

# **Gender-Based Distinctions**

**Lesson Video: Grades 9-12**

# Overview

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**Teacher:** Tim Rockey  
**Grade:** 12  
**School:** Sunnyslope High School  
**Location:** Phoenix, Arizona

**NCSS Standards-Based Themes: Power, Authority, and Governance; Civic Ideals and Practices**

**Content Standards: Civics, History**

## Video Summary

When does the government have the right to treat men and women differently? Students in Tim Rockey’s 12th-grade A.P. Government and Politics class have been studying the civil rights movement. In this lesson, students analyze and evaluate legal interpretations of gender discrimination based on the Civil Rights Act of 1964, its amendments in 1972, and related court rulings.

In the lesson, students engage the rules of civil discourse by debating controversial gender discrimination laws and by working together to reach consensus. Mr. Rockey gives each group a list of gender-based distinctions—some legal and some illegal—and asks students to discuss the issues surrounding each. Next, he asks students to make a *determination* (a legal term meaning “judicial decision”) as to whether the distinction is reasonable or unreasonable. Each group then produces a poster stating when they believe it is reasonable to discriminate based on gender. They explain the criteria they used to arrive at their determination, and also discuss the quality of the interaction among group members. The lesson concludes with a lively class discussion between the two genders.

## Standards

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*Expectations of Excellence: Curriculum Standards for Social Studies* defines what students should know and be able to do in social studies at each educational level. This lesson correlates to the following standards for high school students:

### **VI. Power, Authority, and Governance**

Examine persistent issues involving the rights, roles, and status of the individual in relation to the general welfare; explain the purpose of government and analyze how its powers are acquired, used, and justified.

# Standards, cont'd.

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## X. Civic Ideals and Practices

Explain the origins and continuing influence of key ideals of the democratic republican form of government, such as individual human dignity, liberty, justice, equality, and the rule of law; locate, access, analyze, organize, synthesize, evaluate, and apply information about selected public issues—identifying, describing, and evaluating multiple points of view; practice forms of civic discussion and participation consistent with the ideals of citizens in a democratic republic; evaluate the degree to which public policies and citizen behaviors reflect or foster the stated ideals of a democratic republican form of government.

### Content Standards: Civics, History

## About the Class

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### Classroom Profile

“Government encompasses a lot of rules, so the way I present it to students is: ‘Here are the rules, now let’s go play the game.’ I want my students to walk out with the skills they need to be citizens. They can make rational decisions; they feel like voters. It’s about political efficacy. It’s about believing that you can make a difference, you do make a difference, and you know how.”  
—Tim Rockey

Tim Rockey teaches 12th-grade A.P. Government and Politics at Sunnyslope High School. Located in north-central Phoenix, Sunnyslope straddles high- and low-income neighborhoods close to the city’s center. The student population reflects the diversity in the surrounding urban communities: Roughly half of the students are minorities and many are recent immigrants. Sunnyslope sponsors a strong peer leadership program to enhance student interaction and build community life. Approximately one-quarter of the students at Sunnyslope elect to enroll in advanced placement classes, and there is currently a waiting list for students who want to attend the school.

Twelfth-grade government is a social studies requirement in Arizona, and Mr. Rockey structured the units in his class based on the advanced placement frameworks for teaching government. He began the year with a unit on the American electorate, which coincided with the national and local elections that were taking place that fall. Students participated in opinion polls for the governor, mayor, and state representatives. They also published a newspaper called *The Voters Guide*. This involved studying the electoral issues on Arizona’s long ballot, writing an editorial about one of the ballot issues, helping print the newspaper, and distributing it to every household in the surrounding communities. (*The Voter’s Guide* gained such strong recognition in the local area that candidates actually bought ads in the publication.)

Year at a Glance
The American Electorate
The Constitution
Policy-Making
Congress
The Presidency
The Judiciary
<b>Civil Rights and Civil Liberties</b>
Comparative Governments
A.P. Exam Review

# About the Class, cont'd.

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Following a unit on the American electorate, students studied the Constitution, policy-making, Congress, the presidency, and the judiciary. The class also participated in the state's mock trial. By the end of the year, when Mr. Rockey's students began the lesson on gender-based distinctions, they had a solid grasp of the different branches of government; the role of each branch in establishing, executing, and enforcing laws; and their own responsibilities as citizens of the United States.

In the lesson shown in "Gender-Based Distinctions," Mr. Rockey used civil rights legislation and court rulings to teach students how individual rights are established and protected, and promoted civil discourse of the controversial issues surrounding civil rights. The lesson concluded with group presentations and a class discussion. The class then moved on to the unit Comparative Governments, in which they compared American civil rights and laws to those of other countries.

## Lesson Background

Read this information to better understand the lesson shown in the video.

### Content: Civil Rights Legislation

Against a historical backdrop of racial violence and legal discrimination in America, the landmark **Civil Rights Act of 1964** banned discrimination in all public facilities and gave added power to the courts to enforce voting rights and the integration of public schools. It also included an equal opportunity provision, prohibiting discrimination in hiring based on race, sex, religion, or national origin. Title VII of the Civil Rights Act was amended in 1972 by the **Equal Employment Opportunity Act**, prohibiting discrimination in the private workplace on the basis of sex, race, religion, or national origin. Title IX of the Civil Rights Act was also amended in 1972, by the **Education Amendments**, prohibiting discrimination on the basis of sex in any education program receiving federal funding.

