

RIGHTS OF THE LEARNER

COMPLEX INSTRUCTION GOAL: LEARNING MEANS YOU DON'T YET KNOW. UNDERSTANDING COMES FROM WORKING TOGETHER.

Activity: Read “The Rights of the Learner” independently or with a partner in the group. Using *First Turn, Last Turn* protocol, discuss what each “right” means to you and how it can help your learning.

We first encountered the Rights of the Learner (RotL) during a presentation by Olga Torres. Olga was a bilingual elementary school teacher and teacher educator in Tucson, Arizona. Her Rights describe different actions that support student learning. For example, one right we use is the right to make mistakes. Making a mistake is often seen as something bad, as a reason to be embarrassed, and as a sign that you are just not that smart. In reality, mistakes are powerful learning moments (Anderson, R.K., Boaler, J., Dieckmann, J.A., 2018; Boaler, J & Staples, M, 2008; Boaler, J., 2002). By seeing making mistakes as a right of learners, we communicate to students that anyone making a mistake is on the cusp of an important learning moment and we should be ready to celebrate the outcome of the mistake.

The RotL is an essential tool for CI because it helps us talk with students about what learning looks like in a classroom. We tend to have a handful of students who seem to just know things. These are the students who seem to learn quite quickly, without grappling with ideas or information. Often these students are so successful because they have some familiarity with the material or because the mathematical task draws upon their strengths (such as mental math). In contrast, the students who are confused and who aren't sure what to write are seen as less smart and less capable. Yet these are the students who are about to “get smarter”. They need to know that their confusion means that there is something that they don't yet understand and that this means that learning is about to occur!

When we label these learning actions as rights, we remove the stigma of not knowing. We suggest mistakes, confusion, and asking for help are the kinds of things each of our students should do to learn, and eliminate the messages that these are the hallmarks of less capable students.

There is no one, specific, “right” list of the RotL. We present the list that we have been using with our students, but we encourage you to tailor these to meet your needs. Also, Crystal Kalinec-Craig has written a couple of helpful pieces about the Rights of the Learner. You might explore those for more ideas.

Here are the Rights of the Learner we use:

- The right to be confused
- The right to make a mistake
- The right to talk and listen to make sense
- The right to write only what makes sense

Here is some brief information about each right:

The right to be confused: No one really likes to be confused, especially in school when it seems like clarity is the most important component in learning. Yet, several studies have found that some confusion is actually best for learning, particularly when the content is challenging and complex. When students are faced with uncertainty and conflicting information, they have to do more cognitive work than when they are simply told what to do or think. This additional cognitive work results in better learning.

This does not mean that we should try to be obscure and contradictory in our lessons. Instead, we might carefully introduce confusion by asking students to make sense of two different answers. If we want learning to occur, we should accompany this confusion with adequate supports to wrestle with the information.

This right is quite important, but it's not one that aligns well with what your students and their families might think. Studies have shown that students prefer straightforward and clear presentation of ideas. Students who have had clear explanations feel that they have learned more than students presented with confusing contexts and supports to wrestle with the confusion. And you will probably feel more successful after a lesson in which students are happily nodding their heads in satisfaction over the ease of their "learning". We urge you to resist this tempting path toward less robust learning! Instead, help students see that they learn more when they pass through a period of confusion and help them embrace that confusion as part of the effort to learn.

The right to make mistakes: We said a little about this above and there is another lesson devoted to this (Mistake Mania), so we won't elaborate too much here. The right to make mistakes builds quite nicely from the right to be confused. Making mistakes can be a mark of confusion and mistakes can help point directly to the ideas that need reexamination. So, making a mistake and working through mistakes are essential to learning and should be encouraged and celebrated.

The right to talk AND listen to make sense: Making sense of a new idea requires more than hearing it. Students also need to try out the idea. They need to explain their thinking to others and then receive feedback on their thinking. However, in many classrooms, a few students (the high-status students) do most of the talking while others are expected to listen and learn. This right proclaims that every student has the right to talk to make sense. It also means that the talking does not have to be perfect mathematical discourse, but that this talk can be rough

draft talk [(Jansen, A., Cooper, B., Vascellaro, S., Wandless, P. (2016) “Rough Draft Talk in Mathematics Classrooms, *Mathematics Teaching in Middle School*, 22(5)] in which the student is proposing preliminary thoughts with the understanding that the student may revise them without suffering any judgment or penalty. The right to listen to make sense also suggests that sometimes learning is about listening to others and wrestling with their ideas.

