

Final Examination

Constitutional Law II

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INSTRUCTIONS:

1. You have **three (3) hours** to complete this exam.
2. This is a **closed book** exam. No materials may be used during this exam.
3. There are **3 parts** to this exam:

PART I: 16 multiple choice questions. The total number of points allocated to PART I is **32**. Be certain to read each question fully and carefully. Often one word may make a difference. There is one best answer for each question. You must choose among the answers provided. The fact that there may be an additional unlisted answer which you like better must be ignored. (Recommended time: **55 minutes**)

PART II: (70 minutes) Three short answer essay questions counting for **38** points total.

PART III: (55 minutes) One essay question counting for **30** points.

Allocate your time accordingly. Think about the questions before you begin to write. If something is unclear to you, state your assumptions clearly and then proceed. Recommended time:

For the Multiple Choice, darken in the letter corresponding to the correct answer on the ParScore answer sheet. If you change your answer, please be sure your erasures are complete. The exam will be scored by a machine and any ambiguities will be counted as a wrong answer.

Please use pen for the Essay Question. Write on only ONE SIDE OF EACH PAGE if you are writing your answer in a Blue Book. DOUBLE SPACE your work, whether written or typed.

4. Write your exam number on your exam envelope, at the top of this exam question packet, your Par Score sheet, and any blue books or typed essays. **Do not use**

your name, student ID number or Social Security Number on any exam materials.

5. At the conclusion of the exam, return all test materials, including blue books, ParScore answer sheet, scratch paper, and this exam packet to the envelope and submit it to the proctor. **DO NOT** seal the envelope. Students who do not return all exam materials at the end of the exam may not be graded.

STAY COOL! YOU'LL DO FINE! RELAX!

PART III

ESSAY QUESTION

(30 points; 60 minutes)

You are counsel for a public school system in California. The district is known for its educational innovation, and its constant attempts to improve the learning environment for its students. It covers a large metropolitan area. It asks you to evaluate the following programs to determine if there may be any constitutional problems concerning them (ignore possible statutory issues).

First, the district has a very successful program to improve the achievement of girls in math by separating boys and girls for junior high math classes (grades 6-8). For over 50 years, boys outperformed girls on math achievement tests, and many fewer girls than boys took advanced high school math classes. Since instituting the program of separate classes for boys and girls five years ago, the achievement tests of girls have significantly improved and more girls are taking math classes in high school. Aside from being all boys or all girls the classes are identical.

Second, the district is considering a proposal to set up an alternative high school for African American male students. About 25% of the districts students are African American, and the male students perform at a much lower level than the female students. The district's drop out and failure rate for these young men as a group is particularly high. This new high school, where attendance will be the choice of the student and his parents, will cover all required subjects, but will do so by emphasizing African American history, literature, culture and music. The plan includes hiring as many African American men as teachers/role models. It has the strong support of the African American community. This new school, to be called Pride Academy, is based on a similar successful program set up in France for its minority population. Is such an alternative academy, with its special hiring policy, permissible?

END OF ESSAY END OF EXAM