



**GWINNETT
COUNTY
PUBLIC
SCHOOLS**

Gwinnett County Board of Education

Level: Policy I-Instructional Programs	Accompanying Procedure:	Descriptor Code: IKBC	Rescinds NEW
Descriptor Term: Complaint Resolution Process-Material Harmful to Minors		Effective Date: January 19, 2023	Last Reviewed Date: January 19, 2023

Keywords:
Student Discipline:
Policy References:

(1) DEFINITIONS.

- a. Harmful to Minors - As outlined in O.C.G.A. § 20-2-324.6, that quality of description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:
 - i. Taken as a whole, predominantly appeals to the prurient, shameful, or morbid interest of minors;
 - ii. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - iii. Is, when taken as a whole, lacking in serious literary, artistic, political, or scientific value for minors.
- b. Designee - A school or system administrator or committee designated by the school principal to conduct the complaint resolution process.
- c. Parent - parent, legal agent, legal guardian, or kinship caregiver.
- d. Permanent Guardian - An individual appointed as a guardian of a minor pursuant to Part 5, Article I of Chapter 2 of Title 29.

(2) REQUIREMENTS.

- a. Complaint Resolution Process
 - i. Complaint Submission
 - 1. Complaints alleging that material that is Harmful to Minors has been provided or is currently available to a student enrolled in the local school system must be submitted by the Parents or Permanent Guardians.
 - 2. Complaints must be submitted in writing to the principal of the school where the student is enrolled.
 - 3. Complaints shall provide a reasonably detailed description of the material that is alleged to be harmful to minors.
 - 4. Complaints shall be limited to one title or source material per complaint.
 - ii. Complaint Review Procedures

1. Within seven (7) business days of receiving a written complaint, the school principal or his or her Designee will review the complaint and take reasonable steps to investigate allegations in the complaint, including, but not limited to, reviewing the material that is alleged to be harmful to minors, if it is available.
2. The school principal or his or her Designee shall determine whether the material that is the subject of the complaint is harmful to minors.
3. The school principal or his or her Designee will determine whether student access to the material that is the subject of the complaint should be removed or restricted.
4. Within ten (10) business days of receiving the complaint, unless another schedule is mutually agreed to by the Parent or Permanent Guardian and the school principal or his or her Designee, the school principal or his or her Designee shall confer with the Parent or Permanent Guardian and inform him or her whether the material that is the subject of the complaint was determined to be harmful to minors, and whether student access to such material will be removed or restricted.

iii. Appeals Process

1. Appeals of the school's principal's or his or her Designee's determinations of the complaint allegations shall be subject to full administrative and substantive review by the (local) Board of Education, which shall also include the ability of the Parent or Permanent Guardian to provide input during public comment at a regularly scheduled board meeting.
2. Unless another time frame is mutually agreed upon by the Parent or Permanent Guardian and the (local) Board of Education, the review and final disposition of the appeal by the (local) Board of Education shall be completed within thirty (30) calendar days of receiving the written appeal.
3. The title of the material submitted for appeal that is determined by the (local) Board of Education to be not harmful to minors shall be published on the website of the (local) Board of Education within fifteen (15) business days from the date of such determination and shall remain on the website for a period of not less than twelve (12) months.
4. A Parent or Permanent Guardian may request access to appealed materials that are physical in nature and accessible to their student in the student's school media center. A Parent or Permanent Guardian must abide by the school's policies and procedures when requesting and reviewing such material.