

# Board Information Item

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|  | <div>Information<br/>Packet<br/><input type="checkbox"/></div> <div>Board Agenda<br/>Information<br/><input type="checkbox"/></div> <div>Board Agenda<br/>Action<br/><input type="checkbox"/></div> <div>Board Agenda<br/>Consent<br/><input checked="" type="checkbox"/></div> <div>08/25/2025</div>  |
| <b>Subject:</b>                                    | Updates to Board Policy EMB(LOCAL), Teaching About Controversial Issues  |
| <b>Contact Person:</b>                             | Paula Barbaroux, Chief Operations Officer  |
| <b>Policy/Code:</b>                                | Senate Bill 12, New Texas Education Code Section 28.043<br>EMB(LOCAL)  |
| <b>Priority and<br/>Performance<br/>Objective:</b> | Priority 3: Parents, Families and Community Satisfaction and Engagement<br>Objective 3.1: Parents and Families Satisfaction and Engagement   |
| <b>Summary:</b>                                    | The administration is recommending updates to Board Policy EMB(LOCAL), pertaining to teaching about controversial issues. Senate Bill 12 was passed in the 89 <sup>th</sup> legislative session and is reflected in Texas Education Code Section 28.043. The proposed updates to this policy reflect the new legal requirements. The updates were prepared by the Board's legal counsel. |
| <b>Attachments:</b>                                | Proposed Board Policy EMB(LOCAL)   |
| <b>Recommendation:</b>                             | The recommendation is for the Board of Trustees to approve the updates to Board Policy EMB(LOCAL).   |

MISCELLANEOUS INSTRUCTIONAL POLICIES  
TEACHING ABOUT CONTROVERSIAL ISSUES

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The District shall address controversial topics in an impartial and objective manner. Teachers shall not use the classroom to transmit personal beliefs regarding political or sectarian issues. Students and educators shall ensure that, to the extent possible, discussions are conducted fairly and courteously.

Pursuant to Education Code 28.0022(a), teachers shall not be compelled to discuss widely debated and currently controversial issues of public policy or social affairs. However, in the event a teacher chooses to discuss a topic described herein, the teacher must explore that topic objectively and free from political bias. [See EMB(LEGAL)]

**Selection of Topics**

A teacher selecting topics for discussion in the classroom shall be adequately informed about the issue and capable of providing instruction on the subject, free from personal bias. In addition, the teacher shall be certain that:

1. The issue in question is within the range, knowledge, maturity, and comprehension of the students.
2. The issue is current and educationally significant.
3. The consideration of the issue does not interfere with required instruction.
4. Sufficient relevant information on all aspects of the issue is provided.

If a teacher is unsure about a topic of discussion or about the methods to employ, the teacher may discuss the issue with the principal.

**Political Activism**

In accordance with Education Code 28.0022(a)(3), a teacher shall not require, make part of a course, or award a grade or course credit (including extra credit) for a student's:

1. Work for, affiliation with, or service learning in association with an organization engaged in:
  - a. Lobbying for or against legislation at any level of government if the student's duties involve attempting to influence social or public policy or the outcome of legislation; or
  - b. Social policy advocacy or public policy advocacy;
2. Political activism, lobbying, or efforts to persuade members of the legislative or executive branch at any level of government to take specific actions by direct communications; or

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3. Participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy.

However, these limitations do not apply to a student's participation in:

1. Community charitable projects;
2. An internship or practicum for which the student receives course credit under a career and technology education program or under the P-TECH program provided the program does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy; or
3. A program that prepares the student for participation and leadership in this country's democratic process at the federal, state, or local level through the simulation of a governmental process, including the development of public policy. [See EMB(LEGAL)]

**Certain Instructional  
Requirements and  
Prohibitions**

In accordance with Education Code 28.0022(a)(4), the District, including its teachers and administrators, shall not:

