

TEACHER CRITICAL CONTENT NOTES

BENCHMARK

SS.5.CG.3.3 *Explain the role of the court system in interpreting the law and settling conflicts.*

BENCHMARK CLARIFICATIONS

- Students will explain why the U.S. Supreme Court is the highest court in the system.
- Students will explain why both the United States and Florida have a Supreme Court.

WHERE STUDENTS HAVE BEEN

3rd Grade	<p>SS.3.CG.3.1 Explain how the U.S. and Florida Constitutions establish the structure, function, powers, and limits of government.</p> <ul style="list-style-type: none"> ● Students will recognize that the U.S. Constitution and the Florida Constitution establish the framework for national and state government. ● Students will recognize how government is organized at the national level (e.g., three branches of government). ● Students will provide examples of people who make and enforce the laws in the United States (e.g., congress and president) and Florida (e.g., state legislature and governor). <p>SS.3.CG.3.2 Recognize that the government has local, state, and national levels.</p> <ul style="list-style-type: none"> ● Students will recognize that each level of government has its own unique structure and responsibilities. ● Students will distinguish between the responsibilities of the local, state, and national governments in the United States.
4th Grade	<p>SS.4.CG.3.1 Explain the structure and function of the legislative, executive, and judicial branches of government in Florida.</p> <ul style="list-style-type: none"> ● Students will compare the powers of Florida's three branches of government. ● Students will explain how the Declaration of Rights in the Florida Constitution protects the rights of citizens. <p>SS.4.CG.3.2 Compare the structure, functions, and processes of local and state government.</p> <ul style="list-style-type: none"> ● Students will identify how government is organized at the local and state level including, but not limited to, legislative branch (e.g., legislature, city/county commission), executive branch (e.g., governor, mayor) and judicial branch (e.g., county and circuit courts).

WHERE STUDENTS ARE GOING

Middle School Civics	<ul style="list-style-type: none"> ● SS.7.CG.1.11 ● SS.7.CG.2.5 ● SS.7.CG.3.3 ● SS.7.CG.3.4 ● SS.7.CG.3.9 ● SS.7.CG.3.11 ● SS.7.CG.3.12
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TIMING/PACING NOTES

- This benchmark may be taught at any time during the school year.
- This benchmark may be taught alongside SS.5.CG.3.6, which addresses federalism.

UNDERSTANDING THE BENCHMARK

→ What to know:

- ◆ Explain can mean: write, detail, justify, or describe
- ◆ The U.S. Constitution and Florida Constitution provide the respective framework for the structure, function, and processes of each branch of government
- ◆ Article III of the U.S. Constitution outlines the establishment of a United States Supreme Court as well as inferior courts. Further structures of the national judiciary were established through the Judiciary Act of 1789
- ◆ The 10th Amendment defines the concept of federalism and does not deny states the power to create their own court system
- ◆ Article V of the Florida Constitution outlines the establishment of a Florida Supreme Court, district courts of appeal, circuit courts, and county courts
- ◆ *Marbury v. Madison* (1803) establishes the United States Supreme Court's power of judicial review (determining whether laws/actions are constitutional)
- ◆ Supreme Courts are not trial courts
- ◆ Courts in the judicial system rely on judges and/or juries in the administration of justice
- ◆ The jurisdictions of both Supreme Courts are outlined in their respective constitutions

→ Main concepts to teach:

- ◆ The role of the court system
- ◆ The U.S. Supreme Court is the highest court in the system
- ◆ The United States and Florida both have a Supreme Court

→ Examples:

- ◆ Role of the court system
 - Interpret laws/Determine constitutionality
 - Administer justice in criminal and civil matters
 - Act as a check on the legislative and executive branches
 - Protect individual rights
 - Ensure fair procedures are followed
- ◆ The U.S. Supreme Court
 - Organization:
 - Consists of nine justices, one Chief Justice, and eight Associate Justices
 - Justices are nominated by the President and confirmed by a majority of the Senate
 - Justices hold office as long as they choose and can only be removed from office by impeachment
 - Housed in the Supreme Court Building in Washington, D.C.

- Role:
 - Outlined in Article III of the U.S. Constitution
 - Further defined in *Marbury v. Madison* (1803)
 - Highest court in the system
 - The U.S. Supreme Court gets final say on the constitutionality of laws/actions
 - The U.S. Supreme Court may review decisions made by all lower courts
 - State Supreme Court cases may be appealed to the U.S. Supreme Court
- ◆ Florida Supreme Court
 - Organization:
 - Consists of seven justices, at least five judges must participate in every oral argument with at least four justices in the majority for a decision to be reached
 - Justices are selected through an assisted appointment with a governor-controlled judicial nominating commission
 - Justices serve one year, after which they appear on an election ballot for retention. If retained, they serve six-year terms and must retire at 75
 - Housed in the Supreme Court Building located in Tallahassee
 - Role:
 - Outlined in Article V of the Florida State Constitution
 - Highest court in the state judicial system
 - Hears appeals from local courts
 - Determines constitutionality of Florida laws

CONTENT BACKGROUND KNOWLEDGE

Information on the U.S. Supreme Court:

1. [The U.S. Supreme Court](#)
2. [Supreme Court Justices](#)
3. [Court Systems: Federal and State Courts](#)
4. [Article III of the U.S. Constitution](#)
5. [Infographic: How the Supreme Court Works](#)

Information on Florida Supreme Court:

1. [Florida Courts: Supreme Court of Florida](#)
2. [Florida Supreme Court: About the Supreme Court System](#)
3. [Florida Supreme Court: List of Justices](#)
4. [Article V of the Florida Constitution](#)