaction: YES NO**
- 4. Is “in school” the same as “in the school?” Yes No
- 5. Are you “in school” when you are on a field trip? Yes No
- 6. **Thinking question: What is the purpose of school?** _____
- 7. Therefore, are there good reasons why electronic devices are not allowed in school? Yes No
- 8. Look at your answer to #5. You may still agree with your choice, but if not, put an X through your answer and circle the other one.
- 9. Look at your answer to #4. You may still agree with your choice, but if not, put an X through your answer and circle the other one.
- 10. Does the rule say “in the school” anywhere in the rule? Yes No
- 11. Is “after school” the same as “in school?” Yes No

According to the rule, should the Vice Principal have taken John’s iPhone?

- **Fourth Reaction: YES NO**

Other Considerations:

- Did John bring a cell phone to school? Yes No
- Raise your hand if you circled Yes to question # 3.

All or most of you agree that the rule is clear about what would happen if John brought an electronic device to school.

- Is it fair to hold some students accountable to the rule and the consequence and not others? Yes No
- Is it important that rules are enforced consistently, *for everyone, every time*, in order to be fair? Yes No
- Is it important for the Vice Principal to know why John was staying after school? Yes No
- *What if he was supposed to be getting extra help? Was he still "in school" in that case?* Yes No
- *What if he was done with an after school activity and was on his way to wait for his ride outside? Was he still "in school" in that case?* Yes No
- So, is it important to take into consideration the individual circumstances before enforcing a rule? Yes No

Every situation has its own individual circumstances.

- Can you see why both John and the Vice Principal think they are each right? Yes No
- Is the rule clear? Yes No

Raise your hand if you just circled "Yes." Does your answer now agree with the very first answer you gave on the front?

All or most of you agree that the rule is unclear.

- Now, look back at the first question on the front side. Did you change your answer? Yes No

Judges must take all of the evidence and explanations into consideration before deciding on an interpretation.

Literal: *exactly what it says on the paper, without consideration for intention*

Figurative: *using intention and suggestion to draw conclusions that diverge from the literal meaning*

- So, what was the **intention** of the rule? In other words, why was this rule even made?
-
-

- Should the rule be changed? Yes No

Raise your hand if you circled "Yes."

- *All or most of you agree that the rule needs to be changed. BUT...right now, the rule is what the rule is and someone will have to decide what that rule actually means!*

The Judicial Branch does not make the laws; they only interpret the ones that already exist!!!!

Name _____

Now, after thinking it all through...here is the hard part. Pretend you are a judge in this case and you have to decide who was right. You must accept the rule as it is currently printed. The Judicial Branch does not *make the laws*, they only *interpret the laws* that already exist, clear or unclear. Their decision will help to make the rule clearer by telling others what its intention is.

As the judge, I:

_____ would decide that the rule supports the Vice Principal in keeping the iPhone until a parent could pick it up.

_____ would decide that the rule supports John being able to keep the iPhone and use it after school.

Just for fun...Look back at your first reaction and see if it matches your final decision.

For up to 30 points of extra credit: (See scoring guide on the last page.)

- The legislature does not just make rules for the sake of making rules. They are made for a reason. When interpreting a law (or rule) you (and courts) must consider first what the **intention of the rule** (the reason for it) was when it was made. Think about what your classmates shared and what you thought about the idea of “intention” for this electronics rule.

The intention of the rule was _____

- Then you must decide if the person being accused of breaking the law (or rule) was violating (going against) the intention and explain your thinking around that matter.

circle one

I believe John was wasn't violating this intention. The reason I believe this is that _____

- Then you must look back at what the rule actually says and use it by quoting the rule and supporting how you interpret the wording. Explain HOW the situation and the rule connect and/or conflict.

In the rule it says, “_____”
_____. When

considering John's reason for being after school and the intention of the rule stated above, I believe that John was wasn't meeting that expectation.
circle one

- Then you need to draw a final conclusion and clearly state your opinion as the decision to be handed down.

Therefore, based on the evidence and the intention, I find that the person who was upholding the intention of this rule in this situation was _____.

In this case and in other cases such as this, the phone ^{circle one} will will not be held for parent pick up.

Add any additional thoughts you would like to share:

Be the Congress and rewrite the rule so that it is clearer in the future. Be careful not leave any of the information out and be sure to **make the intention of the rule obvious**.

This assignment is designed to get students thinking more deeply about how difficult it is to interpret laws. The rule of iPhones not being allowed “in school” challenged students to interpret what “in school” means and to think about the intention of such a rule. This requires an upper-level thinking skill called *inference*. The questions on the first part of the worksheet are meant to help students move away from literal meaning and to start thinking about the many factors that would contribute to handing down an opinion about what a law, or in this case - rule, means. The written answer was therefore scored as follows:

	Weak				Strong
The student explained the choice made by giving a reason(s) for their opinion:	1	2	3	4	5
The student quoted text from the rule as evidence in support of his/her opinion:	1	2	3	4	5
The student included some of the considerations given in the questions posed on the paper: (i.e. intention of the rule, why student is after school, rule is unclear, other electronics are allowed, etc.)	1	2	3	4	5
The student rewrote the rule in such a way as to avoid similar misunderstandings:	1	2	3	4	5
The student used proper mechanics in his/her writing such as complete sentences, correct spelling, punctuation and grammar:	1	2	3	4	5
The student showed pride in the work by writing neatly:	1	2	3	4	5
Total score:					