Board Policy IKBB: Divisive Concepts Complaint Resolution Process Status: ADOPTED

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PURPOSE

The Protect Students First Act, codified at Official Code of Georgia Annotated, 20-1-11, was effective July 1, 2022. O.C.G.A. § 20-2-11(c)(1) requires that "[n]o later than August 1, 2022, each local board of education and the governing body of each charter school shall adopt a complaint resolution policy to address complaints alleging violations of any provision of subsections (b) through (d) of this Code section.

In order to comply with this directive, Tthe Bibb County Board of Education ("Board of Education") incorporates by reference the provisions of The Protect Students First Act located in Official Code of Georgia Annotated 20-12-11. which . That code section contains the complaint resolution process to be followed to address complaints alleging violations of any provision of subsections

(b) through (d) of that code section. The Complaint Resolution process is set forth below.

DEFINITIONS

(1) "Divisive concepts" means any of the following concepts, including views espousing such concepts:

(A) One race is inherently superior to another race;
(B) The United States of America is fundamentally racist;
(C) An individual, by virtue of his or her race, is inherently or consciously racist or oppressive toward individuals of other races;
(D) An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race;
(E) An individual's moral character is inherently determined by his or her race;
(F) An individual, solely by virtue of his or her race, bears individual responsibility for actions committed in the past by other individuals of the same race;
(G) An individual, solely by virtue of his or her race, should feel anguish, guilt, or any other form of psychological distress;
(H) Performance-based advancement or the recognition and appreciation of character traits such as a hard work ethic are racist or have been advocated for by individuals of a particular race to oppress individuals of another race; or
(I) Any other form of race scapegoating or race stereotyping.

(2) "Espousing personal political beliefs" means an individual, while performing official duties as part of his or her employment or engagement with a school or local school system, intentionally encouraging or attempting to persuade or indoctrinate a student, school community member, or other school personnel to agree with or advocate for such individual's personal beliefs concerning divisive concepts.

(3) "Race scapegoating" means assigning fault or blame to a race, or to an individual of a particular race because of his or her race. Such term includes, but is not limited to, any claim that an individual of a particular race, consciously and by virtue of his or her race, is inherently racist or is inherently inclined to oppress individuals of other races.

(4) "Race stereotyping" means ascribing character traits, values, moral or ethical codes, status, or beliefs to an individual because of his or her race.

REQUIREMENTS

(1) The Board of Education Bibb County Board of Education ("Board of Education"), the Superintendent, the School DistrictBibb County School District ("School District") and each school shall prohibit employees from discriminating against students and other employees based on race.

(2) The Board of Education, the Superintendent, the School District and each school shall ensure that curricula and training programs encourage employees and students to practice tolerance and mutual respect and to refrain from judging others based on race.

~~(2)~~(3) The School District and each school may provide curricula or training programs that foster learning and workplace environments where all students, employees, and school community members are respected; provided, however, that any curriculum, classroom instruction, or mandatory training program, whether delivered or facilitated by school personnel or a third party engaged by a school or local school system, shall not advocate for divisive concepts.

~~(3)~~(4) Nothing in this policy shall be construed or applied to:

(A) Inhibit or violate the rights protected by the Constitutions of Georgia and the United States of America or undermine intellectual freedom and free expression;

(B) Infringe upon the intellectual vitality of students and employees;

(C) Prohibit the Board of Education, School District or a school from promoting concepts such as tolerance, mutual respect, cultural sensitivity, or cultural competency; provided, however, that such efforts do not conflict with the requirements of this policy and applicable laws;

(D) Prohibit a school administrator, teacher, other school personnel, or an individual facilitating a training program from responding in a professionally and academically appropriate manner and without espousing personal political beliefs to questions regarding specific divisive concepts raised by students, school community members, or participants in a training program;

(E) Prohibit the discussion of divisive concepts, as part of a larger course of instruction, in a professionally and academically appropriate manner and without espousing personal political beliefs;

(F) Prohibit the full and rigorous implementation of curricula, or elements of a curriculum, that are required as part of advanced placement, international baccalaureate, or dual enrollment coursework; provided, however, that such implementation is done in a professionally and academically appropriate manner and without espousing personal political beliefs;

(G) Prohibit the use of curricula that addresses the topics of slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in racial oppression, segregation, and discrimination in a professionally and academically appropriate manner and without espousing personal political beliefs; or

(H) Create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the School District, Board of Education or the schools, departments, agencies, entities, officers, employees, agents, or any other personnel affiliated with the School District or the Board of Education.

