

LOCAL BOARD OF EDUCATION

MODEL POLICY FOR THE “PROTECT STUDENTS FIRST ACT”

A. Definitions:

1. “Divisive Concepts” means any of the following concepts, including views espousing such concepts:
 - a. One race is 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 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.

B. Requirements:

1. Each local board of education, local school superintendent, and the governing body of each charter school shall prohibit an employee from discriminating against students and other employees based on race.
2. Each local board of education, local school superintendent, and the governing body of each charter 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.

3. Each school and local school system 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.
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 of local boards of education, local school systems or other schools;
 - c. Prohibit a local board of education, local school system, or other 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 Code section 20-1-11 and other applicable laws;
 - d. Prohibit a school administrator, teacher or 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 locally approved curriculum linked to Georgia Standards of Excellence, Advanced Placement, International Baccalaureate Diploma Program, dual enrollment coursework, or elements of such curricula; 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;
 - h. Create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against a local board of education, local school system, or other school, or the departments, agencies, entities, officers, employees, agents, or any other personnel affiliated with such local board of education, local school system, or other school; or
 - i. Prohibit a state or federal court or agency of competent jurisdiction from ordering training or other remedial action that discusses divisive concepts due to a finding of discrimination, including discrimination based on race.

C. Complaint Resolution:

No later than August 1, 2022, each local board of education and the governing body of each charter school shall adopt a complaint resolution process to address complaints alleging

violations of any provision of the subsections listed earlier in this policy. The complaint resolution process shall provide that:

1. A school or local school system shall not be required to respond to a complaint made pursuant to this policy unless it is made by:
 - a. A parent or legal guardian 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 who is enrolled at the school where the alleged violation occurred; or
 - c. An individual employed as a school administrator, teacher, or other 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; (see guidance)
4. Within five (5) school days of receiving the complaint; the school principal or designee shall review the complaint and take reasonable steps to investigate the allegations contained in the complaint;
5. Within ten (10) school days of receiving the complaint, the school principal or designee shall confer with the complainant;
 - a. The school principal or designee shall inform the complainant whether a violation occurred, in whole or in part;
 - b. If a violation occurred, in whole or in part, the school principal or designee shall inform the complainant of what remedial steps have been taken or will be taken; provided that the confidentiality of student or personnel information shall not be violated;
 - c. Another schedule may be mutually agreed upon by the complainant and the school principal or designee regarding this ten (10) days response limit.
6. Following such conference, within three (3) school days of a request by the complainant, the school principal or designee of the school, charter school or local system shall provide to the complainant
 - a. A written summary of the findings of the investigation, and
 - b. A statement of remedial measures, if any,provided, however, that such written response shall not disclose any confidential student or personnel information.
7. The determinations provided above shall be reviewed by the local superintendent or designee, or the governing body of a state charter school, as applicable, within ten (10) school days of receiving a written request for such review by the complainant addressed to the local superintendent/designee or local governing body of a state charter school; provided, however, that confidential student or personnel information shall not be subject to review pursuant to this paragraph;
 - a. The decision of the local superintendent/designee following the review provided for in the above subparagraph 6 above shall be subject, within a reasonable length of time, to review by the local board of education as provided for in Code Section 20-2-1160; provided, however, that confidential student or personnel information shall not be subject to review pursuant to this subparagraph.

- b. The decision of the governing body of a state charter school following the review provided for in paragraph 6 above shall be subject to review within in a reasonable length of time by the State Charter Schools Commission, whereupon the State Charter Schools Commission shall take appropriate remedial measures, including, but not limited to, revocation of a state charter school's charter; provided, however that confidential student or personnel information shall not be subject to review pursuant to this subparagraph.
8. Following a decision by a local board of education regarding a complaint made, any party listed in the original complaint (complainant, employee who allegedly committed the violation) who is aggrieved by the decision of the local board of education shall have the right to appeal such decision to the Georgia State Board of Education for a hearing as provided in Code Section 20-2-1160.
9. The Georgia State Board of Education shall, after hearing an appeal brought pursuant to Section C paragraph 8 above, make written findings regarding whether any violations, in whole or in part, of the provisions of this policy occurred at a school in such school system.
 - a. If the State Board of Education finds that one or more of such violations occurred, it shall direct the Georgia Department of Education to develop a corrective action plan to be provided to the local school system within ten (10) calendar days of such finding. The local school system shall have 30 calendar days to implement the corrective action plan.
 - b. If the Georgia State Board of Education finds that such local school system has not implemented the corrective action plan; in cases where the local school system at issue has been granted one or more waivers as provided in Article 4 of Chapter 2 of this title, Code Section 20-2-244, or Code Section 20-2-2065, the State Board of Education shall order the immediate suspension of one or more waivers included in the local school system's contract with the State Board of Education for such waivers;
 - i. The State Board of Education shall exercise discretion in determining which waivers shall be subject to such order of suspension and shall, as may be reasonable and practicable, narrowly tailor such order to address specific violations of provisions contained in this policy; and
 - ii. An order suspending a local school system's waivers shall be in effect no less than twelve (12) months from the date of such order. If a local school system's contract with the State Board of Education providing for such waivers is greater than twelve (12) months, then no longer than such remainder;
 - c. If the Georgia State Board of Education finds that such local school system has not implemented the corrective action plan; in cases where the local school system has not been granted a waiver, the State Board of Education shall refer the matter to the State School Superintendent to determine whether to exercise his or her suspension authority as provided in Code Section 20-2-4.
10. Nothing in this policy shall be construed to prohibit any cause of action available at law or in equity to a complainant who is aggrieved by a decision of a local board of education, the governing body of a charter school, or the State Charter Schools Commission.

D. Records Request

1. Any individual described in this policy shall have the right at any time, including prior to filing a complaint, to request, in writing, from the local school superintendent or school principal nonconfidential records which he or she reasonably believes may substantiate a complaint under this policy. The local school superintendent or school principal shall produce such records for inspection within a reasonable amount of time not to exceed three business days of receipt of a request.
2. In those instances where some, but not all, of the records requested are available for inspection within three business days, the local school superintendent or school principal shall make available within that period such records that are available for inspection.
3. In any instance where some or all of such records are unavailable within three business days of receipt of the request, and such information exists, the local school superintendent or school principal shall, within such time period, provide the requester with a description of such records and a timeline for when the records will be available for inspection and shall provide the records or access thereto as soon as practicable but in no case later than 30 days after receipt of the request.
4. If the local school superintendent or school principal denies a parent's request for records or does not provide existing responsive records within 30 days, the parent may appeal such denial or failure to respond to the local board of education or charter school governing board. The local board of education or charter school governing board must place such appeal on the agenda for its 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.
5. Nothing in this subsection 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 a local board of education or the governing body of a charter school made pursuant to this policy.

E. Other

1. Provisions contained in this policy shall not be subject to waivers pursuant to Code Section 20-2-82 for a strategic waivers school system; Code Section 20-2-244 for a local board of education; Code Section 20-2-2063.2 for a charter system; or Code Section 20-2-2065 for a charter school established pursuant to Article 31 or Article 31A of this chapter, a charter system, or schools within a charter system."