1. Require, make part of a course or training, or otherwise instruct employees or students that:
  - a. One race or sex is inherently superior to another race or sex;
  - b. An individual, by virtue of that individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
  - c. An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
  - d. An individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
  - e. An individual, by virtue of the individual's race or sex, bears responsibility, blame or guilt for actions committed by other members of the same race or sex;
  - f. Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or group to oppress members of another race or group;
  - g. The advent of slavery in the territory that is now the United States constituted the true founding of the United States; or

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- h. With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality;
2. Teach, instruct, or train any administrator, teacher, staff member, employee (full-time or part-time), contractor, contract worker, supervisor, assistant, parent volunteer, agent, vendor, or any other individual or group to adopt a concept listed under section 1 above, or
3. Teach, instruct, train, introduce, discuss, or require understanding of the 1619 Project. [See EMB(LEGAL)]

The District, including its teachers and administrators while acting as agents or representatives of the District, shall not teach, instruct, advocate, promote, or discuss any ideas, beliefs, concepts, theories, principles, rules, thoughts, or impressions that have any connection to, relationship with, refer to, are influenced by, or are otherwise consistent with so-called "Critical Race Theory" or systemic discrimination ideologies including, but not limited to, those ideologies set forth in sections 1 and 3 herein. This provision, together with sections 1 and 3 above, shall be collectively referred to as "Critical Race Theory" or systemic discrimination ideologies or "CRT/SDI".

Any instructional resources, as defined in EFA(LOCAL) and EFB(LOCAL), that adopt, support, or promote the subject matter described herein as CRT/SDI shall be placed and kept solely and exclusively in the District's parental consent area, as defined in EFB(LOCAL).

**District Personnel  
and Agents**

District personnel and agents, as used herein, shall include and refer to teachers, administrators, staff members, employees (full-time or part-time), contractors, contract workers, supervisors, assistants, parent volunteers, agents, vendors, or any individuals or groups operating on the District's behalf or within the District's educational programs or activities.

**Social and Emotional  
Learning Concepts**

Most traditional social and emotional learning (SEL) teachings are consistent with the District's general education goals, particularly concepts relating to the development of self-awareness, individualism, self-reliance, self-motivation, communication, conflict resolution, and interpersonal skills that are vital for academic, professional, and life success.

The District's personnel and agents shall continue to support, promote and focus on the following ideologies and concepts, which

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are generally consistent with the positive components of SEL, District policy, and the District's education goals<sup>1</sup>:

1. Individualism;
2. A rejection of victimhood mentality;
3. Conflict resolution techniques;
4. Aspiration to serve as business, secular, spiritual, or community leaders;
5. Financial self-sufficiency;
6. Importance of the nuclear family;
7. Liberty;
8. Hard work and perseverance as the basis for a successful society; and
9. The virtues of self-discipline, forgiveness, patience, kindness, determination, hope, thankfulness, reliability, honesty, industry, and responsibility.

However, some SEL concepts conflict with District policy, or are inconsistent with the District's education goals. As such, District personnel and agents, while acting as agents or representatives of the District, shall not teach, instruct, train, or otherwise require District personnel or agents to adopt, support, or otherwise promote SEL concepts that conflict with District policy, or are inconsistent with the District's education goals.

Any instructional resources, as defined in EFA(LOCAL) and EFB(LOCAL), that adopt, support, or promote SEL concepts that conflict with District policy or are inconsistent with the District's education goals shall be placed and kept solely and exclusively in the District's parental consent area, as defined in EFB(LOCAL).

**Gender Identity and Fluidity**

District personnel, agents, ~~and contractors~~ shall not teach, instruct, train, or otherwise ~~allow~~ any other District personnel, agents, ~~contractors~~ to teach, instruct, train, or otherwise communicate to any individual or group topics regarding sexual orientation or gender identity.

