Lakeland Board of Education

Monitoring:
Review: Annually, in September

Descriptor Term:
Board Members Legal Status

Descriptor Code: 1.102
Issued Date:
Rescinds: Issued:

1 The legal status of board members shall be as follows:\(^1\)

2 **NUMBER**

3 The Board is composed of twelve (12) members.

4 **QUALIFICATIONS**

5 Members of the Board shall be residents of and elected on a non-partisan basis from districts of substantially equal population,\(^1\) and shall be citizens of recognized integrity, intelligence, and ability to administer the duties of the office.\(^2\) To qualify as a candidate, an individual must show proof of graduation from high school or receipt of a G.E.D. No member of the county legislative body nor any other county governmental official shall be eligible for election as a member of the county Board of Education.\(^3\)

11 **TERMS OF OFFICE**

12 Members of the Board shall serve four (4) year terms.\(^1\)

13 **VACANCIES**

14 Vacancies shall be declared to exist on account of death, resignation, removal from the district which elected him, removal from the school system,\(^5\) or through due process proceedings.\(^4\)

16 When a vacancy occurs, the unexpired term shall be filled at the next regular or special meeting of the local legislative body.\(^2\) Such appointment shall continue until the next regular election.

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Legal References

1. TCA 49-2-201
2. TCA 49-2-202(a)(1)
3. TCA 49-2-202(a)(2)
4. TCA 8-47-101; TCA 49-1-611
5. TCA 49-2-202(e)

Cross References
To ensure the continued effectiveness of school board leadership, the Board will conduct an annual evaluation of its operational procedures.

This annual evaluation shall be developed based upon the following factors:

(a) Board members shall know and be involved in the development of standards by which they will evaluate themselves.

(b) Evaluation shall be at a scheduled time with no other items on the agenda and with all board members present.

(c) The evaluation shall consist of the opinions of individual board members but the results shall be discussed by the board as a whole.

(d) The Board is not required to limit itself to the items included in any formal evaluation instrument.

(e) Each judgment shall be supported by rational and objective evidence.

(f) At the conclusion of the evaluation, the board shall develop goals for the ensuing year.

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Legal References

1.
The Board shall work for the passage of new laws designed to advance the cause of improving public education in Tennessee. Likewise, the Board shall work for the repeal or modification of existing laws and for the defeat of proposed laws that impede this cause.

To accomplish this:

1. The Board shall stay informed of pending legislation and actively communicate its concerns and make its position known to their elected representatives at both the state and national level;

2. The Board shall work with other school boards in the state, other local officials, and the community groups in creating public awareness and support for legislative priorities;

3. The Board shall annually select one (1) of its members to serve as its representative to the Tennessee Legislative Network (TLN):

4. The Board shall work with its TLN representative, TSBA, NSBA, and other concerned groups in developing an annual legislative program; and

5. The Board shall include in its budget appropriate resources to cover costs, including travel expenses, necessary to ensure active participation in the legislative process.

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Legal References  Cross References

1.
Whenever a person is considered by the director of schools for initial employment in the system and that person is related to a member of the Board, the director of schools, an administrator in the system, a county commissioner, or any appointed or elected county official, the relationship shall be publicly made known to the Board prior to the employment of such person.\(^1\)

If a member of the Board has a relative who is an employee in the system, prior to voting on any matter of business that may have an effect upon the employment of the relative, the member shall declare such relationship. In making such a declaration, the member shall certify that his/her vote on the pending matter will be in the best interest of the school system.\(^1\)

No person shall supervise or be supervised by an employee if he/she is related to the employee.

For purposes of this policy, the terms “related to” and "relative" include the following relationships: spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or any person who resides in the same household.

1. TCA 49-2-202

Assignment/Transfer of Personnel 5.115
The duties of an individual board member shall be as follows:

1. To become familiar with education laws, rules and regulations of the State Board of Education and the State Department of Education, and school board policies;

2. To participate in State-mandated board training;

3. To have a general knowledge of the educational aims and objectives of the system;

4. To work harmoniously with other board members without trying either to dominate the Board or neglect his/her share of the work;

5. To vote and act impartially for the good of the school system;

6. To accept the will of the majority vote in all cases and give support to the resulting action;

7. To represent the Board and the school system to the public in such a way as to promote both interest and support; and

8. To refer complaints to the director of schools and to abstain from individual counsel and action in regard to staff members.

