

Section 1: Introduction

Background

The modification of Canadian Law 2104 (1986) into Canadian Law 2104 and 2204 was undertaken to ensure that the course outcomes were consistent with contemporary educational theory and practice, as well as developments in the field of law. Additionally, the articulation of outcomes allows for the option of both a one-credit and two-credit course.

This curriculum revision was also undertaken to ensure that the Canadian Law 2104 and 2204 curriculum is consistent with the aims of both *The Atlantic Canada Framework for Essential Graduation Learnings in Schools* and the *Foundation for the Atlantic Canada Social Studies Curriculum*.

A modular organization of the curriculum was adopted with the recognition that these courses are intended as an introduction to the study of law and not as a comprehensive survey. The core units provide a common introduction to the foundations of Canadian law while the optional units permit instructional choices based on the abilities, needs and interests of learners.

Introduction

Canadian Law 2104 and 2204 introduces students to the study of law. The course is divided into two main sections. Section One grounds students in basic legal concepts and processes. Section Two allows students the opportunity to explore either criminal or civil law in-depth, as well units selected from investigation and arrest, contract law, aboriginal law, family law, law involving young people, and human rights law. By organizing the curriculum in this manner schools are afforded the opportunity to offer Canadian Law 2104 (Section One) as a one credit course, or Canadian Law 2204 (Sections One and Two) as a two credit course.

This organizational approach is intended to provide school administrators with programming flexibility whereby the study of law, an essential component of citizenship education, may be made more accessible to students.

Overview

The primary objective of Canadian Law 2104 and 2204 is to provide students with a framework by which they may explore legal issues. Section One is designed to investigate the evolution and adoption of legal structures within western society. Section

Two affords the opportunity for students to apply their understating of the judicial process to specific areas of law.

Throughout this course emphasis is placed on students developing and improving their critical thinking skills as they assess various legal issues. In this manner students should be constantly engaged in outcomes beyond the knowledge level into the application and integration levels. In fact it is imperative for teachers to guide their instructional planning based on the table of specifications for this course (found on page 28).

Approximately 65% of engagement in classroom instruction and assessment should primarily be focused at the application and integration levels.

Canadian Law 2104 focuses on the following concepts:

- the foundations of Canadian law
- criminal law
- civil law
- the criminal and civil trial process

Canadian Law 2204 includes the topics from Canadian Law 2104, and further provides for:

- an in-depth exploration of aspects of **either** criminal or civil law
- the further study of other topics taken from:
 - investigation and arrest
 - contract law
 - family law
 - young people and the law
 - human rights law
 - aboriginal law

Throughout this course students will become familiar with the legal principles used in the Canadian judiciary. This degree of exposure to legal issues should enable students to deepen their understanding of the concepts of justice, due process and the rule of law. By engaging students in a critical manner and allowing them the opportunity to assess various legal issues, students should complete the course with a deeper commitment to participate as thoughtful citizens whose actions contribute to maintaining and promoting justice in their immediate community.

Canadian Law 2104 and 2204 supports a resource-based approach to learning. Such an orientation to teaching and learning creates an environment whereby students are actively engaged in a wide variety of educational experiences that focus both on attaining curriculum outcomes and meeting the needs of

students. In addition to a student text and teacher's resource binder, other supplementary materials are identified in this guide. Furthermore, opportunities for cooperative learning, project-based activities, and the use of varied technologies are presented in this guide as possible instructional strategies.

Rational

The field of law occupies a significant place in the lives of Canadian citizens. Not only does it regulate relationships among individuals and groups in society, but it also controls how Canada interacts with other countries. The pervasiveness of law in society itself offers sufficient rationale for the place of Canadian Law 2104 and 2204 in the high school curriculum.

However, the aim of this course of study is to not only establish an understanding of the content of Canadian law, but also to empower students with a critical disposition towards jurisprudence (the study of the nature of law and the concept of justice), as well as the place of law in society.

Two Approaches to Jurisprudence

Many approaches to the study of law are grounded in legal positivism. From this perspective the central questions are usually: What does the law say? How have similar cases been decided? How should the law be applied in this case? Such an approach to judicial reasoning is essential in creating fairness and constancy in society.