This prohibition is not intended to:

1. Limit a student's ability to engage in speech or expressive conduct protected by the First Amendment to the United

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<sup>1</sup> See also Tex. Educ. Code §29.906

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States Constitution or by Section 8, Article I, Texas Constitution that does not result in material disruption to school activities;

2. Limit the ability of a person who is authorized by the District to provide physical or mental health-related services to provide the services to a student, subject to any required parental consent; or
3. Prohibit an organization whose membership is restricted to one sex and whose mission does not advance a political or social agenda from meeting at the District.

District personnel and agents, while acting as agents or representatives of the District, shall not teach, instruct, train, or otherwise promote gender fluidity, as defined herein. Nor shall District personnel and agents be required to adopt, support, or promote gender fluidity, as defined herein. This provision shall not be interpreted as requiring, and does not require, any District personnel or agent to violate any rules or regulations propagated by that individual's professional licensing authority. Additionally, District personnel shall be prohibited from assisting a student with social transitioning, including by providing any information about social transitioning or providing guidelines intended to assist a person with social transitioning. Social transitioning has the meaning assigned at Texas Education Code § 11.401(a).

For purposes of this policy, gender fluidity means any theory or ideology that:

1. Espouses the view that biological sex is merely a social construct;
2. Espouses the view that it is possible for a person to be any gender or none (i.e., non-binary) based solely on that person's feelings or preferences; or
3. Espouses the view that an individual's biological sex should be changed to "match" a self-believed gender that is different from the person's biological sex.

Any instructional resources, as defined in EFA(LOCAL) and EFB(LOCAL), that adopt, support, or promote gender fluidity as defined herein shall be placed and kept solely and exclusively in the District's parental consent area, as defined in EFB(LOCAL).

The District shall not promote, require, or encourage the use of titles or pronoun identifiers for students, teachers, or any other persons in any manner that is inconsistent with the biological sex of such person as listed on:

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1. The person's official birth certificate; or
2. If the person's official birth certificate is unobtainable, another government-issued record.

A statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was:

1. Entered at or near the time of the student's birth; or
2. Modified to correct any type of scrivener or clerical error in the student's biological sex.<sup>2</sup>

3. ↓

A statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was:

1. Entered at or near the time of the student's birth; or
2. Modified to correct any type of scrivener or clerical error in the student's biological sex.<sup>3</sup>

**Classroom  
Discussion**

In guiding classroom discussion of controversial issues, teachers shall:

1. Foster students' critical thinking skills.
2. Encourage discussion based on rational analysis.
3. Create an atmosphere in which students learn to respect others' opinions and disagree courteously.
4. Ensure that multiple viewpoints about the issue are presented by introducing an unexpressed viewpoint when necessary.
5. Avoid any attempt to coerce or persuade students to adopt the teacher's point of view.
6. Comply with the instructional requirements and prohibitions imposed under state law.

**Student or Parent  
Concerns**

A student or parent with concerns regarding instruction about controversial issues shall be directed to the complaint policy at FNG.

**Student-Led  
Discussions**

The requirements and prohibitions described in this policy are not intended to and shall not prohibit students from forming student-led

**Deleted:** However, to the extent that a student (with the written consent of such student's parent or legal guardian), parent, or legal guardian has specifically requested or directed the use of a specific title or pronoun for that particular student, District personnel interacting with the student may comply with such request at their discretion. District personnel shall not require a student, teacher, administrator, or any other person listed herein to use a title or pronoun in reference to another person that is inconsistent with the biological sex of such person as listed on: ¶  
The person's official birth certificate; or ¶  
If the person's official birth certificate is unobtainable, another government-issued record.

<sup>2</sup> Tex. Educ. Code § 33.0834(c)

<sup>3</sup> Tex. Educ. Code § 33.0834(c)

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Violations of Policy

groups related to the topics described herein or otherwise discussing these topics privately.

Knowingly engaging in a violation of this policy or assigning to another person an act prohibited by this policy shall be cause for appropriate discipline, including termination of District employees and contractors. [See DFAA, DFBA, and DFCA for procedures for discipline, including termination, as appropriate.]

The District shall provide a copy of this policy to all District employees and contractors.