Legal References

Cross References

1. TCA 49-2-202(a)(5); TRR/MS 0520-1-2-.11

Role of the Board 1.101

Ethics 1.106
The Board considers board member development to be an ongoing process for all board members and a vital responsibility for effective board membership.

It shall be the responsibility of the director of schools to provide to each new board member:

1. A copy of the Board’s Policy Manual;

2. Applicable portions of the Tennessee Code Annotated outlining the duties and responsibilities of the Board and the director of schools;

3. Minutes of the board meetings for the previous year; and

4. Other appropriate materials which will acquaint the new member with the operation of the school system and board service.

An orientation for new board members shall be conducted no later than thirty (30) days after new board members take office. The chair of the board and the director of schools shall arrange and plan for such an orientation.

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Legal References                 Cross References

1. 
The Board shall participate in activities designed to assist board members in improving their skills as members of a policy-making body.

In order to control both the investment of time and funds necessary to implement this policy, the Board establishes these principles and procedures for its guidance:

1. An annual calendar of school board conferences, conventions and workshops shall be maintained by the board secretary and provided to each board member in order to ensure compliance with the requirements for professional development. The Board shall identify which meetings should be attended and the benefits thereof.

2. Funds for participation at such meetings shall be budgeted on an annual basis. The Board as a whole shall retain the authority to approve or disapprove the participation of members in planned activities;

3. Reimbursement to board members for their travel expenses shall be in accord with the travel expense policy for staff members;

4. When a conference, convention or workshop is not attended by the full Board, those participating will be requested to share information, recommendations and materials acquired at the meeting; and

5. The public shall be kept informed through the news media about the Board’s continuing inservice education and about the programs anticipated for short- and long-range benefits to the schools.

The Board regards the following as the kinds of activities and services appropriate under this policy:

1. Participation in school board conferences, workshops and conventions held by the State and National School Boards Associations;

2. Local and district-sponsored training sessions for board members; and

3. Subscriptions to publications addressing the concerns of board members.
Legal References

1. TCA 49-2-202(a)(5)
2. TCA 49-2-2001

Cross References

Board Self-Evaluation 1.103
Memberships 1.104
School Board Legislative Involvement 1.105
School District Goals 1.700
School Calendar 1.800
Expenses and Reimbursements 2.804
The Board shall be responsible for specifying its requirements and expectations of the director of schools and then holding the director accountable by evaluating how well those requirements and expectations have been met. In turn, the director shall be responsible for specifying requirements and expectations for all administrators who report to him/her and then holding each accountable by evaluating how well requirements and expectations have been met.

The Board shall approve an annual budget with major categories and line items as well as develop a policy manual for the operations of schools. The director of schools shall develop forms and procedures to comply with the approved budget and implement Board policies.

Legal References

1. Role of the Board 1.101
   Evaluation of the Director of Schools 5.803

Cross References
1. **ADMINISTRATIVE AND SUPERVISORY PERSONNEL**

To be considered for certificated administrative or supervisory positions, the applicant must show the following qualifications:

1. Professional teaching certification; and

2. Administrative or supervisory certification and experience in accordance with state law and State Board Rules and Regulations in the appropriate area based on the minimum of a master's degree.

Non-certified administrative and supervisory personnel shall possess sufficient training and experience to perform the services required and such additional qualifications as the Board and the director of schools shall determine.

2. **PROFESSIONAL PERSONNEL**

The professional staff members are the personnel whose employment status requires certification in accordance with the rules and regulations of the State Board of Education.

3. **SUPPORT PERSONNEL**

The support staff members are personnel whose regular employment does not require certification in accordance with rules and regulations of the State Department of Education.
APPLICATION

An individual desiring a position with the Board shall make application to the director of schools on forms developed by his/her office. To ensure the safety and welfare of students and staff, the district shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other positions that require proximity to children.¹

Knowingly falsifying information shall be sufficient grounds for termination of employment and shall also constitute a Class A misdemeanor which must be reported to the District Attorney General for prosecution.²

Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant.

Professional Employees

The application must include a transcript of credits earned at the colleges or universities attended along with references from persons such as previous employers, college professors, and supervisors of student teachers. Other information shall include whether such applicant has been dismissed for cause from a school system. If previously employed by a local board of education, the applicant shall provide evidence of acceptable resignation.

No person shall be employed:

1. Who does not hold a valid license to teach from the State Board of Education;⁴
2. Who does not present a physician's certificate showing a satisfactory health record or has any contagious or communicable disease in such form that might endanger the health of school children;⁵
3. Who refuses to take and subscribe to an oath to support the Constitution of the State of Tennessee and of the United States of America;⁶
4. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
5. Who does not receive a satisfactory background check.

