

Free-Response Section

Scoring Guidelines

Question 1: Concept Application

3 points

Learning Objective: CON-2.B

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- (A) Describe the function being carried out by the Federal Communications Commission (FCC) in the scenario. **1 point**
1.D

Acceptable description:

- The FCC is carrying out its rulemaking function in regulating the net neutrality rule.

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- (B) In the context of the scenario, explain how an interest group can affect the process described in part A. **1 point**
1.E

Acceptable explanations include:

- Interest groups can organize people to comment on the proposed rule.
- Interest groups can create an advertisement campaign to influence public opinion about the proposed change in the net neutrality rule.

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- (C) In December of 2017, the FCC created the rule ending net neutrality. Explain how Congress could respond to this decision if it opposes the new rule. **1 point**
1.E

Acceptable explanations include:

- Congress can call on members of the FCC to testify before a committee to discuss the reasons for the proposed rule.
- Congress can pass a law that would override the rule made by the FCC.
- Congress can use the Congressional Review Act to overturn the rule.

Total for question 1 3 points

Question 2: Quantitative Analysis**4 points****Learning Objectives:** PMI-4.A PMI-5.C

(A) Identify the issue that the greatest percentage of Democrats believe should be a top priority in 2019. **1 point**
3.A

- Health care

(B) Describe a difference between Democrats and Republicans on which issues they believe should be a top priority. **1 point**
3.B

Acceptable descriptions include:

- Democrats tend to focus on social welfare policies whereas Republican prioritize national security and defense.
- Democrats prioritize environmental/climate change issues, whereas Republicans concern themselves with public safety issues.
- Democrats are concerned about race relations whereas Republicans are concerned about immigration.

(C) Draw a conclusion about why the parties differ on the issues shown on the chart. **1 point**
3.C

Acceptable conclusions include:

- The Democratic Party base tends to include people who need or want the government to be more involved in addressing social issues than the Republican Party base.
- The Republican Party base tends to want the government to be less involved in social issues and more focused on increasing American power internationally and on economic growth.
- Democrats adhere to a liberal ideological perspective whereas the Republicans adhere to a conservative ideological perspective.

(D) Explain how the information in the chart could be used by candidates running for office. **1 point**
3.D

Acceptable explanations include:

- Candidates running for office should emphasize their support for issues that are supported broadly by all, such as social security when running in general elections.
- Republican candidates can highlight issues such as terrorism to mobilize their base supporters.
- Democratic candidates can emphasize climate change to mobilize their base supporters.

Total for question 2 4 points

Question 3: SCOTUS Comparison**4 points****Learning Objectives:** PMI-3.A PMI-3.A PMI-3.A

- (A) Identify the clause of the Fourteenth Amendment that is common to both *Brown v. Board of Education of Topeka* (1954) and *San Antonio Independent School District v. Rodriguez* (1973). **1 point** 2.C

Acceptable explanations include the following:

- Equal protection

- (B) Explain how the difference in facts led to a different decision in both *Brown v. Board of Education of Topeka* and *San Antonio Independent School District v. Rodriguez*. **2 points** 2.A

One point for describing relevant information

- *Brown* was a case that involved segregation in a public school district.

One point for correctly explaining how the facts of both cases led to a different holding **1 point** 2.C

- In *Brown*, the school district intentionally created segregated schools under the “separate but equal” principle established in a previous case. The Court ruled that this violated the equal protection clause of the Fourteenth Amendment. By contrast, the *Rodriguez* case was about state funding for schools, which happened to produce unequal schools. Since it wasn’t “purposeful discrimination”, such as in the *Brown* case facts, the Court ruled that it was not a violation of students’ constitutional rights.

- (C) Explain how the outcome in *San Antonio Independent School District v. Rodriguez* demonstrates how public policy regarding equality of opportunity is affected by federalism in the United States. **1 point** 1.E

Acceptable explanations include the following:

- The case shows that states are given considerable power to make public policy regarding equality of opportunity.
- The case shows that states make important decisions about issues such as education funding, which affects equality of opportunity, but these decisions can be reviewed by the federal courts to see if they are constitutional.

Total for question 3 4 points

Question 4: Argument Essay

6 points

Learning Objectives: CON-4.B CON-5.A PMI-1.1.B LOR-2.D

Reporting Category	Scoring Criteria	
Row A Claim/Thesis (0–1 point) 5.A	0 points Does not meet the criteria for one point.	1 point Responds to the prompt with a defensible claim or thesis that establishes a line of reasoning.
	Decision Rules and Scoring Notes	
	Responses that do not earn this point: - Only restates the prompt. - Do not make a claim that responds to the prompt.	Responses that earn this point: - Respond to the prompt rather than restating or rephrasing the prompt and establishes a line of reasoning. - Provide a defensible claim or thesis that establishes a line of reasoning about whether the congressional procedure outlined in the Constitution for impeachment and removal is an effective check on the president, too weak a check on the president, or too strong a check on the president. Examples that earn this point: <i>“The procedure for impeachment is too weak of a check because it requires a two-thirds majority in the Senate to remove a president.”</i> <i>“The procedure is too strong a check because Congress tends to be politically polarized and this can lead to abuse.”</i> <i>“The procedure is an effective check because the removal of a president is a serious matter which should require that both chambers of Congress are involved in the process.”</i>
Additional Notes: - The claim or thesis must consist of one or more sentences that can be located anywhere in the response. - The claim or thesis that meets the criteria can be awarded the point whether or not the rest of the response successfully conveys that line of reasoning.		

