

CHALLENGING INSTRUCTIONAL TOPICS AND PRACTICES

I. Policy Information

California public schools are to instruct “in the principles of a free government” and lead students “to a true comprehension of the rights, duties and dignity of American citizenship.”

Therefore, it shall be the CUSD policy to provide for an objective and scientific study of issues about which people of good will may disagree. These issues may address topics related to political, historical, social, or economic beliefs, institutions and practices. Suitable, useful and appropriate instructional materials relative to these issues and appropriate to the maturity level of the student shall be a major consideration.

The Governing Board believes that students should have opportunities to discuss issues which have political, social, or economic significance and which the students are mature enough to investigate and address. The study of these issues 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 teachers to exercise caution and discretion when deciding whether or not a particular issue is suitable for study or discussion in any particular class.

The Board also expects teachers to ensure that all sides of an issue are impartially presented, with adequate and appropriate factual information. Without promoting any partisan point of view, the teacher should help students separate fact from opinion and advise students 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.

II. Guest Speakers

1. The Board encourages the use of guest speakers on the school campuses when it is clear they are qualified individuals who can provide valuable services which cannot be provided by District personnel.
2. All guest speakers are to be carefully screened by the site principal or designee. Such screening is to include a background check, personal recommendations by appropriate personnel, and area of expertise verification, as shown on the “Guest Speaker Checklist.” At no time will guest speakers be allowed to advertise verbally or through written materials the private enterprise of the speaker or a group/organization represented by the speaker or espouse a particular religious belief system.

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3. Following receipt of the principal's approval for a given speaker, teachers sponsoring guest speakers shall ask them not to use their position or influence on students to forward their own religious, political, economic or social views. If necessary, teachers shall also take active steps to neutralize whatever bias may have been presented.

III. Definitions

Challenging Issues

It is through the orderly consideration of challenging topics, such as politics, social issues, and economics, that our country historically has attempted to stimulate thought and discussion and formulate laws and policies. Therefore, it shall be the District's policy to provide for an objective and scientific study of issues about which people of good will may disagree within a classroom atmosphere conducive to the freedom of individual expression and the exchange of ideas and opinions.

An issue becomes challenging when the subject, methods or materials are debatable and when some of the proposed solutions being considered conflict with the intellectual or emotional commitment of a significant group or number of citizens' cherished interests, beliefs, or group loyalties.

IV. Proposed Or Desired Outcomes

- A. The study of a challenging issue should provide opportunities for students to develop techniques for examining their own and other's viewpoints and should strengthen their individual commitment to opinions reached through independent, systematic research.
- B. Investigation of significant and challenging issues should strengthen the students' abilities and will to study complex life situations. It should enable students to recognize the necessity for and value of differing viewpoints and to appreciate the role of debate as an instrument of progress.
- C. The study of such issues shall have as its purpose the development of the skills and attitudes listed in the policy introduction.

V. Areas Of Responsibility

A. District and School-Site Administration

Professional leadership in formulating and executing policy governing the study of challenging issues must come from the administrative officers of the District. The following general statements define the scope of this administrative responsibility.

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Within the framework of District policies, rules and regulations, the administrative officers of the District have the responsibility to:

1. Recommend and interpret policies to the Governing Board.
2. Inform and interpret policies to the staff.
3. Inform the staff of critical or important issues in the community.
4. Inform the staff of procedures for channeling complaints.
5. Provide an atmosphere conducive to academic freedom within the scope of professional competence, responsibility and integrity.
6. Provide teachers with authorized courses of study and with the necessary instructional materials which serve as guides to the selection of problems for discussion at appropriate levels.
7. Assist teachers in obtaining acceptable or suitable information and materials relative to issues under discussion.
8. Support teachers when unreasonable complaints, requests or demands are made upon them from individual or group pressure.
9. Inform the Superintendent of all complaints submitted on forms dealing with challenging issues. The Superintendent will advise the Board of said complaints if committee action is necessary to resolve the issue.
10. Provide for periodic evaluation of policies and procedures.

B. Teachers

One of the major functions of the public schools is to help students gain an appreciation and understanding of our democratic way of life. Therefore, one of the responsibilities of the schools is to perpetuate those ideals and understandings upon which our great nation was founded. Among these understandings is the ability of the individual to deal with the subject of challenging and controversial issues in a wholesome manner.