However it is not adequate to use this approach exclusively when studying jurisprudence. Legal positivism assumes to a greater or lesser degree that the law itself is good, fair and just. While in many instances legislation is enacted that is good for both society as a whole and individuals in particular, it is not always the case.

Within the past century there are many examples of unjust laws, including those that have promoted suspension of individuals' fundamental legal rights, gender inequity, racial discrimination, and even systematic genocide. In this context it is inadequate that the study of law at the high school level be limited in its scope of inquiry to purely positivistic approaches.

Using natural law theory as a framework through which to explore legal issues leads to two fundamental questions: What is fair in this situation? How is justice best served? These inquiries, central to natural law theory, are premised on the assumption that in human nature there exists an inherent sense of justice – which constantly challenges society to operate in a fair and just manner. It is this critical disposition towards jurisprudence that the

Canadian Law 2104 and 2204 curriculum seeks to develop in students. Developing more than knowledge of the law and judiciary, Canadian Law 2104 and 2204 calls upon students and their teachers to together explore what is just and equitable in society.

The Place of Law in Society

It is difficult to think of an area of our lives as Canadian citizens that is not either controlled or influenced by law. In many ways this is a paradox: how can Canada claim to be a society that offers maximum freedom and autonomy to its citizens and at the same time be so heavily controlled by legislation? Rousseau, in the *Social Contract* (1762), summarized it well: “Man is born free; and everywhere he is in chains.”

Canada, not unlike other western liberal democracies, has developed mechanisms by which to check the appropriateness and legitimacy of legislation. These include the *Charter of Rights and Freedoms*, courts of appeal and the Supreme Court of Canada.

The influence of the *Charter* on recent legal judgments and emerging legislation exemplifies that while the law may reflect the culture of a society, the law itself also influences and shapes society. Within this context students and teachers are afforded the opportunity to consider the appropriateness of legislation and the impact it has on society, and the legitimate exercise of authority in Canadian society.

Taken together, as students examine the nature of law and justice, the place and influence of law in society, and the substance of Canadian law, Canadian Law 2104 and 2204 seeks to promote within students a disposition towards citizenship where students are not only knowledgeable of the law but also emerge as responsible citizens who understand the need for law and participate in the democratic process with consideration for the autonomy of the individual and the well being of the community.

Purpose of the Curriculum Guide

This document is intended to advance social studies education and to improve social studies teaching and learning, while recognizing and validating the effective practices that already exist in many classrooms. This guide also provides a detailed curriculum for Canadian Law 2104 and 2204 in Newfoundland and Labrador.

The Canadian Law 2104 and 2204 curriculum guide has several purposes:

- to inform educators and members of the general public of the philosophy and assumptions underlying the Canadian Law 2104 and 2204 curriculum
- to outline detailed curriculum outcomes to which educators and others can refer when making decisions concerning learning experiences, instructional techniques, and assessment strategies in Canadian Law 2104 and 2204
- to suggest possible teaching strategies, assessment techniques and learning resources which may be of use to educators when planning instruction and assessment
- to promote effective teaching and learning for students enrolled in Law 2104 and 2204

Contexts for Teaching and Learning

Aim of Social Studies

The vision for the Atlantic Canada social studies curriculum is to enable and encourage students to examine issues, respond critically and creatively, and make informed decisions as individuals and as citizens of Canada in an increasingly interdependent world.

An effective social studies curriculum prepares students to achieve all essential graduation learnings. In particular, social studies, more than any other curriculum area, is vital in developing citizenship. Social studies embodies the main principles of democracy, such as freedom, equality, human dignity, justice, rule of law, and civic rights and responsibilities. The social studies curriculum promotes students' growth as individuals and as responsible citizens. It provides opportunities for students to explore multiple approaches which may be used to analyse and interpret their own world and the world of others. Social studies presents unique and particular ways for students to view the relationships between the Earth, its people, and its systems. The knowledge, skills, and attitudes developed through the social studies curriculum empower students to be informed, responsible citizens of Canada and the world and to participate in the democratic process to improve society.

In particular the social studies curriculum integrates the concepts, processes and ways of thinking drawn from diverse disciplines including history, geography, economics, political science, sociology and anthropology. It also draws from humanities, literacy and pure sciences. Thus social studies provides a multidisciplinary lens

through which students may examine issues affecting their lives from personal, provincial, national, academic, pluralistic and global perspectives.

