

Policy 6144: Controversial Issues

Status: ADOPTED

Original Adopted Date: 12/01/1989 | **Last Revised Date:** 03/01/2017 | **Last Reviewed Date:** 03/01/2017

The Governing Board recognizes that the district's educational program may sometimes include instruction related to controversial issues that may arouse strong reactions based on personal values and beliefs, political philosophy, culture, religion, or other influences. Instruction concerning such topics shall be relevant to the adopted course of study and curricular goals and should be designed to develop students' critical thinking skills, ability to discriminate between fact and opinion, respect for others, and understanding and tolerance of diverse points of view.

The Board expects administrators and teachers to exercise professional judgment when deciding whether or not a particular issue is suitable for study or discussion. They shall consult with the Superintendent or designee as necessary to determine the appropriateness of the subject matter, guest speakers, and/or related instructional materials or resources.

When providing instruction related to a controversial issue, the following guidelines shall apply:

1. The topic shall be suitable to the age and maturity of the students.
2. Instruction shall be presented in a balanced manner, addressing all sides of the issue without bias or prejudice and without promoting any particular point of view.
3. In the classroom, teachers act on behalf of the district and are expected to follow the adopted curriculum. In leading or guiding class discussions about issues that may be controversial, a teacher may not advocate his/her personal opinion or viewpoint. When necessary, the Superintendent or designee may instruct teachers to refrain from sharing personal views in the classroom on controversial topics.
4. Students shall be assured of their right to form and express an opinion without jeopardizing their grades or being subject to discrimination, retaliation, or discipline, provided the viewpoint does not constitute harassment, threats, intimidation, or bullying or is otherwise unlawful.
5. Students shall be informed of conduct expected during such instruction and the importance of being courteous and respectful of the opinions of others.
6. Adequate factual information shall be provided to help students objectively analyze and evaluate the issue and draw their own conclusions.
7. The instruction shall not reflect adversely upon persons because of their race, ethnicity, national origin, sex, sexual orientation, gender identity or expression, disability, religion, or any other basis prohibited by law.
8. The subject matter of the instruction shall not otherwise be prohibited by state or federal law.

When a guest speaker is invited to make a presentation related to a controversial issue, the Superintendent or designee shall notify him/her of this policy and the expectations and goals regarding the instruction. If the guest speaker is presenting only one point of view on an issue, the teacher shall be responsible for ensuring that students also receive information on opposing viewpoints.

When required by law, such as in regards to comprehensive sexual health and HIV prevention education, parents/guardians shall be notified prior to instruction that they may request in writing that their child be excused from the instruction. Students whose parents/guardians decline such instruction may be offered an alternative activity of similar educational value.

A student or parent/guardian with concerns regarding instruction about controversial issues may communicate directly with the teacher or principal and/or use appropriate district complaint procedures.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

| State | Description |
|-----------------------------|--|
| Ed. Code 220 | <u>Prohibition of discrimination</u> |
| Ed. Code 48950 | <u>Speech and other communication</u> |
| Ed. Code 51240 | <u>Excuse from instruction due to religious beliefs</u> |
| Ed. Code 51500 | <u>Prohibited instruction or activity</u> |
| Ed. Code 51510 | <u>Prohibited study or supplemental materials</u> |
| Ed. Code 51511 | <u>Religious matters properly included in courses of study</u> |
| Ed. Code 51513 | <u>Personal beliefs</u> |
| Ed. Code 51530 | <u>Advocacy or teaching of communism</u> |
| Ed. Code 51930-51939 | <u>California Healthy Youth Act</u> |
| Ed. Code 60040 | <u>Selection of instructional materials</u> |
| Ed. Code 60044 | <u>Prohibited instructional materials</u> |
| Ed. Code 60045 | <u>Criteria for instructional materials</u> |
| Management Resources | Description |
| Court Decision | Garcetti v. Ceballos (2006) 547 U.S. 410 |
| Court Decision | Mayer v. Monroe County Community School Corporation (2007) 474 F.3d 477 (7th Cir.) |

Court Decision

Johnson v. Poway Unified School District (2011) 658 F.3d 954

Website

[CSBA District and County Office of Education Legal Services](#)

Cross References

| Code | Description |
|-------------|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 1312.1 | Complaints Concerning District Employees |
| 1312.1 | Complaints Concerning District Employees |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2-E(1) | Complaints Concerning Instructional Materials |
| 1325 | Advertising And Promotion |
| 4119.25 | Political Activities Of Employees |
| 4119.25 | Political Activities Of Employees |
| 4141.6 | Concerted Action/Work Stoppage |
| 4141.6 | Concerted Action/Work Stoppage |
| 4219.25 | Political Activities Of Employees |
| 4219.25 | Political Activities Of Employees |
| 4241.6 | Concerted Action/Work Stoppage |
| 4241.6 | Concerted Action/Work Stoppage |
| 4319.25 | Political Activities Of Employees |
| 4319.25 | Political Activities Of Employees |
| 5022 | Student And Family Privacy Rights |
| 5022 | Student And Family Privacy Rights |
| 5121 | Grades/Evaluation Of Student Achievement |
| 5121 | Grades/Evaluation Of Student Achievement |
| 5131 | Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |

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| 5137 | <u>Positive School Climate</u> |
| 5145.2 | <u>Freedom Of Speech/Expression</u> |
| 5145.2 | <u>Freedom Of Speech/Expression</u> |
| 5145.3 | <u>Nondiscrimination/Harassment</u> |
| 5145.3 | <u>Nondiscrimination/Harassment</u> |
| 5145.9 | <u>Hate-Motivated Behavior</u> |
| 6115 | <u>Ceremonies And Observances</u> |
| 6115 | <u>Ceremonies And Observances</u> |
| 6141 | <u>Curriculum Development And Evaluation</u> |
| 6141 | <u>Curriculum Development And Evaluation</u> |
| 6141.2 | <u>Recognition Of Religious Beliefs And Customs</u> |
| 6141.2 | <u>Recognition Of Religious Beliefs And Customs</u> |
| 6142.1 | <u>Sexual Health And HIV/AIDS Prevention Instruction</u> |
| 6142.1 | <u>Sexual Health And HIV/AIDS Prevention Instruction</u> |
| 6142.3 | <u>Civic Education</u> |
| 6142.8 | <u>Comprehensive Health Education</u> |
| 6142.8 | <u>Comprehensive Health Education</u> |
| 6142.94 | <u>History-Social Science Instruction</u> |
| 6143 | <u>Courses Of Study</u> |
| 6143 | <u>Courses Of Study</u> |
| 6145.5 | <u>Student Organizations And Equal Access</u> |
| 6145.5 | <u>Student Organizations And Equal Access</u> |
| 6145.8 | <u>Assemblies And Special Events</u> |
| 6161.1 | <u>Selection And Evaluation Of Instructional Materials</u> |
| 6161.1 | <u>Selection And Evaluation Of Instructional Materials</u> |
| 6161.1-E(1) | <u>Selection And Evaluation Of Instructional Materials</u> |
| 6161.11 | <u>Supplementary Instructional Materials</u> |
| 6163.1 | <u>Library Media Centers</u> |