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The teacher is the key member of the school staff in the actual handling of challenging issues. In order to keep in proper perspective the overall purposes for the study of challenging issues in his/her classes, the teacher must carry out certain specific obligations as prescribed in the regulations of the Education Code of the State of California. The teacher must also have an understanding of the District's policy, his/her students, and the local community. In addition to the above, within the framework of District policy, rules, and regulations, the teacher has the responsibility to:

1. Have a thorough understanding of how advocacy, debate, and respect for different viewpoints have influenced the development of our country.
2. Uphold, protect, and defend the fundamental freedoms of our democratic way of life.
3. Always remember the influential position he/she occupies in the lives of his/her students and the importance of maintaining his/her dignity and objectivity at all times.
4. Recognize and develop a respect for the opinions of others and promote and develop critical thinking and a desire to participate actively in the democratic process in a climate that is conducive to the freedom of individual expression and exchange of ideas and opinions.
5. Be informed on the subject under discussion and provide available sources of information to assist the students in forming their own opinions and conclusions.
6. Choose suitable, useful and appropriate instructional materials relative to the maturity level of the student.
7. Refrain from injecting issues that are not pertinent to the subject under discussion or which have no immediate political, economic or social significance.
8. Refrain from or limit discussion of issues for which, in the judgment of the teacher, adequate study materials are not available for a presentation of all sides of the issue.
9. Avoid fallacious, improper arguments and emotional references not pertinent to the issue.

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10. Assist pupils in learning how to detect fallacious and improper arguments, such as personal attacks, propaganda techniques, and emotional references not pertinent to the issue.
11. Use adequate means to establish accurate interpretations of facts and conclusions.
12. Promote student interest in and an appreciation of rational methods of considering issues and arriving at reasonable decisions.
13. Refrain from attempting to indoctrinate students with his/her point of view.
14. Recognize the right to express his/her opinions and those of others, after qualifying with her/her students that these opinions may be authoritative but not necessarily to be accepted as conclusive.
15. Have the guest speaker complete the Guest Speaker Checklist at least one week prior to the date the speaker will be on campus, and have the speaker approved by the principal.

C. Students**1. Rights**

The Governing Board and administration support the belief that one of the major functions of public education is the furthering of students' understanding of the different kinds of people that make up our society, and of the varied beliefs and customs which they hold. Students in our schools have the following rights which must be recognized:

- a. The right to examine issues which have a political, economic or social significance that are appropriate to his/her age and maturity level and about which he/she should (may) begin to have an opinion, and which represent issues about which people of good will may disagree.
- b. To have access to relevant information which is in compliance with the state law, California Education Code, and local school policies.
- c. To be able to study under competent instruction in an atmosphere conducive to the freedom of individual expression and the exchange of ideas and opinions.

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- d. To form and express his/her own opinions on controversial issues without jeopardizing his/her relationship with his/her teachers.

2. Responsibilities

In our democratic way of life, it must be clearly understood that, with all inalienable rights of individuals, there are also certain responsibilities that must be assumed commensurate with these rights.

In view of this, in any discussion and study of advocacy issues, the student has the responsibility to:

- a. Conduct him/herself with a respectful regard for the views and feelings of others.
- b. Refrain from advocating acts of violence or acts of harm to others.
- c. Report accurately, not deliberately exaggerating or using the school as a means of antagonizing parents or other community members or criticizing his/her teachers or others.
- d. Refrain from injecting issues into classroom discussion which are neither relevant nor pertinent to the course of study and which have no immediate, responsible, political, economic, or social significance.
- e. Avoid fallacious, improper arguments and emotional references not pertinent to the issue.
- f. Listen attentively and thoughtfully to all discussions.
- g. Summarize the discussion carefully in order to be sure he/she has the record in proper perspective.
- h. Analyze the facts of the discussion and then base conclusions on these facts.
- i. Question for clarification any word or idea which causes confusion, or which is not clearly understood.

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VI. Procedures For Complaints Concerning Challenging Or Controversial Issues

The Governing Board recognizes the rights of people residing in the Capistrano Unified School District to present objections or complaints regarding the handling of issues in the classroom.

