

September 15, 2021

Chris Reitan
Craig City School District
100 School Road
Craig, Alaska 99921

Dear Superintendent Reitan,

Our office understands the Craig City School Board will soon be discussing an amendment to Board Policy 0410, *Nondiscrimination in District Programs and Activities*. This memo provides a summary of the Craig City School District's current nondiscrimination and controversial topics policies, as well as a brief analysis of the proposed language. The proposed amendment to Board Policy 0410 states:

“Craig Public School District employees may not direct or otherwise compel a student to personally affirm, adopt, or adhere to, or provide a course of instruction or unit of study that directs or otherwise compels a student to affirm, adopt, or adhere to, the following tenets:

- (1) a given sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior;
- (2) an individual should be treated adversely based on the individual's sex, race, ethnicity, religion, color, or national origin;
- (3) an individual, by virtue of the individual's sex, race, ethnicity, religion, color, or national origin, is inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin.”

Board Policy 0410 currently provides, “District programs and activities shall be free from discrimination based on age, gender, race, color, religion, national origin, ethnic group, marital or parental status, physical or mental disability or any other unlawful consideration.” Board Policy/Administrative Regulation 6144 also addresses the discussion of controversial topics in class. It states, among other provisions, that:

- All sides of [an] issue [must be] given a proper hearing, using established facts as primary evidence.
- The teacher [may] not use his/her position to forward his/her own religious, political, economic or social bias. The teacher may express a personal opinion if he/she identifies it as such and does not express the opinion for the purpose of persuading students to his/her point of view.
- The discussion [must] not reflect adversely upon persons because of their race, sex, color, creed, national origin, ancestry, handicap or occupation.

The Professional Teaching Practices Commission Code of Ethics also includes several provisions regarding an educator's responsibility towards nondiscrimination. 20 AAC 10.020(b)(6) states that an educator may not discriminate against a student due to their protected class, 20 AAC 10.020(b)(9) states

that an educator must accord just and equitable treatment to all students as they exercise their educational rights and responsibilities, and 20 AAC 10.020(c)(2) states that an educator must take reasonable precautions to distinguish between their personal views and the views of the District.

Given the above, we do not believe the proposed additional language is necessary. The District and state already have robust nondiscrimination and controversial topics policies in place, and the District's curriculum does not and may not require any student to affirm, adopt, or adhere to any specific tenets.

Please let me know if you have any follow up questions.

Sincerely,



Michael Caulfield

Attorney for the Craig City School District