



## **BIA Policy on Protect Students First Act – Divisive Concepts**

This policy is adopted in accordance with the state Protect Students First Act, OCGA §20-1-11 et al.

This school strictly prohibits harassment or discrimination by or against students and employees on the basis of race and all other characteristics protected by state or federal law.

### **I. Divisive Concepts**

It is the policy of this board that all curricula and training programs encourage employees and students to practice tolerance and mutual respect and to refrain from judging others based on their race. Any curricula or training programs provided by the school to foster learning and workplace environments where all students, employees, or community members are respected shall not advocate for divisive concepts. This includes any curriculum, classroom instruction, or mandatory training programs delivered or facilitated by school personnel or a third party engaged by the school.

Nothing in this policy shall be construed or applied to:

1. Inhibit or violate the rights protected by the Constitutions of Georgia or the United States of America or undermine intellectual freedom and free expression;
2. Infringe on the intellectual vitality of students and employees of this school or other local boards, school systems, or schools;
3. Prohibit the promotion of concepts such as tolerance, mutual respect, cultural sensitivity, or cultural competency, so long as it does not conflict with state or federal law;
4. Prohibit administrators, teachers, school personnel, or individuals facilitating a training program from responding in a professionally or academically appropriate manner and without espousing personal political beliefs to questions regarding specific divisive concepts raised by students, school community members, or training program participants;
5. 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;
6. Prohibit the full and rigorous implementation of curricula, or elements of locally approved curriculum, that are required as part of the Georgia Standards of Excellence, Advanced Placement, International Baccalaureate, dual enrollment coursework, or elements of such curricula; so long as the implementation is done in a professionally and academically appropriate manner and without espousing personal political beliefs;
7. Prohibit the use of curricula that addresses the topics of slavery, racial oppression, racial segregation, or racial discrimination, including topics related 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;

8. Create any right or benefit, substantive or procedural, against this school and its board members, departments, agencies, entities, officers, employees, agents, or any other personnel affiliated with this school; or
9. Prohibit a state or federal court with competent jurisdiction from ordering training or other remedial action that discusses divisive concepts due to a finding of discrimination, including discrimination based on race.

#### Complaint Process & Procedures for Alleged Violations

An eligible individual who believes that this section has been violated may file a written complaint with the Head of School in accordance with the process detailed herein.

Individuals eligible to file a complaint under this section include:

- The parent of a student enrolled at this school;
- Students enrolled in this school who have reached the age of majority or have been declared a lawfully emancipated minor; or
- Administrators, teachers, or other personnel employed at this school.

A written complaint under this section must include the following:

- Name of Complainant
- Child's Name, if applicable
- Date filed
- Reasonably detailed description of the alleged violation

#### *Investigation & Conference*

Within five (5) school days of receiving a complaint, the Head of School or his/her designee must review the complaint and take reasonable steps to investigate the alleged violation(s). Within ten (10) school days of receiving the complaint the Head of School or his/her designee shall confer to review the investigation findings. The Head of School and the complainant can mutually agree to a longer timeline.

#### *Initial Determination*

During the conference, the Head of School or his/her designee will notify the complainant whether a violation was found to have occurred, in whole or in part. If a violation was found to have occurred, the Head of School or his/her designee must inform the complainant of what remedial steps have been or will be taken in response to the violation.

If requested, the Head of School or his/her designee will provide complainant with a written summary of the investigation findings and the remedial measures, if any, within three (3) school days of the request.

#### *Appeal to Governing Board*

The complainant may submit a written appeal of the initial determination to the Chair of the Governing Board. The Governing Board shall review the initial determination within ten (10) school days of receiving the written request for appeal. To the extent practicable, the Board shall provide a decision on its review of the initial determination within ten (10) schools days of completing its review.

#### *Review by the State Charter Schools Commission*

The decision of the Governing Board may be reviewed by the State Charter Schools Commission in accordance with the policies and procedures adopted by the Commission.

#### *Confidential Student and Employee Information*

No confidential student or employee information shall be disclosed during any meeting or as part of any written response or appeal under this policy. Confidential student or personnel matters shall not be subject to review or appeal.

## **II. Request to Review Records**

At any time, including prior to filing a complaint, an eligible individual may request, in writing, to review any nonconfidential records that he/she reasonably believes may substantiate a complaint under this policy.

#### *Access to Records*

Within three (3) business days of receipt, the Head of School shall make the requested records available for inspection. In any instance where some but not all of the requested records are unavailable within three (3) business days, the Head of School shall provide a written description of the responsive records in existence and a timeline for when the records will be available for review. All remaining responsive records must be provided for review as soon as practicable but no later than thirty (30) business days after receipt of the records request.

#### *Appeal of Records Request to Governing Board*

Under this Section, if the Head of School denies a parent's properly submitted request for records review or does not produce existing records for inspection within thirty (30) business days, the parent may appeal the denial or failure to the Governing Board. To the extent practicable, the Board must place the appeal on the agenda for its next public meeting. If it is too late to appear on the next meeting's agenda, it shall be placed on the agenda for the subsequent Board meeting.

#### *Cause of Action*

Nothing in this Section 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 Governing Board.

## **III. Definitions**

As used in this policy the following definitions apply:

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 towards individuals of other races;

- d. An individual should be discriminated against or receive adverse treatments 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. This 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, morals or ethical codes, status, or beliefs to an individual because of his or her race.

#### **IV. Implementation**

The Head of School shall develop procedures, as necessary, to implement this policy.

---

Authority: OCGA §20-1-11

Adopted: 7/14/2022