A. Informal Level

1. Initial complaints or objections concerning challenging or controversial issues shall be directed to the principal of the school where the issue is being discussed.
2. The principal shall notify the teacher(s) whose classes are considering the issue being questioned of the nature, extent, and source of the complaint, and the teacher(s) shall have the opportunity to meet with the complainant and principal, or principal's designee, and participate in an attempt to resolve the complaint at the informal level.

B. Written Statement of Complaint

1. If the complaint is unresolved at the informal level, the complainant will be notified in writing by the principal of the complainant's right to file a written complaint.
2. Written complaints will be made by completion of the "Citizen Request for Reconsideration of the Study of a Challenging or Controversial Issue" form and will be filed at the school site where the materials are in use. Copies of the complaint will be distributed to the Superintendent, principal, and complainant.
3. The school principal shall attempt to resolve the issue(s) described in the written complaint and shall notify the Superintendent of the status of the complaint. See "Principal's Report of Attempt to Resolve a Complaint Concerning Studying a Controversial Issue(s)."
4. Individual students may be excused from participation in the study of a specific issue(s) after the parent/guardian has presented a written complaint. The teacher will then assign the student alternative materials.
5. The classroom, school, or District study of an issue(s) shall not be restricted unless it is directed by the Superintendent, or Superintendent's designee, as described in VI, C, (3) of this policy.

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C. Reviewing Committee

1. If the complaint is unresolved, the Superintendent will appoint a Reviewing Committee to consider the complaint and review the challenging issue(s) involved.
2. The Reviewing Committee shall consist of at least four members, including a District office administrator, a school site administrator, teacher, and parent from the same level (elementary, middle, or secondary) where the issue is being studied, but not from the school where the complainant filed. The Executive Director of Instructional Services, Elementary or Secondary, shall serve as the Reviewing Committee chairperson.
3. During the time the written complaint is being considered, the Superintendent may allow the issue to continue to be studied or may suspend the studying of the issue until the complaint is resolved.
4. The Reviewing Committee shall, as appropriate, consider: the educational philosophy of the District; the professional opinions of mainstream teachers of the subject and of other competent authorities; research or written articles about the issue by reputable bodies; the teacher's stated instructional objectives in studying the issues; the objections of the complainant; and, if necessary, hear personal testimony of the complainant, the teacher whose class is studying the issue, or other interested parties.
5. The Reviewing Committee shall determine the extent to which the challenged issue supports the curriculum, the educational appropriateness of the issue, and its suitability for the age level of the students in that classroom.

D. Resolution of the Complaint

1. The Reviewing Committee shall submit to the Superintendent a written summary of its findings, including recommendations for resolution of the complaint.
2. Upon receipt of the Reviewing Committee's report and recommendations, the Superintendent shall render a decision in the matter and shall send written notification to the complainant of the decision.

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E. Appeal of Resolution

1. The Board believes the Superintendent and staff is well qualified to consider complaints concerning instructional materials and generally accepts the Superintendent's decision in these matters. However, if there is a dispute concerning the Superintendent's decision, the complainant may appeal the matter to the Governing Board at a regularly scheduled Board meeting, in accordance with Brown Act provisions.
2. In such cases the Superintendent or his designee will notify the complainant and Reviewing Committee of the date the appeal will be considered by the Governing Board. The decision of the Governing Board shall be the final resolution of the complaint.

(cf. 1312.2 Complaints Concerning Instructional Materials)

(cf. 4324 Uniform Complaint Procedures)

(cf. 6160 Instructional Materials Adoption: Selection and Evaluation)

Legal Reference:

EDUCATION CODE

35160.5 Requirement for policies and procedures for parent complaints regarding employees

51550 Prohibited instruction or activity

51510 Prohibited study or supplemental materials

51511 Religious matters properly included in courses of study

51530 Prohibition and definition regarding advocating or teaching communism with intent to indoctrinate

51550 Sex education courses

60040 Portrayal of cultural and racial diversity

60044 Prohibited instructional materials

60045 Required to be accurate, objective, current, and suited to needs and comprehension at respective grade levels