

Business Law
Revised 2021

Grade Level:	9-12 grades
Length:	1 Semester
Period(s) Per Day:	1
Credit:	1/2
Credit Requirement Fulfilled:	Vocational/Elective

Course Description

All social control is regulated through the rule of law; either through expressed or implied situations. One of the primary purposes of the law is to protect people from the wrongful act of others. To be able to conduct business and personal affairs, people must rely on other's promises. Contract law developed to support and enforce promises that people make in reliance on the promise or acts of others. A contract gives reasonable assurances to all parties that agreements will be fulfilled. Protection is given by providing people who have been injured the remedy of the law. Business Law is designed for those students entering a collegiate study of business or for all students looking to understand law through the lens of a consumer.

Theme Samples

- Case analysis
- Chapter Coursework Folders
- College and Career Readiness Portfolio
- Analysis of current news through the lens of contract law

Course Objectives and Expectations.

This course provides analysis and research of law through the (1) elements and characteristics of a contract, (2) when contractual capacity occurs and the rights given, (3) the legal rights of a minor, (4) the difference of legal form and legality, (5) how a contract may end, (6) assignment, delegation and breach of contract, (7) the Law of Sales, (8) warranties, (9) consumer protection. This course challenges students to distinguish unethical from ethical behavior to understanding the rising importance of social responsibility.

Student Objectives:

Students will be able to:

1. Infer the relationships between ethics and the law and describe the sources of the law.
2. Contrast the elements, characteristics of a contract, requirement of offer and acceptance the termination of an offer and methods of conflict/contract resolution.
3. Predict the intricacies of a contract in relation to a minor child (legal infant) and contractual capacities to defined groups such as an adult.
4. Evaluate and apply the basics of consideration to agreements while buffering this rule to those rules that do not require consideration. Incorporate promissory estoppel.
5. Contrast and verify the rules of legality in terms of contracts contrary to public policy.
6. Formulate a contract that will prevail in the court of law will understanding the purpose of civil law.
7. Compare and contrast the Law of Sales, Uniform Commercial Code; differentiate similarities.
8. Describe and evaluate aspects of consumer protection to include unfair/deceptive practices, false advertising, shopping by mail/online and product liability.
9. Analyze contracts through the lens of the Laws of Contradiction, Deontology and Consequentialism.
10. Explain and understand the differences between tort law and statutory law and the standards of a jurisdiction.

Alignment	Montana Standards for Career and Vocational	National Standards for Business Education
<i>Unit 1: Laws and Their Ethical Foundation</i>	MCS 2 II-III MCS 3: II-III	I:1-19: I-C, D, E 1-12: I-G 1-13
<i>Unit 2. Offer and Acceptance</i>	MCS 2 II-III MCS 3: II-III	II 1-25: II-C 1-14
<i>Unit 3. Genuineness of Assent</i>	MCS 2 II-III MCS 3: II-III	II 1-25: II-C 1-14: V-A 1-10: V-B 1-16: V-C 1-7: VI 1-25, VI-D 1-15
<i>Unit 4. Consideration</i>	MCS 2 II-III MCS 3: II-III	I:1-19: IC 1-12: I-G 1-13: II 1-25: II-C 1-14: V-A 1-10: V-B 1-16: V-C 1-7: VI 1-25, VI-D 1-15
<i>Unit 5. Legal Capacity to Contract</i>	MCS 2 II-III MCS 3: II-III	I:1-19: IC 1-12: I-G 1-13: II 1-25: II-C 1-14: V-A 1-10: V-B 1-16: V-C 1-7: VI 1-25, VI-D 1-15
<i>Unit 6. Legal Purpose and Proper Form</i>	MCS 2 II-III MCS 3: II-III	I:1-19: IC 1-12: I-G 1-13: II 1-25: II-C 1-14: V-A 1-10: V-B 1-16: V-C 1-7: VI 1-25, VI-D 1-15
<i>Unit 7. Contractual Obligations and Enforcement</i>	MCS 2 II-III MCS 3: II-III	I:1-19: IC 1-12: I-G 1-13: II 1-25: II-C 1-14: V-A 1-10: V-B 1-16: V-C 1-7: VI 1-25, VI-D 1-15
<i>Unit 8. Sales Contracts</i>	MCS 2 II-III MCS 3: II-III	I:1-19: IC 1-12: I-G 1-13: II 1-25: II-C 1-14: V-A 1-10: V-B 1-16: V-C 1-7: VI 1-25, VI-D 1-15
<i>Unit 10. Ownership and Risk of Loss in Sales</i>	MCS 2 II-III MCS 3: II-III	I:1-19: IC 1-12: I-G 1-13: II 1-25: II-C 1-14: V-A 1-10: V-B 1-16: V-C 1-7: VI 1-25, VI-D 1-15
<i>Unit 12. Consumer Protection</i>	MCS 2 II-III MCS 3: II-III	I:1-19: IC 1-12: I-G 1-13: II 1-25: II-C 1-14: V-A 1-10: V-B 1-16: V-C 1-7: VI 1-25, VI-D 1-15
<i>Unit 13: Civil Law and Procedure</i>	MCS 2 II-III MCS 3: II-III	I:1-19: I-C 1-12: I-G 1-13