Canadian Law 2104 and 2204 specifically deal with issues such as freedom, equality, human dignity, justice, rule of law, and civic rights and responsibilities. These courses also explore the legal aspects of how citizens in a democratic nation manage their relationships with each other and with the state. The knowledge, skills and attitudes developed in Canadian Law 2104 and 2204 directly contribute to the growth of students as knowledgeable, responsible citizens who understand the need for law and participate in the democratic process with consideration for the rights of others.

Principles Underlying the Social Studies Curriculum

Empowering and effective social studies is meaningful, significant, challenging, active, integrative, and issues-based.

- *Meaningful* social studies is student-centred and developmentally-appropriate. Superficial coverage of topics is replaced by emphasis on significant events, concepts, and principles that students need to know and be able to apply in their lives.
- *Significant* social studies encourages students to learn through purposeful experiences designed around stimulating ideas, social issues and themes, and discourages the memorization of disconnected pieces of information.
- *Challenging* social studies occurs when teachers model high expectations for their students and themselves, promote a thoughtful approach to inquiry, and demand well-reasoned arguments.
- *Active* social studies encourages students to assume increasing responsibility for managing their own learning. Exploration, investigation, critical and creative thinking, problem solving, discussion and debate, decision making, and reflection are essential elements of this principle. This active process of constructing meaning encourages lifelong learning.
- *Integrative* social studies crosses disciplinary borders to explore issues and events, while using and reinforcing informational, technological, and application skills. This approach facilitates the study of the physical and cultural environment by making appropriate, meaningful, and evident connections to the human disciplines and to the concepts of time, space, continuity, and change.

- *Issues-based* social studies considers the ethical dimensions of issues, and addresses controversial topics. It encourages consideration of opposing points of view, respect for well-supported positions, sensitivity to cultural diversity and a commitment to social responsibility and action.

The Learning Environment

Problem solving, critical and creative thinking, and informed decision making are essential for success in all areas of living. The social studies learning environment must support the development of these critical attributes to empower students as they emerge as contributing members of society.

Today's students come with increasingly diverse backgrounds and experiences. An effective instructional environment must incorporate principles and strategies which support this diversity, recognizing and accommodating the varied learning styles, multiple intelligences, and abilities of individual students.

Teaching approaches and strategies must actively engage all students in the learning process, through their involvement in a wide variety of experiences. The nature and scope of social studies provide unique opportunities to do this.

Therefore an effective social studies learning environment must be:

- student-centred
- inviting and inclusive
- respectful of diversity
- participatory, interactive, and collaborative
- engaging and relevant
- integrative
- challenging
- inquiry-based and issues-oriented
- reflective

To establish and maintain such an environment, teachers must:

- recognize students as being intelligent in a number of different ways, and encourage them to explore other ways of knowing, both inside and beyond the classroom
- value the inclusive classroom and engage all learners in meaningful activities
- acknowledge and value the ways in which gender, race, ethnicity, and culture shape particular ways of viewing and knowing the world
- incorporate new approaches, methodologies, and technologies with established effective practices

- have an extensive repertoire of strategies from which to select those most appropriate to the specific learning task
- use varied and appropriate resources to help students achieve the outcomes in a particular learning situation
- provide opportunities to integrate knowledge, skills, and attitudes
- provide repeated opportunities for reflection so that it becomes an integral part of the learning process

As a result, an effective social studies learning environment ensures student achievement by:

- enhancing students' understanding, knowledge, and valuing of their own heritage and cultural background
- emphasizing inquiry and discovery by students rather than teacher presentation of information, facts, and conclusions;
- encouraging student responsibility for involvement and participation in the learning process
- providing students with opportunities to develop and apply social studies skills, strategies, and processes in real, purposeful situations
- teaching students how to process and act upon information about the world in a rational and critical manner
- encouraging the effective use of various technologies, and community, media, and print resources in appropriate situations

Literacy Through Social Studies

Literacy plays a vital role in the learning experiences of social studies. It promotes the students' ability to comprehend and compose spoken, written and visual text which are commonly used by individuals and groups to participate fully, critically and effectively in society. The multiplicity of communication channels made possible by technology through which students may experience the cultural and linguistic diversity of the world calls for a broadened view of literacy. Thus, the goals of literacy within the context of social studies are to foster language development and the critical engagement necessary for students to design their own futures.

