

CVUSD

Board Policy

BP 6144

Instruction

Controversial Issues

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.

- (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 Governing Board believes that students should have opportunities to discuss controversial issues which have political, social or economic significance and which the students are mature enough to investigate and address. The study of a controversial issue should help students learn how to gather and organize pertinent facts, discriminate between fact and fiction, draw intelligent conclusions and respect the opinions of others.

The Board expects administrators and teachers to exercise caution, discretion and professional judgment when deciding whether or not a particular issue is suitable for study or discussion in any particular class. 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. Teachers should not spend class time on any topic that they feel is not suitable for the class or related to the established course of study.

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

The Board also expects teachers to ensure that all sides of a controversial issue are impartially presented, with adequate and appropriate information. Without promoting any partisan point of view, the teacher should help students separate fact from opinion and warn them against drawing conclusions from insufficient data. The teacher shall not suppress any student's view on the issue as long as its expression is not malicious or abusive toward others.

Teachers sponsoring guest speakers either shall ask them not to use their position or influence on students to forward their own religious, political, economic or social views or shall take active steps to neutralize whatever bias has been presented.

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.

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

5. Students shall be informed of conduct expected during such instruction and the importance of being courteous and respectful of the opinions of others.

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

6. Adequate 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.

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

8. State or federal law shall not otherwise prohibit the subject matter of the instruction.

Approval of Outside Speakers

Persons not employed by the Conejo Valley Unified School District or who are not currently enrolled in any District school may speak to groups of students in officially organized classes, officially approved school clubs and other organizations, and officially scheduled assemblies, meetings or activities only with the prior approval of the site principal or his/her designee.

Permission for a speaker shall be requested at least forty-eight (48) hours in advance, utilizing the prescribed District form and the principal or designee will approve or disapprove within twenty-four (24) hours and, in case of disapproval, give reasons for disapproval.

Permission may be granted by the principal or designee if the following criteria are met:

- a. The speaker shall be judged competent to speak on his/her specialty by virtue of study, training or experience.
- b. The address or program contemplated shall be judged to have educational value within the context of the time and place at which it is to be delivered.
- c. The program contemplated shall not significantly conflict with previously scheduled activities of the school.
- d. The program contemplated shall conform to requirements established in law and in Board policy.

Expression or advocacy of racial, ethnic or religious prejudice or libel or slander, according to current legal standards, will not be tolerated. Speakers shall refrain from the use of obscenity and profanity and shall not cause such circumstances as to create a clear and present danger of the commission of (1) unlawful acts upon school premises, (2) violation of lawful school regulation, or (3) the substantial disruption of the orderly operation of the school.

When a guest speaker is invited to make a presentation related to a controversial issue, the Board requires that he/she be notified 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.

(cf. 6145.8 - Assemblies and Special Events)

When required by law or otherwise deemed appropriate by the teacher or administrator, parents/guardians shall be notified prior to instruction related to any controversial issue and parent/guardian consent shall be obtained for student participation. Students whose parents/guardians decline such instruction may be offered the option to participate in an alternative activity of similar value.

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

(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 re 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

CSBA: (5/85) 12/80

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