Pacing

- A. *Unit 1: Law and Their Ethical Foundations*
 - a. Section 1.1: Laws and Legal Systems
 - b. Section 1.2: Types of Laws
 - c. Section 1.3: Ethical Basis for Laws
- B. *Unit 2: Offer and Acceptance*
 - a. Section 6.1: Creation of Offers
 - b. Section 6.2: Termination of Offers
 - c. Section 6.3: Acceptances
- C. *Unit 3: Genuineness of Assent*
 - a. Section 7.1: Duress and Undue Influence
 - b. Section 37.2: Mistake, Misrepresentation, and Fraud
- D. *Unit 4: Consideration*
 - a. Section 8.1: Types of Consideration
 - b. Section 8.2: Questionable Consideration
 - c. Section 8.3: When Consideration is Not Required
- E. *Unit 5: Legal Capacity to Contract*
 - a. Section 9.1: Contractual Capacity of Individuals and Organizations
 - b. Section 9.2: Limits on the Rights of Those Without Capacity
- F. *Unit 6: Legal Purpose and Proper Form*
 - a. Section 10.1: Illegal Agreements
 - b. Section 10.2: The Statue of Frauds
- G. *Unit 7: Contractual Obligations and Their Enforcement*
 - a. Section 11.1: Transfer and Discharge of Obligations
 - b. Section 11.2: Remedies for Breach of Contract
- H. *Unit 8: Sales Contracts*
 - a. Section 13.1: Sales
 - b. Section 13.2: Special Rules for Sales Contracts
- I. *Unit 9: Ownership and Risk of Loss in Sales*
 - a. Section 14.1: Transfer of Ownership
 - b. Section 14.2: Risk of Loss and Insurable Interest in Sales
- J. *Unit 10: Consumer Protection*
 - a. Section 15.1: Protection Through Government Action
 - b. Section 15.2: Protection Through Action by the Consumer
- K. *Unit 11: Civil Law and Procedure*
 - a. Section 16.1: Private Injuries V. Public Offenses
 - b. Section 16.2: Intentional Torts, Negligence and Strict Liability
 - c. Section 16.3: Civil Procedure

Timeline

Unit 1: Law and Their Ethical Foundations.....	1 week to cover
Unit 2: Offer and Acceptance.....	1 week to cover
Unit 3: Genuineness of Assent.....	2 week to cover
Unit 4: Consideration.....	2 week to cover
Unit 5: Legal Capacity to Contract.....	2 week to cover
Unit 6: Legal Purpose and Proper Form.....	1 week to cover

Unit 1: Law and Their Ethical Foundations.....	1 week to cover
Unit 7: Contractual Obligations and Their Enforcement.....	1 week to cover
Unit 8: Sales Contracts.....	2 week to cover
Unit 9: Ownership and Risk of Loss in Sales.....	2 weeks to cover
Unit 10: Consumer Protection.....	1 week to cover
Unit 11: Civil Law and Procedures	1 week to cover

Career and Technical Education Pathway Articulation

<i>Montana Career Pathway</i>	<i>Cluster Course</i>
Career Pathway: Business Management	Cluster Course Number 12054 Business Law

Montana Content Standards

Career and Vocational/Technical Education Content Standard 2

Students demonstrate an understanding and apply principles of Resource Management (i.e., financial, time, personal management).

Rationale

Students must be able to manage workplace resources in order to become successful members of society.