Reporting Category	Scoring Criteria			
Row B Evidence (0–3 points)	0 points Does not meet the criteria for one point.	1 point Provides one piece of evidence that is <u>relevant to the topic</u> of the prompt.	2 points Uses <u>one</u> piece of specific and relevant evidence to <u>support the claim or thesis</u> .	3 points Uses <u>two</u> pieces of specific and relevant evidence to <u>support the claim or thesis</u> .
5.B	Decision Rules and Scoring Notes			
	Responses that do not earn points: - Do not provide any accurate evidence. - Provide evidence that is not relevant to the topic.	Responses that earn 1 point: - Provide one piece of evidence relevant to the topic of the prompt - May or may not have a claim or thesis.	Responses that earn 2 points: Provide one piece of specific and relevant evidence that supports the claim or thesis. This evidence can come from one of the foundational documents listed in the prompt, any other foundational document, or from knowledge of course concepts.	Responses that earn 3 points: Provide two pieces of specific and relevant evidence that support the claim or thesis. One of these pieces of evidence must come from a foundational document listed in the prompt. The other piece of evidence can come from a different foundational document or from knowledge of course concepts.
	Examples that do not earn points: <i>Provide evidence that is not specific</i> “Brutus 1 is an example of the anti-federalist perspective.” <i>Provide evidence that is not relevant to the topic of the prompt</i> “Federalist 70 was written by Alexander Hamilton.”	Examples of evidence that are relevant to the <u>topic</u> of the prompt: “Brutus 1 expresses a concern over the power of the executive.” “Federalist 51 is about checks and balances.”	Examples of acceptable specific and relevant evidence that support the argument (one example is one piece of evidence): “The high bar for impeachment and removal is set through a majority of votes in the House and a two-thirds majority vote in the Senate. This makes it nearly impossible to remove a president.” “Among impeachable offenses are treason, and high crimes and misdemeanors, the latter of which seems to cast a wide net in terms of offenses that might be impeachable.” “Brutus 1 argues that the executive branch will become too powerful. This supports the argument that the process for checking the executive branch is too weak.” “Federalist 51 argues in favor of a balance of power and suggests that the impeachment power of Congress strikes an appropriate balance between the executive and the legislative branches.” “Federalist 70 argues in favor of a strong an active executive branch. However, to meet such expectations, the extensive authority of Congress to remove the president perhaps should be reconsidered.”	
Additional Notes: To earn two or three points in Row B, the response must have a defensible claim or thesis (earned the point in Row A).				

Reporting Category	Scoring Criteria	
Row C Reasoning (0–1 point)	0 points Does not meet the criteria for one point.	1 point Explains how or why the evidence supports the claim or thesis.
5.C	Responses that do not earn this point: • Include evidence but offer no reasoning to connect the evidence to the claim or thesis. • Restate the prompt without explaining how the evidence supports the claim or thesis.	Decision Rules and Scoring Notes Responses that earn this point: • Explain the relationship between the evidence provided and the claim or thesis. Examples of reasoning that explains how the evidence supports the claim or thesis: • <i>“The argument in Brutus 1 follows the logic of Brutus’ concern over the rights of people in an extended republic, which might be easily discarded by a reckless president.”</i> • <i>“Federalist 51 argues that ambition must counteract ambition between the branches of government. That balanced approach is embodied in the impeachment process, which includes all branches of government if the president is being impeached.”</i> • <i>“Federalist 70 argues for a strong single executive. The actions of the president will likely create tension with Congress which could invite politically driven impeachment. Under the current plan, it seems impeachment can be used as a tool for Congressional leaders to grab power and thwart executive assertiveness.”</i> • <i>“Modern Presidents exercise far too much control over public opinion than Congress, thus making it extraordinarily difficult for Congress to exercise this power.”</i>
	Additional Notes: • To earn this point, the response must have a defensible claim or thesis (earned the point in Row A) and support that argument with at least one piece of specific and relevant evidence (earned at least two points in Row B). • The explanation of the relationship between one piece of evidence and the claim or thesis is sufficient to earn this point.	

Reporting Category	Scoring Criteria	
Row D Responds to Alternate Perspectives (0–1 point)	0 points Does not meet the criteria for one point	1 point Responds to an opposing or alternate perspective using refutation, concession, or rebuttal.
5.D	Decision Rules and Scoring Notes	
	Responses that do not earn this point:	Responses that earn this point:
	- Restate the opposite of the claim or thesis - May identify or describe an alternate perspective but do not refute, concede, or rebut that perspective Examples that do not earn this point: Restates the opposite of the claim or thesis “Some people argue that a powerful executive need to be checked by Congress and that the process for impeachment should be more available. This is just simply wrong and misses the point.” Describes an alternate perspective but does not refute, concede, or rebut that perspective “Presidents are powerful and oftentimes use their power to take over aspects of the legislative branch.”	- Must describe an alternate perspective AND refute, concede, or rebut that perspective. Examples of acceptable responses to an alternate perspective may include: “A different perspective might argue that there needs to be a less strict procedure for impeachment so that poorly performing presidents can be removed, however, if an amendment is passed making it easier to impeach a president, then it would be the will of Congress, not the people who pick our presidents.” “Others would say presidents are too often threatened with impeachment which undermines the will of the executive branch. This view ignores that our government is one of the people, and it is the strong executive will that most competes with the people’s will, which is best reflected in a deliberative chamber such as Congress rather than the presidency.”
Additional Notes:		- To earn this point, the response must have a defensible claim or thesis (earned the point in Row A). - Responses that demonstrate an incorrect understanding of the alternate perspective do not earn this point.