The right to write only what makes sense: Finally, this right addresses the student practice of copying the answer from the “smart” student. Some students decide (or are told) that they can’t figure out the answer on their own and they should just borrow the answer of a smarter neighbor. This right declares that there is no penalty for not yet understanding. When students don’t understand something and don’t know what to write as the answer, they should write what they do understand and see how far they can get with their own thinking. As the teacher, it is preferable to have half an answer and a message about where the confusion starts rather than have a paper with correct answers and a student whose main understanding is which other student has the best answers.

Reading recommendation: *Democracy and Education* by Crystal A. Kalinec-Craig (University of Texas at San Antonio)

<https://democracyeducationjournal.org/cgi/viewcontent.cgi?article=1298&context=home>

Preparation:

- Display the Rights of the Learner.
Rights of the Learner
 - (1) The right to be confused
 - (2) The right to make a mistake
 - (3) The right to talk and listen to make sense
 - (4) The right to write only what makes sense
- Copy a task card for each group, as well as the 4 “rights” cards for each group.

Launch

If you are doing this task after doing group goals, you might want to start the activity by having groups reread their group goals so they remember what they are working on.

Ask your students questions related to student agency, for example:

- What rights do you have as a student?
- What does it mean to be “in charge?”
- What might it mean to be “in charge” of your learning?

“Today we are going to learn about what it means to be *in charge of your learning* and how that can help you in school and in other areas of your life.”

Directions for Students:

See Task Card.

Teacher Moves:

Circulate between groups to see that all students are having opportunities to both speak and listen to others.

Debrief / Possible discussion prompts:

1. What is something you learned about yourself?
2. What is something that you learned from someone else in the group?
3. Did anything surprise you?
4. Which of these “rights” would you find easiest to claim?
5. Which of these “rights” would you find most difficult to claim?
6. What might it mean to be “in charge” of your learning?

Variations:

Students may want to identify a right as an individual instead of a group, which is their right. They may want to write it on a card they keep at the front of the math notebook/folder.

Students may wish to name additional rights.

For middle school students, consider including the full description of each right (paragraph in the article) on each of the four cards.

For older (high school) students, consider doing a close reading of the article as a launch to the task.

Possible Extension/Discussion- Concurrent Responsibilities of the Learner:

- (1) The right to be confused----The responsibility to seek to understand
- (2) The right to make a mistake---The responsibility to pinpoint where you went astray
- (3) The right to talk and listen to make sense---The responsibility to question and clarify
- (4) The right to write only what makes sense---The responsibility to communicate your ideas in some way (if not in writing).

Rights of the Learner

Materials:

- Rights cards
- First Turn, Last Turn Directions

TASK: As a group, make sense of the rights of the learner.

Directions:

1. Each student in your group gets a card with one of the four rights.
2. The student writes his or her name on the card.
3. When it's your turn, read your card aloud to the group.
4. Share your thoughts about that "right" as a learner.
5. Proceed in a circle around the group so that each student can comment on the "right" you read about.
6. Finally, after all the others in the group have commented, you have the last word.
7. Then the next person in the group reads the "right" on his/her card and the dialogue continues in the same way.
8. As a group, decide which right will be most helpful to the learning of everyone in the group. Write this in your math journals.

Norms:
Take turns.
Listen.

The right to be confused	The right to make a mistake
The right to talk and listen to make sense	The right to write only what makes sense

First Turn, Last Turn

1. One person starts by taking the FIRST TURN. They share their thoughts about what the words on their card mean to them.
2. In order and one at a time, each group member comments about what the first person said about the information on their card. No cross-talk allowed!
3. After each student has commented, the first person gets to take a LAST TURN and say one last thing about the words on their card
4. Repeat steps 1-3 for each person and each card