The ability to read is critical for success in school. Therefore, it is paramount that teachers are sensitive to this process in social studies instruction. Reading in the content area of social studies requires that attention be given to setting the stage and using various strategies to help students address the reading assignment itself.

Writing in the social studies is also important and needs to be thought of as a process by which students discover what they know about a particular topic.

In social studies there is an abundance of writing activities in which to engage students. In addition to reading, writing and speaking, other textual modes such as audio and visual media also play an important role in social studies classrooms.

Strategies to promote literacy through social studies include those that help students comprehend the meaning of words, symbols, pictures, diagrams, maps and other genres. Students will investigate a range of media at different times and places and have many opportunities to comprehend and compose in unfamiliar contexts. Most will be able to debate, persuade and explain in a variety of genres, including the artistic and technological. The social studies program will help students become culturally sensitive and effective cross-cultural communicators.

Critical literacy in texts includes awareness of stereotyping, cultural bias, author's intent, hidden agendas, silent voices and omissions. Students are encouraged to be aware that textbooks are constructed by authors who have purposes for writing and make particular choices when doing so. Critical literacy aids students in comprehending textbooks and other media at a deeper level. Critical literacy also assists students in the deconstruction and analysis of media in general, thus recognizing examples of stereotyping, cultural bias, hidden agendas, silent voices and omissions. Students are encouraged to view various media from a variety of perspectives and to interpret the various levels of meaning in a given text.

Literacy for active citizenship involves understanding different perspectives on key democratic struggles, learning how to investigate current issues and participating creatively and critically in community problem solving and decision making. Exercising civic rights and responsibilities is a practical expression of important social values, and requires specific personal, interpersonal and advocacy skills.

Integration of Technology in Social Studies

Technology should play a significant role in the teaching and learning of social studies. Computers and related technologies have become valuable classroom tools for the acquisition, analysis, presentation, and communication of data in ways that allow students to become more active participants in research and

learning. Emerging technologies (such as digital imaging and graphic design software) afford numerous possibilities for enhancing learning and teaching.

The use of technology must enhance the social studies curriculum and not replace essential social studies learning. In that context, technological resources can provide a variety of opportunities.

- Increased access to information. This gives teachers and students quicker and easier access to extensive and current information. However, research skills are key to efficient use of these resources. Questions of validity, accuracy, bias, and interpretation must still be applied to available information.
- Communication software provide students the opportunity to connection with cultures from around the world. This exposure to first-hand information will enable students to directly employ inquiry skills.
- Students can present what they have learned in a wide variety of forms (e.g., graphs, maps, texts, graphic organizers, Websites, multi-media presentations) that fit their learning styles, thus allowing for multiple modes of expression that demonstrate student learning.
- Opportunities for students to become more actively involved in their learning by allowing for student control of information gathering, processing, and presentation.

Meeting the Needs of All Learners

Equity and Diversity

The Atlantic Canada social studies curriculum is designed to meet the needs and interests of all students. The curriculum should provide for the inclusion of the interests, values, experiences, and language of each student and of the many groups within our local, regional, national, and global communities.

The society of Atlantic Canada, like all of Canada, is linguistically, racially, culturally, and socially diverse. Our society includes differences in race, ethnicity, gender, ability, values, lifestyles, and languages. Schools should foster the understanding of such diversity. Social studies curriculum promotes a commitment to equity by valuing, appreciating, and accepting the diverse and multicultural nature of our society, as well as by developing awareness and critical analysis of individual and systemic discrimination.

Within a school culture characterized by mutual trust, acceptance, and respect, student diversity is both recognized and

valued. All students are entitled to be respected and valued and are responsible for respecting and valuing all other people. All students are entitled to an educational system that affirms their gender, racial, ethnic, and cultural identity. The educational system should promote in students the development of a positive self-image that includes pride in their identity. Educators should ensure that classroom practices and resources positively and accurately reflect diverse perspectives and reject prejudiced attitudes and discriminatory behaviours.

