

CONTROVERSIAL ISSUES

The Governing Board recognizes that the district's educational program may sometimes include instruction related to controversial issues that may attract interest 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.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.3 - Civic Education)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6143 - Courses of Study)

The Board expects administrators and teachers to exercise professional judgment when deciding whether an issue is suitable for study or discussion. They shall consult with the Principal or designee as necessary to determine the appropriateness of the subject matter, guest speakers, and/or related instructional materials or resources.

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

The Board prohibits, during any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression; or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

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 address the issue without bias or prejudice.
3. Instruction on the topic is aligned to the California content standards within the Board adopted course description. In leading or guiding class discussions about issues that may be controversial, a teacher should avoid advocacy and encourage inquiry into the topic.

4. When instruction becomes advocacy the principal or designee may request teachers refrain from sharing personal views on controversial topics.
5. 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 their verbal and written statements and/or body language does not constitute harassment, threats, intimidation, or bullying or is otherwise unlawful

(cf. 5022 - Student and Family Privacy Rights)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6145.5 - Student Organizations and Equal Access)

6. Students shall be informed of conduct expected during such instruction, norms for discussion, and the importance of listening as well as considering of the opinions of others.

(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)

7. Adequate information, aligned to the California content standards and Board adopted course description shall be provided to help students objectively analyze and evaluate the issue and draw their own conclusions.
8. 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

9. The subject matter of the instruction shall not otherwise be prohibited by state or federal law.
10. When a guest speaker is invited to make a presentation related to a controversial issue, the principal or designee and teacher shall notify them of this policy and the expectations and goals regarding instruction on controversial issues. If an issue has two definitive sides and the guest speaker is presenting only one perspective on an issue, the teacher shall be responsible for ensuring that students also consider information on opposing viewpoints.

(cf. 6145.8 - Assemblies and Special Events)

11. When controversial issues are discussed within the curriculum, including but not limited 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.
12. A student or parent/guardian with concerns regarding instruction about controversial issues may communicate directly with the teacher or principal or principal's designee to establish a resolution to their concern.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

48950 Freedom of speech

51240 Excuse from health instruction due to religious beliefs

51500 Prohibited instruction or activity

51510 Prohibited study or supplemental materials

51511 Religious matters properly included in courses of study

51513 Materials containing questions about beliefs or practices

51530 Prohibition and definition regarding advocating or teaching communism with intent to indoctrinate

51930-51939 California Healthy Youth Act; comprehensive sexual health and HIV prevention education

60040 Portrayal of cultural and racial diversity

60044 Prohibited instructional materials

60045 Criteria for instructional materials

COURT DECISIONS

Johnson v. Poway Unified School District, (2011) 658 F.3d 954 (9th Cir.)

Mayer v. Monroe County Community School Corporation, (2007) 474 F.3d 477 (7th Cir.)

Garcetti v. Ceballos, (2006) 547 U.S. 410

ADOPTED: 5/1/19