

## Prohibited Concepts in Instruction

[Tenn. Code Ann. § 49-6-1019](#), prohibits certain concepts from being included or promoted as part of a course of instruction or in a curriculum or instructional program or included in supplemental instructional materials used by public schools in Tennessee. [Tennessee Department of Education Rule 0520-12-04](#) outlines how the department will implement the law, the requirements for each local education agency (LEA) and public charter school, and the process for filing a complaint alleging an LEA or public charter school has violated Tenn. Code Ann. § 49-6-1019. This rule only addresses complaints related to violations of the prohibited concepts in instruction law (Tenn. Code Ann. § 49-6-1019). The prohibited concepts in instruction law does not address more general complaints that are only about the subject matter or age appropriateness of textbooks and instructional materials but do not allege that concepts are being or have been included or promoted in a course of instruction, curriculum, instructional program, or in supplemental instructional materials of an LEA or public charter school, in violation of Tenn. Code Ann. § 49-6-1019.

### **Filing a Complaint Alleging a Violation of Tenn. Code Ann. § 49-6-1019**

Complaints alleging concepts prohibited by Tenn. Code Ann. § 49-6-1019 are being or have been included or promoted in a course of instruction, curriculum, and instructional program, or in supplemental instructional materials of an LEA or public charter school must be filed with the LEA or public charter school in which the allegation(s) arose on the [Prohibited Concepts Complaint Form](#) provided by the department. State Board of [Education Rule 0520-12-04.04\(1\)\(b\)](#) requires LEAs and public charter schools to post the complaint form on the LEA or public charter school's website.

### **Filing an Appeal of a Written Determination Issued by an LEA or Public Charter School**

Within sixty (60) calendar days of receiving a complaint, the LEA or public charter school must determine whether the allegation(s) in the complaint is substantiated. The LEA or public charter school must issue a written determination stating whether the allegation(s) in the complaint is substantiated. The written determination must be communicated to the complainant and the individual alleged to have included or promoted the prohibited concept. The rule authorizes the complainant, or the individual alleged to have included or promoted the prohibited concept to file an appeal of the LEA or public charter school's determination with the department within fifteen (15) calendar days of the date that the LEA or public charter school issues a written determination. To file an appeal, complete the [Prohibited Concepts Appeal Form](#) and email it to [Prohibited.Concepts@tn.gov](mailto:Prohibited.Concepts@tn.gov).

### **Action that a Complainant may take if an LEA or Public Charter School Fails to Respond to a Properly Filed Complaint in Compliance with the Rules**

If sixty (60) days have passed since an eligible complainant filed a complaint with an LEA or public charter school on the proper form and the LEA or Public Charter School fails to respond, the eligible complainant may file a [Prohibited Concepts Notice of Knowing Violations Form](#) directly with the department if the LEA by returning completed form to [Prohibited.Concepts@tn.gov](mailto:Prohibited.Concepts@tn.gov)."

### **General Complaints**

General complaints about the subject matter or age appropriateness of textbooks and instructional materials that do not allege that concepts are being or have been included or promoted in a course of instruction, curriculum, instructional program, or in supplemental instructional materials of an LEA or public charter school, in violation of Tenn. Code Ann. § 49-6-1019, must be filed with the LEA or public charter school pursuant to the LEA or public charter school's locally adopted policy for addressing such complaints.