In order to contribute to the achievement of equity and the support of diversity in education, the social studies curriculum must:

- reflect and affirm the racial, ethno-cultural, gender, and social identities of students
- reflect students' abilities, needs, interests, and learning styles
- provide materials and strategies that reflect accurately and fully the reality of Canada's diversity, and that foster an understanding of multiple perspectives and group and individual similarities and differences
- address ability, cultural, racial, gender, lifestyle, linguistic, and socio-economic issues in an accurate, respectful, fair, and analytical and balanced manner
- reflect the variety of roles and wide range of experiences available to all members of society
- promote the concept that all people should have equal access to opportunity and outcomes
- expect that all students will be successful, regardless of gender, racial, ethno-cultural or socio-economic background, lifestyle, or ability
- include assessment and evaluation tools and practices that take into account gender, ability, learning styles, and the diverse racial, cultural, and linguistic backgrounds of students

Resource-Based Learning

Effective social studies teaching and learning are resource-based. Resource-based learning actively involves students, teachers, and teacher librarians in the effective use of a wide range of print, non-print, and human resources.

Resource-based learning fosters the development of individual students by accommodating their diverse backgrounds, various learning styles, needs, and abilities. Students who use a wide range of resources have the opportunity to approach a theme, issue, or topic of study in ways which allow for differences in learning styles and abilities.

Resource-based learning supports students as they develop information literacy. Information literacy is the ability to access, interpret, evaluate, organize, select, produce, and communicate information in and through a variety of media technologies and engage in research with appropriate guidance. In this context students are more likely to take responsibility for their learning and to retain the information they gather for themselves.

In a resource-based learning environment, students and teachers make decisions about appropriate sources of information, tools for learning methods of access and how to access them. A resource-based approach raises the issues of selecting and evaluating a wide variety of information sources. The development of the critical skills needed for these tasks is essential to the social studies processes.

The range of possible resources include:

- print: books, magazines, newspapers, documents, and publications
- visuals: maps, illustrations, photographs, pictures, and study prints
- artifacts: concrete objects, educational toys, and games
- individual and community: interviews, museums, field trips
- multimedia: films, audio and video tapes, laser and video discs, television, and radio
- information technology: computer software, databases, CD-ROMs
- communication technology: Internet, news groups, e-mail

Resource-based learning implies the need to provide appropriate resources and professional development for teachers. Guidelines and policies for the selection of appropriate materials should also be in place.

It is necessary that administrators, teachers, teacher librarians, other library/resource/media centre staff, parents, and community agencies collaborate to ensure students' access to available resources to support resource-based teaching and learning.

Instructional Implementation Instructional practices must:

- foster a learning environment which is free from bias and unfair practices based on ability, race, ethnicity, culture, gender, or socio-economic status
- promote opportunities to develop positive self-images that will enable students to transcend stereotypes and develop as individuals

- promote communication and understanding among those who differ in attitude, knowledge, points of view, and dialect, as well as among those who are similar
- help students explore and understand why different people have different perspectives
- encourage and enable students to question their own assumptions, and imagine, understand and appreciate realities other than their own
- ensure the equitable sharing of resources, including teacher attention and support
- provide opportunities for students to work co-operatively in a variety of groupings
- enable students to examine and critique age-appropriate materials, resources, and experience which exhibit bias and prejudice
- use a multidisciplinary lens to examine historical and current equity and bias issues;
- promote opportunities in non-traditional careers and occupations for members of both genders; and
- encourage students to challenge prejudice and discrimination which result in unequal opportunities for some members of society

The Atlantic provinces, through APEF and their departments of education, are committed to using accepted equity principles and practices in approving new social studies curricula and resources.

Effective Assessment and Evaluation Practices

Introduction

Assessment is the systematic process of gathering information on student learning.

Evaluation is the process of analyzing, reflecting upon, and summarizing assessment information and making judgments or decisions based upon the information gathered.

Assessment and evaluation are essential components of teaching and learning in social studies. Without effective assessment and evaluation, it is impossible to know whether students have learned, whether teaching has been effective, or how best to address student learning needs. The quality of the assessment and evaluation in the educational process has a profound and well-established link to student performance. Research consistently

shows that regular monitoring and feedback are essential to improving student learning. What is assessed and evaluated, how it is assessed and evaluated, and how results are communicated send clear messages to students and others about what is really valued—what is worth learning, how it should be demonstrated, what elements of performance are considered most important, and how well students are expected to perform.