While the civil rights era was marked by unprecedented progress for minorities and women, the legislation that enforced equality was considered very controversial. First introduced in 1923, Congress passed the **Equal Rights Amendment (ERA)** in 1972, prohibiting the denial of any Constitutional right based on gender. In order to become law, however, the amendment had to be ratified by at least 38 states. Although initially supported by most states, it was ultimately considered too controversial. On June 30, 1982, the deadline for ratification passed without the necessary votes. On July 14, 1982, the ERA was reintroduced in Congress. It has been before every session of Congress since then. The most recent bill imposes no deadline on the ratification process, but passing the amendment into law would require a "yes" vote by two-thirds of each house of Congress along with ratification by at least 38 states.

### Gender-Based Distinctions

In this lesson, students discussed the following examples of gender-based distinctions, established by civil rights legislation and court precedent.

- States cannot set different ages at which men and women legally become adults.
- Employers cannot require women to take mandatory pregnancy leaves.
- Girls cannot be barred from Little League baseball teams.
- Women can keep their maiden names after marriage.
- Public facilities, businesses, and service clubs may not exclude one gender.
- Schools must pay coaches of girls' and boys' teams equally.
- Hospitals may bar fathers from the delivery room.
- A law may be written that punishes males but not females for statutory rape.
- Single-sex public schools are permitted if enrollment is voluntary and quality is equal.

# About the Class, cont'd.

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- States can give widows a property-tax exemption not given to widowers.
- The Navy may allow women to remain as officers longer than men without being promoted.
- Congress may exclude women from the military draft.
- Girls may not be prevented from competing against boys in noncontact high school sports.

## Teaching Strategy: Cooperative Learning and Civil Discourse

Controversial issues provide opportunities to promote and practice civil discourse in the classroom. Established guidelines for civil discourse help structure and neutralize students' interactions during discussions about controversial topics. The following guidelines are used in Mr. Rocky's classroom:

- Everyone should participate and offer ideas.
- Seek to understand before being understood.
- Ask clarifying questions.
- Separate yourself from your ideas.
- Challenge ideas, but respect each other's views.

One strategy for small-group discussions is cooperative learning. Each student in the group is assigned a role (reader, recorder, facilitator, and process keeper) to ensure participation by every member of the group. You can convey your expectations for effective group discussions using the "fishbowl" approach: One group models a discussion, the class observes, and you provide feedback on the group's work.

# Watching the Video

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As you reflect on these questions, write down your responses or discuss them as a group.

## Before You Watch

Respond to the following questions:

- What are the benefits and challenges of teaching controversial topics in social studies?
- Do you think a teacher should divulge his or her own position on controversial issues?
- How do you create a safe classroom environment that encourages students to participate fully and share their ideas and opinions? Are there specific, non-negotiable ground rules that you put in place before discussion begins?
- How do you ensure full participation by students in small-group work?
- Why is it important for students to be able to relate social studies concepts to their own lives? What are some of the ways that you help students do this?

# Watching the Video, cont'd.

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## Watch the Video

As you watch “Gender-Based Distinctions,” take notes on Mr. Rockey’s instructional strategies, particularly how he pursues multiple goals in the lesson. Write down what you find interesting, surprising, or especially important about the teaching and learning in this lesson.

## Reflecting on the Video

Review your notes, then respond to the following questions:

- What struck you about the classroom climate, background, preparation, strategies, and materials used in this lesson?
- Why do you think Mr. Rockey decided to focus his lesson on gender-based discrimination?
- How did Mr. Rockey clarify the goals of the lesson before students began their work?
- How did Mr. Rockey encourage groups to stay focused on all of the goals in the lesson?
- What evidence did you notice that students were thinking, that they were civil in their discussions, and that they worked together to produce posters?
- What roles does Mr. Rockey assume during the group discussions, group presentations, and later in the whole-class discussion?
- How is this class different from yours? How would you introduce controversial topics in your social studies class?

## Looking Closer

Here’s an opportunity to take a closer look at interesting aspects of Mr. Rockey’s lesson.



### Assessing Small-Group Discussions: Video Segment

Go to this segment in the video by matching the image (to the left) on your TV screen. You’ll find this segment approximately 12 minutes into the video. Watch for about five minutes.

After students watch one group model a discussion, they divide into small groups to talk about gender-based issues. Mr. Rockey checks in with the groups as they work.

- What do you notice about the way Mr. Rockey works with each group?
- When and how does he intervene, and what are the results?
- What role does “validating” student work play in learning?

# Watching the Video, cont'd.

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## Facilitating Civil Discourse: Video Segment

Go to this segment in the video by matching the image (to the left) on your TV screen. You'll find this segment approximately 18 minutes into the video. Watch for about five minutes.

Students have completed and presented their small-group work. In a whole-class setting, with males and females facing each other, Mr. Rockey leads a discussion about various gender-based issues.

