MODEL POLICY #28

# CONTROVERSIAL ISSUES

## Why Adopt This Policy?

Freedom to exchange ideas and viewpoints is critical both in education and beyond. School boards should consider adopting this policy to ensure that the consideration of controversial issues in the classroom aligns with educational goals, promotes critical thinking, and respects diverse viewpoints. This policy also implements a procedure to provide effective notice to parents and to honor their rights to opt their child out of instruction related to controversial issues that conflict with their beliefs or values.

***Note:*** *This policy works in coordination with a District's Human Growth and Development Curriculum policy and its Social Emotional Learning Instruction and Parental Notification policy. WILL has also published Model Policies for those two subjects.*

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## Policy

The Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the District.

For purposes of this policy, a controversial issue means anything that is the subject of intense public argument, disagreement, or disapproval. This includes issues which may have political, social, or personal impacts on students and/or the community, and it includes issues that are likely to arouse both support and opposition in the community.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

The Board will permit the introduction of controversial issues provided that their use in the instructional program:

1. is related to the instructional goals of the course of study;
2. is age-appropriate for the students;
3. does not indoctrinate or persuade students to a particular point of view;
4. encourages analytical thinking and open-mindedness;
5. does not create a hostile school environment. See legal analysis.

For purposes of this policy, age-appropriate means suitable to a particular group of students based on their developing cognitive and emotional capacity and consistent with adolescent development and community standards.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction, relate to the topic of instruction, and do not create a hostile school environment.

In the discussion of any controversial issue in the classroom, including during non-instructional time such as school announcements or assemblies or during homeroom or study periods, or in the course of professional duties, an educator must not pressure students to adopt a certain point of view. If an educator expresses a personal opinion on controversial issues, he or she shall identify the opinion as such, and must not express such an opinion for the purpose of pressuring students to adopt his or her point of view.

The Board recognizes that certain controversial issues may contain content that some parents may find objectionable. Educators shall provide effective notice to parents in advance of controversial issues being instructed in the classroom.

Effective notice shall be construed to mean notice sufficiently in advance of instruction such that a parent may opt out of particular units, classes, assemblies or announcements prior to information being presented to the student. If a parent indicates to the school that the content conflicts with his or her religious beliefs or value system, the school will honor a written request for his or her child to be excused from particular units, classes, assemblies or announcements. This will not affect the grade of the student, and the student will be provided alternative learning activities during times of parent-requested absences. See legal analysis. Nothing in this Policy shall be construed to conflict with state or federal law or the District policy on survey administration.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under state law.

## Legal Analysis

Federal law establishes a baseline for pupil rights. 20 U.S.C. § 1232h. This policy expands on those rights and empowers parents to continue to direct the upbringing of their children.

In allowing the discussion of controversial issues, school administrators should keep in mind that in *Bryant v. Indep. Sch. Dist. No. I-38 of Garvin Cnty., OK*, 334 F.3d 928 (10th Cir. 2003) the court held that deliberate indifference by school administrators to known incidents of racial harassment can constitute intentional discrimination under Title VI and thereby grounds for a private suit. Thus, enforcing all five requirements listed above when discussing controversial issues is important.

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