

MODESTO CITY SCHOOLS

Board Policy

BP 6144

INSTRUCTION

Controversial Issues

~~The Board of Education adopts the following statement of policy in order to insure youth a well balanced preparation for American citizenship and in order to provide the public with a concise and integrated expression of the Board of Education's thinking on studying controversial issues in the classroom.~~

~~The schools of Modesto teach the American heritage (our established truths and accepted values) and, in doing this, provide opportunities for pupils to study controversial issues under competent guidance. The schools provide opportunities for pupils to study other forms of government in order to teach them the values of American democracy and to prepare them to recognize and guard against the subtle introduction of unwelcome ideologies.~~

~~On all grade levels, the schools provide opportunities for pupils, according to their maturity, to analyze current problems, gather and organize pertinent facts, discriminate between fact and opinion, detect propaganda, identify prejudice, draw intelligent conclusions, respect the opinions of others, and accept the principles of majority rule and the corollary rights of minorities.~~

~~Free discussion of controversial issues is the heart of the democratic process. Freedom of speech and free access to formation are among our most cherished traditions. It is the responsibility of the schools to prepare pupils to understand these democratic practices and to use them wisely.~~

~~The schools do not teach controversial issues, but rather provide opportunities for their study. For the public schools, policy on controversial issues is defined in terms of the rights of pupils rather~~

Bold Black Underline = MCS Language

Bold Red = CSBA Language

Regular Black = Common Language

→ Denotes changes being suggested

INSTRUCTION

Controversial Issues

~~than in terms of the rights of teachers. The pupil has four rights to be recognized:~~

- ~~1. The right to study any controversial issue which has political, economic or social significance and concerning which (at his level) he should begin to have an opinion.~~
- ~~2. The right to have access to all relevant information, including the materials that circulate freely in the community.~~
- ~~3. The right to study under competent instruction in an atmosphere free from bias and prejudice.~~
- ~~4. The right to form and express his own opinions on controversial issues without thereby jeopardizing his relations with his teachers or the school.~~

~~The Board expects each teacher to control the approach on controversial issues in the classroom so that they are presented in an impartial, unemotional and unprejudiced manner, and to refrain from using his classroom privileges and prestige to promote a partisan point of view.~~

~~The teacher, who with professional integrity and without attempt to indoctrinate, helps his students to confront controversial issues of importance, will be defended by the Board and administration from abuse and attack from whatever source.~~

~~The American heritage and our established traditions are not controversial. The school curriculum should emphasize these established truths and accepted values seeking always to develop in the pupil a discriminating love of country.~~

Bold Black Underline = MCS Language

Bold Red = CSBA Language

Regular Black = Common Language

→ Denotes changes being suggested

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.

The Board expects administrators and teachers to exercise professional judgment when deciding whether or not a particular issue, outside the scope and sequence of California standards, framework, or MCS course outline, 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. Topics addressed need to be aligned to the course content. 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

Bold Black Underline = MCS Language

Bold Red = CSBA Language

Regular Black = Common Language

→ Denotes changes being suggested

INSTRUCTION

Controversial Issues

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, in accordance with the current content standards for the given course of study.** **Schools are responsible for providing guest speakers two copies of this policy, and will have the speaker sign one copy**

Bold Black Underline = MCS Language

Bold Red = CSBA Language

Regular Black = Common Language

→ Denotes changes being suggested

INSTRUCTION

Controversial Issues

to keep on file at the school, acknowledging they understand the policy.

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. If the concern persists, the student or parent/guardian will communicate with the ~~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 References

Description

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

Bold Black Underline = MCS Language

Bold Red = CSBA Language

Regular Black = Common Language

→ Denotes changes being suggested

INSTRUCTION

Controversial Issues

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

Cross References

0410

Nondiscrimination In District Programs And Activities

1312.1

Complaints Concerning District Employees

1312.2

Complaints Concerning Instructional Materials

1312.2-E(1)

Complaints Concerning Instructional Materials

1325

Advertising And Promotion

4119.25

Political Activities Of Employees

4141.6

Concerted Action/Work Stoppage

4219.25

Political Activities Of Employees

4241.6

Concerted Action/Work Stoppage

4319.25

Political Activities Of Employees

5022

Student And Family Privacy Rights

5121

Grades/Evaluation Of Student Achievement

5131

Conduct

5131.2

Bullying

5137

Positive School Climate

5145.2

Freedom Of Speech/Expression

5145.3

Nondiscrimination/Harassment

5145.9

Hate-Motivated Behavior

6141

Curriculum Development And Evaluation

6141.2

Recognition Of Religious Beliefs And Customs

6142.1

Sexual Health And HIV/AIDS Prevention Instruction

6142.3

Civic Education

6142.8

Comprehensive Health Education

6142.94

History-Social Science Instruction

6143

Courses of Study

6145.5

Student Organizations And Equal Access

Bold Black Underline = MCS Language

Red = CSBA Language

Regular Black = Common Language

→ Denotes changes being suggested

INSTRUCTION

Controversial Issues

6145.8

6161.1

6161.1-E(1)

6161.11

6163.1

Assemblies And Special Events

*Selection And Evaluation Of Instructional
Materials*

*Selection And Evaluation Of Instructional
Materials*

Supplemental Instructional Materials

Library Media Centers

ADOPTED: November 6, 1973

REVISED:

Bold Black Underline = MCS Language

Bold Red = CSBA Language

Regular Black = Common Language

→ Denotes changes being suggested