

Policy 6144: Controversial Issues

Status: ADOPTED

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

CSBA NOTE: The following optional policy may be revised to reflect district practice.

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.

CSBA NOTE: Recommended criteria for determining the appropriateness of supplementary instructional materials and/or the circumstances under which materials should be submitted to the principal or other designee for review prior to their use (e.g., when materials relate to controversial issues or are presented in a controversial manner or context, such as when materials contain nudity, sexual content, graphic violence, or extensive profanity) are addressed in BP 6161.11 - Supplementary Instructional Materials.

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.

CSBA NOTE: The First Amendment of the U.S. Constitution and Article 1, Section 2 of the California Constitution guarantee freedom of speech, including freedom of speech for students. However, under court decisions and Education Code 48950, discipline may be imposed upon students for speech or conduct that constitutes harassment, threats, or intimidation. See BP 5145.2 - Freedom of Speech/Expression.

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.

CSBA NOTE: The following optional paragraph permits parents/guardians to excuse their child from certain types

of instruction. For example, pursuant to Education Code 51938, districts must notify parents/guardians of the opportunity to request that their child not receive comprehensive sexual health and HIV prevention instruction. Districts must use a "passive consent" or "opt out" process in which the student receives the instruction unless the parent/guardian notifies the district in writing that the student should not receive the instruction; see BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. In addition, Education Code 51240 provides that parents/guardians may request in writing that their child be excused from any part of health instruction that conflicts with their religious training or beliefs; see AR 6142.8 - Comprehensive Health Education. Pursuant to Education Code 51513, districts may not administer exams, surveys, or questionnaires containing questions about a student's or his/her family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian has provided prior written consent. See AR 5022 - Student and Family Privacy Rights.

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 220	Prohibition of discrimination
Ed. Code 48950	Speech and other communication
Ed. Code 51240	Excuse from instruction due to religious beliefs
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51510	Prohibited study or supplemental materials
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51513	Personal beliefs
Ed. Code 51530	Advocacy or teaching of communism
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 60040	Selection of instructional materials
Ed. Code 60044	Prohibited instructional materials
Ed. Code 60045	Criteria for instructional materials

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

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

Cross References

1312.2-E(1)

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4119.25

4119.25

4141.6

4141.6

4219.25

4219.25

4241.6

4241.6

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6145.5

Description[Complaints Concerning Instructional Materials](#)[Advertising And Promotion](#)[Political Activities Of Employees](#)[Political Activities Of Employees](#)[Concerted Action/Work Stoppage](#)[Concerted Action/Work Stoppage](#)[Political Activities Of Employees](#)[Political Activities Of Employees](#)[Concerted Action/Work Stoppage](#)[Concerted Action/Work Stoppage](#)[Political Activities Of Employees](#)[Political Activities Of Employees](#)[Student And Family Privacy Rights](#)[Student And Family Privacy Rights](#)[Grades/Evaluation Of Student Achievement](#)[Grades/Evaluation Of Student Achievement](#)[Conduct](#)[Bullying](#)[Bullying](#)[Positive School Climate](#)[Freedom Of Speech/Expression](#)[Freedom Of Speech/Expression](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Hate-Motivated Behavior](#)[Ceremonies And Observances](#)[Ceremonies And Observances](#)[Curriculum Development And Evaluation](#)[Curriculum Development And Evaluation](#)[Recognition Of Religious Beliefs And Customs](#)[Recognition Of Religious Beliefs And Customs](#)[Sexual Health And HIV/AIDS Prevention Instruction](#)[Sexual Health And HIV/AIDS Prevention Instruction](#)[Civic Education](#)[Comprehensive Health Education](#)[Comprehensive Health Education](#)[History-Social Science Instruction](#)[Courses Of Study](#)[Courses Of Study](#)[Student Organizations And Equal Access](#)

Cross References

6145.5

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6161.1

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6161.11

6163.1

Description[Student Organizations And Equal Access](#)[Assemblies And Special Events](#)[Selection And Evaluation Of Instructional Materials](#)[Selection And Evaluation Of Instructional Materials](#)[Selection And Evaluation Of Instructional Materials](#)[Supplementary Instructional Materials](#)[Library Media Centers](#)