Support Employees

No person shall be employed:

1. Who has any contagious or communicable disease in such form that might endanger the health of the children;⁵
2. Who has not complied with the Immigration Reform and Control Act of 1986;⁷
3. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
4. Who does not receive a satisfactory background check.
EMPLOYMENT

Professional Employees

After checking references and receiving written recommendations, the director of schools shall hire and assign qualified applicants.

Initial Employment

Upon initial employment, the director of schools shall notify such person, in writing, of the offer and conditions of employment. Upon receipt of employment notification, such person shall have fourteen (14) days to accept or reject, in writing, the offered employment. From the date of the written acceptance, such person is considered to be under employment with the Board and is subject to all rights, privileges and duties.

Support Employees

After checking references and receiving written recommendations from principals and/or supervisors, the director of schools shall hire and assign qualified applicants. The contract of each support employee shall contain a statement regarding the required ninety (90) day probationary period.

Legal References

1. TCA 49-5-406(a)(1)
2. TCA 49-5-406(a)(2)(A)
3. TCA 49-5-413(b)
4. TCA 49-5-403; TCA 49-5-101
5. TCA 49-5-404; TRR/MS 0520-01-03-08(2)(f)
6. TCA 49-5-405

Cross References

Orientation and Probation 5.107
Compensation Guides & Contracts 5.110
## Orientation and Probation

<table>
<thead>
<tr>
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<th>Orientation and Probation</th>
<th>Descriptor Code:</th>
<th>5.107</th>
<th>Issued Date:</th>
</tr>
</thead>
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<td>Rescinds:</td>
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<td>Issued:</td>
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### ORIENTATION

All new staff members, including administrative and supervisory personnel, to the school system shall participate in an orientation program prior to the beginning of the academic school year.

### PROBATION OF SUPPORT PERSONNEL

A probationary period is defined as the first ninety (90) days of employment for a new, non-certified employee or for a non-certified employee who has been rehired following a break in service.

**Purpose** - The probationary period shall be used to allow the immediate supervisor to closely observe and evaluate the employee and to encourage effective adjustment to the position.

**Evaluation** - Newly hired non-licensed support personnel shall be evaluated once during the probationary period to aid in improving the employee's performance.

**Conditions of Employment** - The following shall apply during the probationary period:

*Accumulation of and use of sick leave and vacation days*

1. Probationary employees shall be allowed to accumulate sick leave and vacation days in accordance with the appropriate Board policies during the probationary period.

2. Holidays for probationary employees shall follow the same procedures as for regular employees.

*Transfer*

A probationary employee shall not be allowed to submit a request for voluntary transfer during the probationary period.

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Cross References

Evaluation 5.109
The Board of Education will grant tenure only to those teachers who can present documentation of a record of excellence as a teacher and who are determined by State guidelines to be considered a "highly qualified" teacher or those making appropriate progress toward achieving that status. The director of schools is responsible for documenting and presenting the recommendation for tenure to the Board of Education.¹

Any teacher who meets all of the following requirements is eligible for “tenure”:

1. Has a degree from an approved four-year college or any career and technical teacher who has the equivalent amount of training established and licensed by the state board of education;
2. Holds a valid teacher license, issued by the state board of education, based on training covering the subjects or grades taught;
3. Has completed a probationary period of five (5) school years or not less than forty-five (45) months within the last seven-year period, the last two (2) years being employed in a regular teaching position rather than an interim teaching position;
4. Has received evaluations demonstrating an overall performance effectiveness level of “above expectations” or “significantly above expectations” as provided in the evaluation guidelines adopted by the state board of education pursuant to §49-1-302, during the last two (2) years of the probationary period; and
5. Is reemployed by the director of schools for service after the probationary period.

The following additional guidelines will apply:

1. The decision to grant tenure is solely within the discretion of the Board of Education.
2. The director of schools will recommend persons eligible for tenure at the board meeting in ample time for the director of schools to provide notice of non-renewal to each teacher not granted tenure prior to June 15 of the year of eligibility.
3. Only those teachers who receive a majority vote of the membership of the Board will be granted tenure.
4. Teachers who earn tenure will be honored by the Board in a special ceremony, either at a board meeting or in some other special public event.
5. A teacher who is eligible for tenure, but tenure is denied, shall not be rehired beyond the contract year.
6. No person who has been denied tenure by the Board of Education shall be employed in the school system in any position which requires a license.

