



**PROHIBITED CONCEPTS IN INSTRUCTION COMPLAINT
PROCEDURE
(INS-P046)**

Clarksville-Montgomery County School System

1.0 SCOPE:

- 1.1 The purpose of this procedure is to outline the required steps for a student, parent, or employee of the Clarksville-Montgomery County School System to file a complaint if they believe a prohibited concept has been included or promoted in the course of instruction, curriculum, an instructional program, or in supplemental instructional materials pursuant to T.C.A. 49-6-1019(a).

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

2.0 RESPONSIBILITY:

- 2.1 Chief Academic Officer

3.0 APPROVAL AUTHORITY:

- 3.1 Chief Academic Officer

4.0 DEFINITIONS:

- 4.1 Department: Tennessee Department of Education.
- 4.2 Eligible complainant: means a current CMCSS student or employee or a parent of a current CMCSS student.
- 4.3 Prohibited Concepts: the 14 categories of concepts that should not be included in the course of instruction, pursuant to T.C.A. §49-6-1019(a). Those concepts include:
- 4.3.1 One race is inherently superior to another race or sex.
 - 4.3.2 An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously.
 - 4.3.3 An individual should be discriminated against or receive adverse treatment because of the individual's race or sex.
 - 4.3.4 An individual's moral character is determined by the individual's race or sex.
 - 4.3.5 An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
 - 4.3.6 An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex.
 - 4.3.7 A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex.
 - 4.3.8 The state or the United States is fundamentally or irredeemably racist or sexist.
 - 4.3.9 Promoting or advocating the violent overthrow of the United States government.



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- 4.3.10 Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people.
- 4.3.11 Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex.
- 4.3.12 The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups.
- 4.3.13 All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness.
- 4.3.14 Governments should deny to any person within the government's jurisdiction the equal protection of the law.

5.0 PROCEDURE:

- 5.1 Each year, the District shall notify parents/guardians, employees, and students of the requirements around prohibited requirements in the classroom as set forth in T.C.A. §49-6-1019(a) and Tennessee Department of Education rules.
- 5.2 If an eligible complainant believes that one of the prohibited concepts has been included or promoted during the course of instruction, in curriculum or supplemental curriculum materials, or an instructional program at a CMCSS school, he/she may file a complaint to the district and in doing so must use the Tennessee Department of Education's [official form](#). This form is available on the CMCSS website. This form shall be sent to the school administrator for the site where the alleged promotion or instruction in a prohibited concept has taken place, the appropriate Level Director, and the Chief Academic Officer.

Chief Academic Officer	Sean Impeartrice – sean.impeartrice@cmcoss.net
Elementary School Level	Jessica Harris – jessica.harris@cmcoss.net Emily Vaughn – emily.vaughn@cmcoss.net
Middle School Level	Mary Gist – mary.gist@cmcoss.net
High School Level	Rosalyn Evans – rosalyn.evans@cmcoss.net

- 5.3 In order for a complaint to be eligible, the complainant must be an eligible complainant (a current CMCSS student, parent, or employee), and the complaint must be filed within forty-five (45) calendar days of the prohibited concept being included or promoted, or



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within forty-five (45) calendar days of the effective date of the emergency rules filed by the Department of Education (November 8, 2021).

- 5.4 Upon the receipt of the complaint, the District will determine whether it has the authority to investigate the complaint pursuant to State law. Within fifteen (15) calendar days, of receiving the complaint, the Chief Academic Officer shall send a letter to the complainant explaining whether the District has authority to investigate the complaint and will be initiating an investigation.
- 5.5 During this 15-day window before the letter is sent, principals and/or Level Directors are encouraged to reach out to the complainant to establish whether there could be an early resolution of the allegations. A proposed resolution agreement must be verbally approved by the District; once approved, the complainant, the individual alleged to have included or promoted the prohibited concept, and the District will prepare a written resolution agreement summarizing the allegations in the complaint and any agreed upon terms for the early resolution.
 - 5.5.1 Once a written resolution agreement between the District, the complainant and the individual alleged to have included or promoted the prohibited concept is signed by all parties, the complaint shall be deemed resolved and the District is not required to complete an investigation or issue a written determination.
 - 5.5.2 If a complainant believes that the District has failed to enforce a written resolution agreement, a complainant may file a new complaint based on the same facts and allegations as the original complaint within forty-five days of receipt of the written resolution agreement.
- 5.6 When the Chief Academic Officer sends written notification to the complainant that the allegation(s) shall be investigated, the investigation has been “initiated.” A determination regarding whether the allegation is substantiated shall be made within sixty (60) calendar days of receiving the complaint.
 - 5.6.1 If during the investigation it is determined a minor may have relevant information to contribute, the District will obtain written consent from the minor’s parent prior to minor’s participation in the investigative process, to include consent to be interviewed.
- 5.7 The 60-day timeline may only be extended with approval by the Department, due to extenuating, well-documented circumstances with respect to a particular complaint. The complainant shall be notified of this extension in writing prior to the expiration of the original 60-day timeline.
- 5.8 The LEA shall issue a written determination stating whether the allegation(s) in the complaint is substantiated. The written determination will be communicated to the complainant and individual alleged to have included or promoted the prohibited concept.
 - 5.8.1 An allegation is substantiated if the District determines that: (a) the concept at issue is a prohibited concept and (b) the complained of individual affirmatively and



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intentionally included or promoted the prohibited concept in a course of instruction, curriculum and instructional program, or supplemental instructional materials.

5.9 If an alleged violation is substantiated, once fifteen (15) calendar days have passed from the date the written determination is issued, the District will take appropriate remedial action to ensure that prohibited concept is no longer included. Remedial actions may include:

5.9.1 Amending the course of instruction to address purported violations; or

5.9.2 Disciplinary action against a teacher in accordance with Tennessee State Board of Education rule [0520-02-03.09](#).

5.10 The complainant or the individual alleged to have included or promoted the prohibited concept may file an appeal with the Department within fifteen (15) calendar days of the date that the District issues its determination. Visit www.tn.gov/education for more information.

5.11 The District prohibits retaliation for filing a complaint, filing an appeal or participating in the investigative process.

6.0 ASSOCIATED DOCUMENTS:

6.1 Tennessee Department of Education – [Prohibited Concepts Complaint Form](#)

6.2 Initiating Letter – [INS-F160](#)

6.3 Resolution Agreement – [INS-F161](#)

6.4 Consent form for Minor’s Participation in Investigative Process – [INS-F162](#)

6.5 Written Determination – [INS-F163](#)

6.6 T.C.A. § 49-6-1019

6.7 Tennessee Department of Education Rules 0520-12-04

7.0 RECORD RETENTION TABLE:

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
Investigative File (complaint, initiating letter, interview notes, evidence or other investigative notes, and the	Hard copy or electronic, depending on the nature of the files collected.	5 years	Shred	Backed up on secure drive or locked filing cabinet



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written
determination).

8.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
12/9/21		Initial Release

***** End of Procedure *****