Benchmarks

Students will:

Benchmark I (by the end of 8th grade)	Benchmark II (grades 9-12)	Benchmark III (concentrators)
<ol style="list-style-type: none"> use basic monetary skills, practice maintaining basic financial records. follow detailed instructions and complete assignment (e.g., project/time management). recognize time constraints (e.g., personal time). recognize limitations on physical resources. 	<ol style="list-style-type: none"> prepare a budget and keep financial records. prioritize, allocate time, prepare and follow schedules to complete a project. apply appropriate time to task. use physical resources wisely to accomplish a goal. 	<ol style="list-style-type: none"> prepare and analyze financial plans, make forecasts, make adjustments to meet objectives, and evaluate financial records. select, design, complete and evaluate a project (e.g., manage multiple facets of a project). manage multiple priorities and assess effectiveness of outcomes (school, work, family). evaluate the use of physical resources.

Career and Vocational/Technical Education Content Standard 3

Students acquire and utilize personal and leadership skills to become successful, productive citizens. Rationale The development of positive personal qualities and leadership is a vital component in career success.

This development can be achieved through a variety of methods, which may include Career and Technical Student Organizations.

Benchmarks

Students will:

Benchmark I (by the end of 8th grade)	Benchmark II (grades 9-12)	Benchmark III (concentrators)
<ol style="list-style-type: none"> 1. serve as a positive role model by following the rules, regulations, and policies of the school community. 2. identify personal and work ethics. 3. recognize characteristics of good citizenship. 4. identify methods that can increase a person’s self-esteem. 5. observe and recognize diversity. 6. describe several methods of communication. 	<ol style="list-style-type: none"> demonstrate active leadership skills by participation in group activities and projects. demonstrate positive personal and work ethics. <ol style="list-style-type: none"> 1. demonstrate skills to be a 2. productive citizen. apply self-esteem building 3. practices. 4. demonstrate appreciation for diverse perspective needs and 5. characteristics. practice several methods of 6. effective communication. 	<ol style="list-style-type: none"> 1. assume a leadership role (e.g., team leader, CTSO officer, committee chair). 2. evaluate, compare and contrast positive personal and work ethics. 3. implement and evaluate a successful, productive citizenship activity (i.e., community service project). 4. select methods to constructively build esteem in others as well as self. 5. respect differences and works well with individuals from diverse backgrounds and philosophies. 6. utilize multiple communication methods to complete a class project.

National Standards for Business Education

I: Basics of the Law

Achievement Standard: Analyze the relationship between ethics and the law and describe the law's sources, the structure of the court system, different classifications of procedural law, and different classifications of substantive law.

A. The Law, Ethics, and Social Responsibility

Level 1 Performance Expectations

1. Define law
2. Define ethics
3. Examine a person's responsibility to obey the law.
4. Identify ethical character traits and values
5. Determine how business can meet their social responsibilities

Level 2 Performance Expectations

6. Explain the relationship between law and ethics
7. Describe the role of values in constructing an ethical code and legal system

Level 3 Performance Expectations

8. Distinguish unethical from illegal conduct
9. Identify the consequences of unethical and illegal conduct
10. Identify factors that contribute to developing ethical and legal lifestyles
11. List the four main sources of the law
12. Demonstrate the need for social responsibility

Level 4 Performance Expectations

13. Explain ethical relativism, social contract ethics, and rational ethics
14. Analyze and solve difficult ethic and legal problems
15. Discuss the differences in ethical and legal systems between sample states and sample nations
16. Identify ethical problems resulting from contemporary business technology
17. Define globalization and explain the effects that globalization can have on ethics and law
18. Explain negative rights theory
19. Compare and contrast how the ethic of responsibility and the ethic of benevolence are applied in foreign affairs.

B. Sources of the Law

Level 1 Performance Expectation

1. Define constitution

Level 2 Performance Expectation

2. Explain the purpose of the constitution
3. Describe the branches of the federal government as presented in the U. S. Constitution
4. Define statutory law
5. Identify the purpose of statutory law
6. Explain the role of the Uniform Law Commission
7. Explain the role and function of uniform laws of the legal system
8. Describe how a bill becomes a federal law
9. Define regulations and explain how administrative agencies create regulations

Level 3 Performance Expectations

11. Explain the roles of local, state and federal governments.
12. Describe the powers of the federal and state governments as stated in the U. S. Constitution
12. Identify the basic freedoms guaranteed by the Bill of Rights
13. Describe several key constitutional amendments beyond the Bill of Rights
14. Compare and contrast the U. S. Constitution and state, territorial, and provincial constitutions.
15. Explain how courts make law using precedent and the role of stare decisis.
16. Explain how to read case, statutory, and regulatory citations
17. Define binding precedent
18. Define persuasive precedent
19. Contrast binding and persuasive precedent

