

Sample policy to consider.

Personnel – Certified

Academic Freedom

The teacher must be free to think, to express ideas, to select and employ materials and methods of instruction, free from undue pressures of authority, and free to act within the teacher's professional group. Such freedom must be used judiciously and prudently so that it promotes the free exercise of intelligence and student learning.

Academic freedom, not an absolute, must be exercised within the law and the basic ethical responsibilities of the teaching profession. Those responsibilities include:

1. an understanding of our democratic tradition and its methods;
2. a concern for the welfare, growth, maturity, and development of children;
3. the method of scholarship; and
4. application of good taste and judgment in selecting and employing materials and methods of instruction.

Controversial Issues and Academic Freedom

The District will offer courses of study which will afford learning experiences appropriate to levels of student understanding. The instructional program respects the rights of students to face issues, to have free access to information, to study under teachers in situations free from prejudice, and to form, hold, and express their own opinions without personal prejudice or discrimination.

Teachers will guide discussions and procedures with thoroughness and objectivity to acquaint students with the need to recognize various points of view, importance of fact, value of good judgment, and the virtue of respect for conflicting opinions.

The Board encourages and supports the concept of academic freedom, recognizing it as a necessary condition to aid in maintaining an environment conducive to learning and to the free exchange of ideas and information.

In a study of controversial issues or materials, however, the Board directs teaching staff to take into account the following criteria:

- Relative maturity of students;
- District philosophy of education;
- Community standards, morals and values;
- Necessity for a balanced presentation; and
- Necessity to seek administrative counsel and guidance in such matters.

Personnel – Certified

Academic Freedom (continued)

(cf. 1220 – Citizens’ Advisory Committees)

(cf. 1312 – Public Complaints)

(cf. 5145.2 – Freedom of Speech/Expression)

(cf. 6144 – Controversial Issues)

(cf. 6161 – Equipment, Books, Materials: Provision/Selection)

Legal Reference: Connecticut General Statutes

53a-193 through 53a-200

Keyishian v. Board of Regents, 395 U.S. 589, 603 (1967)

Perry v. Sindermann, 408 U.S. 593 (1972)

Pickering v. Board of Education, 391 U.S. 563 (1968)

Sterzing v. Fort Bend Independent School District, 376F. Supp. 657 (S.D. Tex 1972)

Grayned v. City of Rockford, 408 U.S. 104 (1972)

Miller v. California, 413 U.S. 15 (1973)

Amendment to U.S. Constitution, Article I

Connecticut Constitution, ARTICLE FIRST, Declaration of Rights, Sections 4, 5

Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/8/81)

Policy adopted:

rev 1/08

A sample district policy.

Personnel – Certified/Non-Certified

Academic Freedom and Freedom of Speech

The teacher must be free to think and to express ideas, free to select and employ materials and methods of instruction, free from undue pressures of authority, and free to act within the teacher's professional group. Such freedom should be used judiciously and prudently to the end that it promotes the free exercise of intelligence and student learning.

Academic freedom is not an absolute. It must be exercised within the law, the curriculum and school-supported activities approved by the Board of Education and the Superintendent, and the basic ethical responsibilities of the teaching profession as set forth in the Connecticut Code of Professional Responsibilities for Teachers. In relevant part, such professional responsibilities include:

1. promoting the principles and ideals of democratic citizenship;
2. fostering in students the full understanding, application and preservation of democratic principles and processes;
3. guiding students to acquire the requisite skills and understanding for participatory citizenship and to realize their obligation to be worthy and contributing members of society;
4. promoting the right and freedom of students to learn, explore ideas, develop learning skills and acquire the necessary knowledge to achieve their full potential;
5. engaging students in the pursuit of truth, knowledge and wisdom and providing access to all points of view without promoting a specific political agenda or deliberately distorting the subject matter;
6. being cognizant of the influence of teachers upon the community-at-large, and therefore, not knowingly misrepresenting facts or making false statements; recognizing, respecting and upholding the dignity and worth of students as individuals, dealing justly and considerately with all students and nurturing a respect and compassion for themselves and others;
7. ensuring quality education for all students; and
8. striving to exercise the highest level of professional judgment.

Limitations

Academic freedom must be in balance with the responsibilities of the district to carry out its educational curriculum and maintain discipline. School officials may limit the content of speech made by teachers provided that such limitations conform to the free speech rights teachers have inside and outside the classroom, as described below.

Personnel – Certified/Non-Certified

Academic Freedom and Freedom of Speech (continued)

In the Classroom

When teaching pursuant to their job duties, teachers are speaking as representatives of the district in a school-sponsored activity. The performance of job duties in the classroom carries special responsibilities. As such, school officials may limit the content of speech made by teachers in the classroom when such limitations are reasonably related to legitimate pedagogical concerns. When setting such limitations, school officials shall consider, among other things, the age and sophistication of the students, the relationship between the teacher's methods and valid educational objectives, and the context and manner of the presentation.

Special pedagogical concerns may apply in teaching that involves controversial issues. In implementing curriculum, teachers shall guide discussions regarding controversial issues in a manner consistent with their professional responsibilities, taking care to provide access to all viewpoints. Teachers shall not require students to adopt, nor deny the rights of students to disagree with, a particular point of view. Teachers shall teach students to perform critical analysis, evaluate sources of information, and form independent judgments. Within the curriculum, teachers shall provide opportunities for students to reach informed opinions, to present their opinions before persons holding opposing points of view, and to discuss alternative viewpoints.

