Cherokee County School District

Agenda Request Form

Meeting Date	Agenda Item Number
August 18, 2022	C-1

Title

Approval of Divisive Topics Policy (IGF) - - on Final Reading

Requested Action

School Board Consideration of Superintendent's Recommendation for Approval of Divisive Topics Policy (IGF) - - on Final Reading

Summary Explanation and Background

O.C.G.A. § 20-1-11, which was created by House Bill 1084 (2022 Legislative Session), required the State Board of Education to promulgate a model policy to assist schools and local school systems with establishing a curriculum review and complaint resolution process that meets statutory requirements. The law required the promulgation of this model policy by the State Board no later than July 1, 2022, and the adoption of a complaint resolution policy by local boards of education and the governing bodies of each charter school by August 1, 2022. The attached reflects application of the statute.

Priority Area

Organizational and Operational Effectiveness

Financial Impact

N/A

Exhibits: (List)

Policy (IGF)

Source of Additional Information

Dr. Brian V. Hightower	770.479.1871
Dr. Nicole Holmes	770.479.1871
Mike McGowan	770.479.1871

(ALL NEW)

POLICY FOR THE "PROTECT STUDENTS FIRST ACT"

The Cherokee County Board of Education welcomes and values input from parents/guardians relative to curriculum review and establishes the following as a complaint resolution process in this regard:

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. The School District prohibits its employees from discriminating against students and other employees based on race.

2. The School District will 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. The School District 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 the School District, will not advocate for divisive concepts.
4. Nothing in this Policy will 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 the School District;
    c. Prohibit the School District 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 the School District, or the departments, agencies, entities, officers, employees, agents, or any other personnel affiliated with the School District; 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, the School District will 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 will provide that:

1. A school or School District will 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 will first be submitted in writing to the Principal of the school where the alleged violation occurred;
3. The complaint will provide a reasonably detailed description of the alleged violation; (see guidance)
4. Within five (5) school days of receiving the complaint; the Principal or School District designee will 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 Principal or School District designee will confer with the complainant;
   a. The Principal or School District designee will inform the complainant whether a violation occurred, in whole or in part;
   b. If a violation occurred, in whole or in part, the Principal or School District designee will inform the complainant of what remedial steps have been taken or will be taken; provided that the confidentiality of student or personnel information will not be violated;
   c. Another schedule may be mutually agreed upon by the complainant and the Principal or School District designee regarding this ten (10) days response limit.
6. Following such conference, within three (3) school days of a request by the complainant, the Principal or School District designee will 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 will not disclose any confidential student or personnel information.
7. The determinations provided above will be reviewed by the local Superintendent or School District designee within ten (10) school days of receiving a written request for such review by the complainant addressed to the Superintendent/School District designee; provided, however, that confidential student or personnel information will not be subject to review pursuant to this paragraph;

   The decision of the Superintendent/School District designee following the review provided for in the above subparagraph 6 above will be subject, within a reasonable length of time, to review by the School Board as provided for in Code Section 20-2-1160; provided, however, that confidential student or personnel information will not be subject to review pursuant to this subparagraph.

8. Following a decision by the School Board 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 School Board will 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. Nothing in this Policy will be construed to prohibit any cause of action available at law or in equity to a complainant who is aggrieved by a decision of the School Board.

D. Records Request

1. Any individual described in this Policy will have the right at any time, including prior to filing a complaint, to request, in writing, from the Superintendent or Principal nonconfidential records which he or she reasonably believes may substantiate a complaint under this Policy. The Superintendent or Principal will 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 Superintendent or Principal will 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 Superintendent or Principal will, 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 will 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 Superintendent or 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 School Board. The School 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 will 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 School Board made pursuant to this Policy.

E. Other

Provisions contained in this Policy will not be subject to waivers pursuant to Code Section 20-2-82 for a strategic waivers school system; and, Code Section 20-2- 244 for the School District.