C. Structure of the Courts

Level 1 Performance Expectations

1. Explain the function of the court

Level 2 Performance Expectations

2. Describe the basic structure of the national and state, territorial court systems
3. Distinguish between the roles of legal professionals (e.g., judges, lawyers, and paralegals)

Level 3 Performance Expectations

4. Differentiate among cases that belong to the federal system and those that belong in the state systems in the United States.
5. Differentiate among cases that belong in the federal system and those that belong in the territorial courts.
6. Explain the role of the appellate court in the federal system in the United States.
7. Explain the role of the appellate court in the state system in the United States.
8. Explain the role of the trial court in the federal system and state systems in the United States.
9. Explain the role of the trial court in the federal system.
10. Explain the role of the U. S. Supreme Court.
11. Explain the role of the U. S. state supreme courts
12. Compare the role of the juvenile court with other courts in the United States.

Level 4 Performance Expectations

13. Analyze the impact of the Internet on questions of court jurisdiction.
14. Explain why certain cases reach the U. S. Supreme Court

D. Procedure Law

Level 1-2 Performance Expectations

1. Define procedural law
2. Define substantive law
3. Understand the function of procedural law
4. Distinguish between procedural law and substantive law

E. Alternative Dispute Resolution

Level 1 Performance Expectations

1. Identify different ways disputes can be resolved.

G. Tort Law

Level 1 Performance Expectations

1. Define civil law

Level 2 Performance Expectations

2. Distinguish between civil and criminal law
3. Identify different civil law areas that impact businesses (e.g., tort, contract and property law).

Level 3 Performance Expectations

4. Distinguish between a tort and a crime
5. Differentiate among and give examples of negligence, strict liability, and intentional torts.
6. Explain how freedom of the press is legally compatible with defamation
7. Explain the rights to privacy
8. Explain the concepts of the reasonable person test and proximate cause
9. Define “negligence per se” and give examples of circumstances under which it applies
10. Distinguish between the burden of proof needed in criminal cases and tort law cases.

II: Contract Law, Law of Sales, and Consumer Law

Achievement Standard: Analyze the relationship between contract law, law of sales, and consumer law.

A. Contract Law

Level 1 Performance Expectations

1. Explain the nature of a contractual relationship
2. Recognize the responsibilities created by a contract.

Level 2 Performance Expectations

3. List the elements required to create a contract
4. Explain the rehabilitation principle in contract law

Level 3 Performance Expectations

5. Explain the development of the law merchant and its merger with common law
6. Differentiate among contractual characteristics (e.g., bilateral and unilateral, express and implied, and oral and written)
7. Explain how offer and acceptance can create contractual rights and duties.
8. Define counteroffer and describe the effects of a counteroffer in various contractual situations.
9. Determine when an agreement is definite enough to be enforced as a contract.
10. Differentiate between the ways that mutual assent can be undermined
11. Define and distinguish between different types of consideration
12. Explain how contract law deals with cryptocurrency
13. Explain a minor’s rights to avoid a contract
14. Identify categories of people who lack contractual capacity
15. Describe the concepts of unconscionability and compare it to illegality
16. Explain the effects of an illegal contract
17. Identify when non-compete agreement are legal
18. List the essential information that should be included in wiring under the statute of frauds

19. Identify problems created when contracts are negotiated and entered into using the Internet
20. Explain how the statute of frauds deals with electronic signatures
21. Describe the various rules applied to the interpretations of contracts
22. Explain the various rules applied to contracts involving third parties
23. List the ways a contract can be discharged
24. Describe breach of contract
25. Describe the remedies available when a contract is breached.

Level 4 Performance Expectations

26. Describe those statutes that regulate cyber-price shopping, cyber-payment problems, and cyber-contract security issues.

B. Law of Sales

Level 2 Performance Expectations

1. Define goods
2. Distinguish goods from services and real property

Level 3 Performance Expectations

3. Identify the source of law that applies to contracts for goods, services, and real property
4. Explain when to apply the Uniform Commercial Code (UCC)
5. Recognize the principal differences between the UCC and the Law of Sales
6. Give examples of special rules that apply to sales contracts that do not apply to other contracts.
7. Clarify when sales contracts must be written
8. Determine whether a particular written contract meets the requirements for writing under the UCC.
9. Contrast an auction with reserve to an auction without reserve
10. Discuss the issue of taxation and cyber-commerce

Level 4 Performance Expectations

11. Explain when title and risk of loss pass in a sale of goods
12. Explain the nature of warranties
13. List and explain the remedies of the seller when the buyer breaches the sales contract
14. List and explain the remedies of the buyer when the seller breaches the sales contract
15. Distinguish between the rejection of nonconforming goods and revocation of acceptance.
16. Determine the circumstances in which the parties may limit the damage recovery of the opposing party.
17. Describe when the statute of limitations usually begins and ends in a sales transaction
18. Explain the effects of a sale-or-return and a sale-on-approval.