Outside of the Classroom

Speech made by teachers pursuant to their job duties outside the classroom is protected from discipline when such speech (1) pertains to official dishonesty, deliberately unconstitutional action, other serious wrongdoing, or threats to health and safety, and (2) the teacher's interest in commenting on the matter outweighs the Board of Education's and the administration's interest in promoting the efficient performance of public services.

(cf. 1312 - Public Complaints)

Legal Reference: Connecticut General Statutes
 53a-1 93 through 53a-200
 Panse v. Easiwood, 303 F. App'x 933, 934-35 (2d Cir. 2008)
 Silano v. Sag Harbor Union Free Sch. Dist. Bd. of Educ., 42 F.3d 719 (2d
 Cir. 1994)
 Trusz v. UBS Really Investors, LLC, 319 Conn. 175 (2015)
 Keyishian v. Board of Regents 395 U.S. 589, 603 (1967)
 Perry v. Sindermann, 408 U.S. 593 (1972)
 Pickering v. Board of Education 391 U.S. 563 (1968)
 Sterzing v. Fort Bend Independent School District, 376F. Supp. 657 (S.D.
 Tex. 1972)

Personnel – Certified/Non-Certified

Academic Freedom and Freedom of Speech (continued)

Legal Reference (continued)

Grayned v. City of Rockford, 408 U.S. 104 (1972)

Miller v. California, 413 U.S. 15 (1973)

Amendment to U.S. Constitution Article I

Connecticut Constitution, ARTICLE FIRST, Declaration of Rights, Sections 4, 5

Academic Freedom Policy (adopted by Connecticut State Board of Education 9/9/8 1)

Policy adopted:

Another version to consider.

Personnel -- Certified

Academic Freedom

The Board of Education recognizes the right of a teacher to discuss social, economic, or political problems as well as the right of a student to discuss the same and hold any belief without interference from the teacher.

Alternative language:

Academic freedom is essential to the fulfillment of the purposes of the District. Teachers of this school system will be protected from censorship or restraint which unreasonably interferes with their obligation to expose students to controversial issues and to help students express their own views on such issues.

The Board believes, however, that freedom carries with it responsibility. Academic freedom also carries with it academic responsibility that is determined by the basic ideals, goals, and institutions of the local community as they are expressed in the goals and objectives of the school system. The teacher's responsibility should be to show objectivity to see that various sides of controversial issues are given. To carry out this responsibility a teacher should be well informed in the areas being studied.

As a consequence of its responsibility to guarantee academic freedom to both students and teachers, the Board expects that:

1. All classroom studies will be curriculum-related, factual, objective, and impartial;
2. Teachers will create and maintain an atmosphere of open-mindedness and tolerance;
3. Teachers will not attempt, directly or indirectly, to limit or control students' judgment concerning any issue, but will make certain that full and fair consideration is given to the subject and that facts are carefully examined as to their accuracy and interpretation.

Academic freedom is not absolute. It must be exercised within the law and the basic ethical responsibilities of the teaching profession. Those responsibilities include:

1. An understanding of our democratic tradition and its methods;
2. A concern for the welfare, growth, maturity, and development of children;
3. The method of scholarship; and
4. Application of good taste and judgment in selecting and employing materials and methods of instruction.

Personnel -- Certified

Academic Freedom (continued)

Freedom of expression, as defined by federal and state law and by Board policy, will be guaranteed to teachers to create a classroom atmosphere that allows students to raise questions dealing with critical issues.

The teacher is responsible for exercising judgment in selecting issues of educational value for discussion.

(cf. 1220 – Citizens’ Advisory Committees)

(cf. 1312 – Public Complaints)

(cf. 5145.2 – Freedom of Speech/Expression)

(cf. 6144 – Controversial Issues)

(cf. 6161 – Equipment, Books, Materials: Provision/Selection)

Legal Reference: Connecticut General Statutes

53a-193 through 53a-200

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Amendment to U.S. Constitution, Article I

Connecticut Constitution, ARTICLE FIRST, Declaration of Rights, Sections 4, 5

Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/8/81)

Policy adopted:

cps 5/04

rev 11/04

rev 1/08

Sample regulation to consider. Modify as necessary.

Personnel -- Certified

Academic Freedom

1. Teachers and administrators shall have the right to determine and select which instructional material and methods are to be used in the schools, subject to budgetary consideration.
2. The exercise of this right shall be within the framework of good taste and the growth and maturity of children.
3. Partisan views of teachers, administrators, the public, and/or Board members may not be used to suppress (or promote) instructional materials that are otherwise appropriate (or inappropriate).
4. The goal in selecting and utilizing instructional materials is the development of children's critical facilities, and of their ability to learn for themselves and make sound judgments; therefore, the selection of materials should be broad rather than narrow, factual rather than dogmatic.
5. Teachers shall not exclude relevant materials simply because it is unpopular or not widely accepted.
6. Teachers' personal opinions may be presented provided that the teacher does not use them to indoctrinate students.
7. Teachers shall not penalize students who disagree with them or who present views which are unpopular and/or not widely accepted.

(cf. 6144 - Controversial Issues)

Regulation approved: