

Board Policy IKBB: Divisive Concepts Complaint Resolution Process

Status: DRAFT

Original Adopted Date: Pending

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, the Superintendent, and each school shall prohibit employees from discriminating against students and other employees based on race.
2. The Board of Education, the Superintendent, 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.
3. 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, system 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;
 - H. Create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the District, Board or the schools, departments, agencies, entities, officers, employees, agents, or any other personnel affiliated with the District or the Board.
4. The Board of Education hereby adopts this complaint resolution policy to address complaints alleging violations of this policy.
- A. A response will be provided to a complaint made by:
 - i. The parent of a student enrolled at the school where the alleged violation occurred;
 - ii. 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
 - iii. An individual employed as a school administrator, teacher, or other school personnel at the school where the alleged violation occurred;
 - B. The complaint shall first be submitted in writing to the principal of the school where the alleged violation occurred;
 - C. The complaint shall provide a reasonably detailed description of the alleged violation;
 - D.
 - i. Within five school days of receiving such written complaint, the school principal or a school system designee will review the complaint and take reasonable steps to investigate the allegations in the complaint;
 - ii. 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 system 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
 - iii. Following such conference, within three school days of a request by the complainant, the school principal or school system 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.
 - E. The determinations 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;

- F. 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. 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.
- G. The Superintendent's decision following the review provided for in subparagraph (E) shall be subject to review by the Board of Education as provided in Code Section 20-2-1160; provided, however, that confidential student or personnel matters shall not be subject to review;
- H. When the Board has made a decision, it shall be binding on the parties; provided, however, that the parties shall be notified in writing of the decision and 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.
- I. Any individual described in (4)(A) 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 school days of receipt of the request. If some, but not all, of the records are available within three school 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. These records shall be provided as soon as practicable, but in no case later than thirty (30) days after receipt of the request.
- J. If a parent's request described in subsection (I) is denied or the records not produced within thirty (30) days, the parent may appeal the denial or failure to the Board 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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Note: To access the policy references, click here [State of Georgia Terms and Conditions](#)(<https://simbli.eboardsolutions.com/SU/amlgTZiB9plushNjl6WXhfiOQ==>) and close the LexisNexis tab, which will return you to the policy. Click on the links below to be taken to each specific code. **You should only have to do this one time per session.**

Federal References

42 USC 2000d

Description

Civil Rights Act-Prohibition against discrimination in federally assisted programs on basis of race, color, or national origin - <https://simbli.eboardsolutions.com/SU/tFugfWYzRYsslsh4jBYNweqTQ==>