C. Consumer Law

Level 3 Performance Expectations

1. Identify and state the purpose of legislation that regulates consumer credit and electronic credit transactions.
2. Discuss consumer protection legislation at the state and federal levels.
3. Define the term “unfair business practice”
4. Define the term “false and misleading advertising”
5. Describe the consequences of violating consumer statutes
6. Discuss the difference between unsafe products and dangerous products

7. Explain the purpose of the Consumer Product Safety Act
8. Explain the interplay of tort law with the Consumer Product Safety Act
9. Explain the purpose and operation of the Consumer Finance and Protection Bureau

Level 4 Performance Expectations

1. Analyze the role of U. S. and state attorney generals in enforcement of consumer protection statutes.
2. Discuss the impact of different state laws concerning consumer protection for businesses using the Internet or involved in e-commerce.
3. Compare and contrast the requirements for consumer contracts with the requirements for non-consumer contracts.

V: Property Law

Achievement Standard: Explain the legal rules that apply to personal property, real property and intellectual property.

A. Personal Property

Level 2 Performance Expectations

1. Compare and contrast real property, personal property and fixtures.
2. Give examples of tangible and intangible personal property.

Level 3 Performance Expectations

3. List different methods by acquiring property
4. Identify the requirements of a completed gift
5. Identify the forms of personal property co-ownership
6. Explain the standard of care that different bailees must exercise over bailed property
7. Identify the extraordinary obligations of innkeepers, common carriers, and warehouses

Level 4 Performance Expectations

8. Describe some protections given in copyright and trademark matters by the Patent Cooperation Treaty.
9. Describe the legal protections given to cultural property at the state and national level.

B. Real Property

Level 3 Performance Expectations

1. Distinguish among liens, licenses, and easements
2. List the major estates in real property
3. Explain the method of transferring title to real property
4. Describe the types of rental relationships that landlords and tenants may create.

VI: Negotiable Instruments, Insurance, Secured Transactions, Bankruptcy

Achievement Standard: Analyze the functions of negotiable instruments, insurance, secured transactions, and bankruptcy.

A. Negotiable Instruments

Level 3 Performance Instruments

1. Explain the concept of negotiability
2. Differentiate negotiability from assignability
3. Identify the essential elements of negotiable instruments
4. Describe the different types of negotiable instruments
5. Describe the different types of endorsements
6. Explain the contractual relationship between a bank and its customers
7. Describe stop-payment orders

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8. Describe the legal effect of forgeries and material alterations.

Level 4 Performance Expectations

9. Explain the difference between negotiation of order paper and negotiation of bearer paper
10. Explain the importance of warranty liability and its relationship to endorsement liability
11. List the major functions of electronic payment

C. Bankruptcy

Level 2 Performance Expectation

1. Define bankruptcy

Level 3 Performance Expectations

2. Describe Chapter 7 bankruptcy of the federal bankruptcy law.
3. Explain the requirements for creditors to file for Chapter 7 involuntary bankruptcy
4. Summarize the principal features of Chapters 11, 12, and 13 Bankruptcy Code.
5. Identify the eligibility requirements for debtors who must file for bankruptcy under Chapter 13.
6. Explain the procedure for administration of the debtor's estate.

Level 4 Performance Expectations

7. Explain bankruptcy exemptions
8. Explain the relationship between federal and state bankruptcy law
9. List debts that are not extinguished by bankruptcy
10. Discuss the distribution of an estate on liquidation
11. Identify and discuss alternatives to bankruptcy

Resources

Montana Standards for Career and Vocational Technical Education Content Standards

<http://opi.mt.gov/pdf/Standards/ContStds-CareerTech.pdf>

National Business Education Association (NBEA) Curriculum Standards

<https://www.nbea.org/newsite/curriculum/standards/>

Common Career Technical Core (CCTC).

www.careertech.org

Montana Career Pathways

www.mus.edu/mcp