COMPLAINT RESOLUTION PROCESS

The Protect Students First Act was effective July 1, 2022. O.C.G.A. § 20-1-11(e)(1) requires that "[n]o later than August 1, 2022, each local board of education and the governing body of each charter school adopt a complaint resolution policy to address complaints alleging violations of any provision" as set out in the Requirements section above.

The Board of Education hereby adopts this complaint resolution policy to address complaints alleging violations of this policy:~~.~~

(1) A response will be provided to a complaint made by:

(A) The parent of a student enrolled at the school where the alleged violation occurred;

(B) A student who has reached the age of majority or is a lawfully emancipated minor and who is enrolled at the school where the alleged violation occurred; or

(C) An individual employed as a school administrator, teacher, or other school personnel at the school where the alleged violation occurred;

(2) The complaint shall first be submitted in writing to the principal of the school where the alleged violation occurred.

(3) The complaint shall provide a reasonably detailed description of the alleged violation.

~~(4) The complaint review shall be conducted within the following timelines~~Complaint review process:

(A~~i~~) Within five school days of receiving such written complaint, the school principal or the School District's designee will review the complaint and take reasonable steps to investigate the allegations in the complaint;

(B) Within ten school days of receiving the complaint, unless another schedule is mutually agreed to by the complainant and the school principal or the School District's designee, the school principal or such designee will confer with the complainant and inform the complainant whether a violation occurred, in whole or in part, and, if such a violation was found to have occurred, what remedial steps have been or will be taken; provided, however, that the confidentiality of student or personnel information shall not be violated; and

(C) Following such conference, within three school days of a request by the complainant, the school principal or School District designee will provide to the complainant a written summary of the findings of the investigation and a statement of remedial measures, if any; provided, however, that such written response shall not disclose any confidential student or personnel information.

~~(4)~~(5) The determination shall be reviewed by the Superintendent or his or her designee within ten school days of receiving a written request for such review by the complainant addressed to the Superintendent, provided, however, that confidential student or personnel matters shall not be subject to review.

~~(5) In reviewing the decision, the Superintendent shall review the original complaint filed by the complainant, any communication between the complainant and the principal or designee from the time the complaint is filed until the time of the review that is related to the complaint, and any statement in writing submitted to the Superintendent in connection with the review by either the complainant or the principal or designee by a date set by the Superintendent.~~

~~(6) The Superintendent shall have the right, but not the obligation, to hear from the complainant and the principal or designee or to request further information from either.~~

~~(7)~~(6) The Superintendent's decision following the review provided for in subparagraph (5~~E~~) shall be subject to review by the Board of Education as provided in O.C.G.A § 20-2-1160; provided, however, that confidential student or personnel matters shall not be subject to review.

~~(8)~~(7) Following a decision by~~When~~ the Board of Education, ~~has made a decision, it shall be binding on the parties; provided, however, that, shall~~ the parties will be notified in writing of the decision and any party aggrieved by the decision will be notified of their ~~of their~~ right to appeal the decision to the State Board of Education and of the procedures and requirements for such an appeal as set forth in Georgia law.\

~~(9)~~(8) Any individual described in ~~(4)~~(1~~A~~)(a)-(c) above, shall have the right at any time, including prior to filing a complaint, to request, in writing, from the Superintendent or the school principal nonconfidential records which he or she reasonably believes may substantiate a complaint under this policy. Such records shall be produced for inspection within a reasonable amount of time not to exceed three business days of receipt of the request. If some, but not all, of the requested records are available within three business days, the records that are available shall be made available and the requester shall be provided a description of the records which are unavailable and a timeline for when those records will be available

~~(10)~~(9) These records shall be provided as soon as practicable, but in no case later than thirty (30) days after receipt of the request.

(10) If a parent's request ~~described in subsection (I)~~for non-confidential records is denied or the records are not produced within thirty (30) days, the parent may appeal the denial or failure to the Board of Education which must place the appeal on the agenda for the next public meeting. If it is too late for such appeal to appear on the next meeting's agenda, the appeal must be included on the agenda for the subsequent meeting.

(11) Nothing in this policy shall be construed to prohibit any cause of action available at law or in equity to a parent who is aggrieved by a decision of the Board of Education made pursuant to this policy.