Teacher-developed assessments and evaluations have a wide variety of uses, such as:

- providing feedback to improve student learning
- determining if curriculum outcomes have been achieved
- certifying that students have achieved certain levels of performance
- setting goals for future student learning
- communicating with parents about their children’s learning
- providing information to teachers on the effectiveness of their teaching, the program, and the learning environment
- meeting the needs of guidance and administration personnel

Assessment

To determine how well students are learning, assessment strategies have to be designed to systematically gather information on the achievement of the curriculum outcomes. In planning assessments, teachers should use a broad range of strategies in an appropriate balance to give students multiple opportunities to demonstrate their knowledge, skills, and attitudes. Many types of assessment strategies can be used to gather such information, including, but not limited to:

- formal and informal observations
- work samples
- anecdotal records
- conferences
- tests
- portfolios
- learning journals
- questioning
- performance assessment
- peer and self-assessment

Evaluation

Evaluation involves teachers and others analysing and reflecting upon information about student learning gathered in a variety of ways. This process requires:

- developing clear criteria and guidelines for assigning marks or grades to student work
- synthesizing information from multiple sources

- weighing and balancing all available information
- using a high level of professional judgment in making decisions based upon that information

Reporting

Reporting on student learning should focus on the extent to which students have achieved the curriculum outcomes.

Reporting involves communicating the summary and interpretation of information about student learning to various audiences who require it. Teachers have the responsibility to explain accurately what progress students have made in their learning and to respond to parent and student inquiries about learning.

Narrative reports on progress and achievement can provide information on student learning that letter or number grades alone cannot. Such reports might, for example, suggest ways in which students can improve their learning and identify ways in which teachers and parents can best provide support.

Effective communication with parents regarding their children's progress is essential in fostering successful home-school partnerships. The report card is one means of reporting individual student progress. Other means include the use of conferences, notes, and phone calls.

Guiding Principles

In order to provide accurate, useful information about the achievement and instructional needs of students, certain guiding principles for the development, administration, and use of assessments must be followed. *Principles for Fair Student Assessment Practices for Education in Canada* (1993) articulates five basic assessment principles.

- Assessment strategies should be appropriate for and compatible with the purpose and context of the assessment.
- Students should be provided with sufficient opportunity to demonstrate the knowledge, skills, attitudes, or behaviours being assessed.
- Procedures for judging or scoring student performance should be appropriate for the assessment strategy used and be consistently applied and monitored.
- Procedures for summarizing and interpreting assessment results should yield accurate and informative representations of a student's performance in relation to the curriculum outcomes for the reporting period.
- Assessment reports should be clear, accurate, and of practical value to the audience for whom they are intended.

These principles highlight the need for assessment that ensures that:

- the best interests of the student are paramount
- assessment informs teaching and promotes learning
- assessment is an integral and ongoing part of the learning process and is clearly related to the curriculum outcomes
- assessment is fair and equitable to all students and involves multiple sources of information

While assessments may be used for different purposes and audiences, all assessments must give each student optimal opportunity to demonstrate what he/she knows and can do.

Assessing and Evaluating Student Learning in the Social Studies Classroom

Evaluation in social studies emphasizes assessment activities that incorporate the skills, perspectives, and knowledge of many fields and disciplines.

Instruction and evaluation are centred around outcomes. Not only are outcomes used in providing structured teaching and learning, but they also provide a framework for assessment and evaluation.

Assessment in the social studies is an integral and ongoing part of the learning process. Assessment can be used to shape instruction to increase student achievement. Assessment strategies should inform the daily instructional process. Moreover, students require frequent opportunities to assess and evaluate their own learning and performance.

In the social studies classroom, there should be a balanced approach to assessment in which emphasis is given to the learning process as well as the products of learning. Assessment in social studies should reflect the following practices:

- assessing rich, well-structured knowledge
- assessing social studies processes
- designing assessment tasks in ways that recognize various learning styles
- engaging students in ongoing assessment of their work and that of others
- assessing the learning process
- assessing a variety of products
- assessing to inform effective planning and instruction

These practices should be reflected in the variety of teaching and assessment strategies that teachers use. Additionally, the following methods contribute to assessment practices which provide a balance between process and product:

- case studies
- interviews
- rubrics
 - simulations
 - checklists
 - reports
 - questionnaires
 - oral presentations
 - role plays
 - debates
 - panel discussions
 - learning contracts
 - demonstrations

