

Administration

SUBJECT: TEACHING ABOUT CONTROVERSIAL ISSUES

NOTE: Boards of Education are charged with the responsibility of educating children and prescribing the course of study in the schools. School administrators play an important role in overseeing the curriculum, but teachers must be given latitude to enable them to teach the curriculum in the most effective manner. While not required by law or regulation, a policy addressing the teaching of controversial issues is central to the exercise of the Board's governance responsibilities.

Such a policy provides notice to the community and faculty of how the Board views their responsibility to balance their responsibility for educating students and maintaining overall authority over the curriculum with a teacher's ability to be free to engage in classroom discussion and debate to facilitate the free exchange of ideas. Within this context, a policy in this area is integral to striking this balance because it allows the administration to exercise control over the curriculum and provides guidelines for teachers to follow.

The Board of Education recognizes their broad responsibility for providing for a course of study in the schools that is appropriate to the age and ability of the students in the district. The Board also recognizes that within the broad parameters of curriculum, a teacher must be free to engage the classroom discussion and debate in order to stimulate the exchange of ideas and critical thinking.

NOTE: The above paragraph provides a statement recognizing the Board's broad responsibility for providing the course of study in the district. It also provides a basis for balancing this responsibility for the academic freedoms of the teachers in the district to stimulate an exchange of ideas and discussion.

Controversial issues may arise that deal with matters about which there are varied levels of opposing views, biases, emotions, and/or conflict. The Board wishes to ensure that controversial issues are presented in a manner that preserve the academic integrity of the district and reflects community values. Therefore, the Board establishes the following guidelines for teachers to follow when presenting controversial issues in the classroom:

1. In the classroom, matters of a controversial nature shall be handled as they arise in the normal course of instruction and not introduced for their own sake. Such issues shall be neither sought nor avoided.
2. When presenting various positions on a controversial issue, the teacher shall take care to balance major views and to assure that as many sides of the issues as possible are presented in a fair manner, with no position being espoused by the teacher as the only one acceptable.
3. When materials dealing with controversial topics are to be used, assigned or recommended, such materials must:
 - have educational value and be relevant to the curriculum;
 - be appropriate to the age and maturity level of the students; and
 - not adversely affect the attainment of the district's instructional goals or result in substantial disruption of the normal operation of the classroom.

(continued)

POLICY

2021

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NOTE: The criteria listed above reflect standards of balancing found in Commissioner's decisions as well as Constitutional Law. If the Board wishes to revise this list, they should do so in consultation with the school attorney to ensure their guidelines properly balance the teacher's First Amendment Rights.

Prior to presenting controversial materials to their students all teachers shall:

1. review carefully any and all material to be distributed to students with the understanding that they will be responsible and accountable for all materials distributed; and
2. notify and obtain approval from the Principal in advance of the dissemination of any material likely to be considered controversial by staff, class or community.
3. Once approved by the Principal issue permission/notification slips to families clearly indicating the title of the materials and a brief synopsis of the content; and
4. Provide alternative materials to students if a parent finds the materials in conflict with their religious and/or personal values (parents are to notify the teacher and principal of their concerns).

The Principal will review the materials to determine their suitability pursuant to the guidelines above.

Ref: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 260 (1988) (students have First Amendment rights)
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988) (limitations on students' First Amendment rights in an educational setting)
Board of Education v. Pico, 457 U.S. 853 (1982) (balance discretion of the Board over educational affairs with student's constitutional rights)
Appeal of Malverne Union Free School District, 29 Educ. Dep't. Rept. 363 (1990) (teachers First Amendment rights in an educational setting)
Appeal of O'Connor, 29 Educ. Dep't. Rept. 48 (1989) (notification prior to dissemination of controversial materials)

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