Who Sets the Rule?

Federal and state powers in two public policy decisions

E.P.2.1.B "Evaluate the impact of the structure and powers exercised by governmental systems on public policy, using historical and contemporary examples."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each government power named in the passage, and circle a policy result linked to that power. Number one historical example and one contemporary example that you could compare.

One Rule or Many?

1. In 1964, a traveler could cross a state line and still be turned away from a hotel because of race. Congress passed the Civil Rights Act, including a rule against racial discrimination in hotels serving interstate travelers. Congress relied on its constitutional power to regulate commerce between states. That choice mattered because some state and local governments had allowed segregation rather than stopping it. A federal rule created a common standard across state borders. But a law on paper was not enough: federal officials could bring lawsuits against businesses that refused to obey it.

2. One hotel owner challenged the rule. In Heart of Atlanta Motel v. United States (1964), the Supreme Court upheld Congress's use of its interstate commerce power to ban discrimination at that hotel. The decision kept the federal rule in force even where local leaders opposed it. Decades later, a different division of power shaped school policy during the COVID-19 pandemic. In 2020, governors and other state officials used state public health authority to close school buildings in many places. These orders did not come from a single national rule requiring every school to close.

3. Meanwhile, Congress approved emergency funding through the CARES Act for states and schools responding to the pandemic. Federal money supported their response, but state and local officials made many decisions about when and how to reopen buildings. Schools in different states therefore followed different schedules and safety rules. Local control could account for different conditions, such as infection levels, but it also meant students did not face one consistent policy nationwide. The two episodes raise a question: when is a nationwide rule worth limiting state choices?

2 ANSWER WITH EVIDENCE

Use the passage

1. How did Congress's power to regulate commerce between states affect hotel policy in 1964?

2. What effect did the Supreme Court's decision have on the federal hotel rule, including in places where local leaders opposed it?

3. How did the division of federal and state powers shape school policy during the pandemic?

4. Which policy in the passage was more consistent across states? Explain how the government's structure produced that difference.

3 YOUR TURN

Your own words

Imagine lawmakers are deciding how to protect students during extreme heat. Propose either a national rule or a state-led approach, and explain which government power would support it, one likely benefit, and one likely drawback.

ANSWER KEY

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HIGH SCHOOL · E.P.2.1.B

PART 1 · READ AND MARK

Underline each government power named in the passage, and circle a policy result linked to that power. Number one historical example and one contemporary example that you could compare. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did Congress's power to regulate commerce between states affect hotel policy in 1964?	**Congress used that power to prohibit racial discrimination in hotels serving interstate travelers, creating a common rule across states.**
2	What effect did the Supreme Court's decision have on the federal hotel rule, including in places where local leaders opposed it?	**By upholding Congress's use of its commerce power, the Court kept the rule in force despite local opposition.**
3	How did the division of federal and state powers shape school policy during the pandemic?	**Congress provided emergency funding, while state officials used public health authority and state and local officials made many reopening decisions. Schools consequently followed different schedules and safety rules.**
4	Which policy in the passage was more consistent across states? Explain how the government's structure produced that difference.	**The hotel rule was more consistent because Congress set a federal standard that the Supreme Court upheld. State and local control over many school decisions led to differing policies.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

I would support state-led rules for closing schools during extreme heat. States could use their authority over schools and public health to set temperature thresholds. This approach could account for differences in climate and whether school buildings have air conditioning. Its drawback is that students in similar heat might receive different protections depending on where they live.

Accept evaluations that accurately connect a government power or division of powers to a policy result. For Your Turn, accept either approach if the proposed power, benefit, and drawback are plausible.