Instruction

CONTROVERSIAL ISSUES

The County Superintendent and County Board recognize that the County Superintendent/County Board 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 County Superintendent 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 County 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 County Superintendent 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 County 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
When a guest speaker is invited to make a presentation related to a controversial issue, the County 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 lead site administrator and/or use appropriate County Superintendent complaint procedures.

Adopted: 10/20/2011
Amended: 11/19/2020

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.)

6144,03/2017; Doc#123650