- Why do you think Mr. Rockey decided to use the male/female configuration for discussing these issues? What are the benefits of dividing the class along gender lines? What are the benefits of using mixed gender groups for the discussion?
- How does Mr. Rockey get the discussion back on course when students' comments drift to other topics? Are there times when it is appropriate to let a discussion drift off course?
- What evidence do you see of student engagement and learning?
- What evidence do you see of NCSS standards being addressed in this lesson?

# Connecting to Your Teaching

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## Reflecting on Your Practice

As you reflect on these questions, write down your responses or discuss them as a group.

- What topics in your course matter lend themselves to small-group discussion? How do you help students stay focused on content and group participation?
- How do you measure the success of group work?
- What controversial issues are raised in your course? How might you apply the rules of civil discourse or elements of cooperative learning to your subject matter?
- How do you prepare students for civil discourse on a controversial topic?
- What makes this kind of discussion effective?

# Connecting to Your Teaching, cont'd.

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## Taking It Back to Your Classroom

- Ask students to research actual Supreme Court cases related to gender discrimination. For example, *United States v. Virginia* (1996) addresses the question, Does Virginia's creation of a women's-only academy satisfy the Fourteenth Amendment's equal protection clause?
- Ask students to research Title IX as it applies to school sports teams. Have students prepare to debate the issues of equal funding for boys' and girls' sports, or whether girls should be allowed to play on the boys' football team and boys to play on the girls' field hockey team (two issues that have come up recently in the world of high school sports).
- Choose a controversial law or court ruling related to your curriculum, and develop a guiding question for small-group discussion. Before they begin, ask students to develop their own criteria for a successful discussion. Then use Mr. Rockey's "fishbowl" strategy to illustrate effective discussion and to evaluate student interactions.
- Have students analyze some or all of the actual text of the Civil Rights Act of 1964 and the 1972 amendments. Have them take notes and summarize what they learn from this primary source, then compare their notes with summaries found in secondary sources.
- Ask students to find Supreme Court cases related to racial discrimination, such as *Plessy v. Ferguson* and *Brown v. Board of Education of Topeka*. Ask them to summarize the finding in each case and explain the Court's changing view of racial bias over time.
- Have students research and take sides on an issue that is currently being debated in their local or state government. After research and discussion, make arrangements for students to express their views in a more public forum (for example, in a letter to the editor of the local paper or in a speech or presentation at a town council meeting). Encourage students to actively participate in the public discussion and debate process.

## Resources

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### Print Resources for Students

Cushman, Clare, ed. *Supreme Court Decisions and Women's Rights: Milestones to Equality*. Washington, D.C.: Congressional Quarterly Books, 2000.

Epstein, Cynthia Fuchs. *Deceptive Distinctions: Sex, Gender, and the Social Order*. New Haven, Conn.: Yale University Press, 1990.

Sather, Trevor, ed. *Pros and Cons: A Debater's Handbook*. 18th ed. New York: Routledge, 1999.

Stearman, Kaye, and Nikki Van Der Gaag. *Gender Issues*. Global Issues. New York: Raintree/Steck Vaughn, 1996.



# Resources, cont'd.

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## Print Resources for Teachers

Babcock, Barbara Allen, et al. *Sex Discrimination and the Law: History, Practice, and Theory*. 2d ed. Law School Casebook Series. New York: Little Brown & Co. Law & Business, 1996.

Kay, Herma Hill, and Martha S. West. *Text, Cases and Materials on Sex-Based Discrimination*. 4th ed. American Casebook Series. Belmont, Calif.: West Wadsworth, 1996.

United States Supreme Court. *Supreme Court Cases on Gender and Sexual Equality, 1787-2001*. Edited by Christopher A. Anzalone. Armonk, N.Y.: M.E. Sharpe, Inc., 2001.

## Web Resources for Students

Civil Rights Act of 1964: <http://www.usbr.gov/laws/civil.html>

The Civil Rights Act of 1964 and the Civil Rights Amendment of 1991 are available on this site in their entirety, along with related explanations and anecdotes.

Gender Equity: Title IX: <http://www.ed.gov/pubs/TitleIX/part3.html>

This site provides an outline and discussion of Title IX of the 1972 Education Amendments, including graphs and statistics of changes in the last 25 years.

Public Agenda Online: <http://www.publicagenda.org/index.html>

An online forum for national issues and citizen education, PAO features in-depth policy analysis and opinion studies.

Women's Bar Association of the State of New York: [http://www.wbasny.org/law\\_related\\_sites.htm](http://www.wbasny.org/law_related_sites.htm)

This site is dedicated to the promotion and advancement of women in legal professions and spotlights law-related links, including the Congressional and Federal Court systems.

## Web Resources for Teachers

Group Work on Sex and Gender Distinction: <http://webserver.lemoyne.edu/~kagan/sexgen1.htm>

On this site, Professor Michael Kagan of Le Moyne College offers a lesson plan for group work on sex-based discrimination.

Legal Information Institute: <http://www.4.law.cornell.edu/>

LII functions as a law search engine and resource center, accessible to legal professionals, teachers, and students.

# Notes

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