Teacher Returning to Employment

A teacher who has attained tenure status in the school system and later resigns shall serve a two-year probationary period upon reemployment, unless the probationary period is waived by the Board upon request of the director of schools. Upon completion of the two-year period, the teacher shall either be recommended by the director for tenure or non-renewed. If tenure is not granted, the teacher cannot continue in employment.⁴
Legal References

2. Tenn. Code Ann. § 49-1-606(a)
3. Tenn. Code Ann. § 49-2-203(1)
4. Tenn. Code Ann. § 49-5-504 (b);
   Tenn. Code Ann. § 49-5-409
1 SUSPENSION PENDING AN INVESTIGATION

The director of schools may suspend a teacher at any time that may seem necessary, pending investigation or final disposition of a case before the board or an appeal. Under no circumstances shall the director of schools suspend a teacher with pay. If reinstated, the teacher shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

2 SUSPENSION OF THREE DAYS OR LESS

A director of schools/designee may suspend a teacher for incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination. Before an employee is suspended he/she shall be: (1) provided with written notice, including the reasons for the suspension along with an explanation of the evidence; (2) given an opportunity to respond to the director at a conference, if requested within five (5) days; and (3) given a written decision of the suspension within ten (10) days. Both parties may be represented by counsel at the conference, which shall be recorded.

Under no circumstances shall a director of schools suspend a tenured teacher with pay. If reinstated, the tenured teacher shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

3 DISMISSAL OR SUSPENSIONS GREATER THAN THREE DAYS

The Board shall maintain a list of qualified individuals who have indicated a willingness to act as impartial hearing officers, as defined under Tennessee law.

When charges are made against a tenured teacher, charging the teacher with offenses which may justify dismissal or a suspension greater than three days, the charges shall be made in writing, specifically stating the offenses which are charged and shall be signed by the party or parties making the charges.

If, in the opinion of the Board, the charges are of such nature as to warrant the release or a suspension greater than three days of the teacher, the director of schools shall give the teacher a written notice of this decision, a copy of the charges against the teacher, and a copy of a form provided by the Commissioner of Education advising the teacher of his/her legal duties, rights and recourse.

A tenured teacher who has been given notice of charges against him/her may within thirty (30) days after receipt of notice give written notice to the director of schools of his/her request for a hearing.

The director of schools shall, within five (5) days after receipt of request, assign a hearing officer from the list maintained by the Board.

The hearing officer shall notify the parties, or their attorney, of the officer’s assignment and direct the parties or the attorneys for the parties, or both, to appear before the hearing officer for simplification of issues and the scheduling of the hearing. That hearing shall be set no later than thirty (30) days following receipt of the initial request for a hearing. In the discretion of the hearing officer, all or part of any prehearing conference may be conducted by telephone if each participant has an opportunity to participate, be heard, and to address proof and evidentiary concerns. The hearing officer is empowered to issue appropriate orders and to regulate the conduct of the proceedings.
Either party may appeal to the Board of Education an adverse ruling by giving written notice of appeal within ten (10) working days of the hearing officer’s delivery of the hearing officer’s written findings and conclusions.

The director of schools shall prepare a copy of the proceedings, including all transcripts and evidence, documentary or otherwise, and transmit the same to the Board within twenty (20) days of the receipt of the notice of appeal.

The Board shall hear the appeal on the record, and no new evidence may be submitted by either party. The appealing party may appear before the Board to argue why the adverse ruling should be over-turned. In no event should such argument last more than fifteen (15) minutes, unless the Board should vote to extend additional time. At the conclusion of the hearing, any member of the Board may vote to sustain the decision of the Hearing officer, send the record back for additional evidence, revise the penalty or reverse the decision. The Board shall render its decision within ten (10) working days after the conclusion of the hearing. In the event that the decision of the Board is appealed to the Chancery court, the Board shall transmit the entire record prepared by the director and reviewed by the Board to the Chancery court for its review.

**RESIGNATION**

A teacher shall give the director of schools notice of resignation at least thirty (30) days before the effective date of the resignation. A teacher who fails to give such notice, in the absence of justifiable extenuating circumstances, shall forfeit all tenure status. The Board may waive the thirty (30) days notice requirement and permit a teacher to resign in good standing.

The conditions under which it is permissible to break a contract with the Board are as follows:

1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified statement of a physician approved by the Board;

2. The release by the Board of the teacher from the contract which the teacher has entered into with the Board.⁶

Any teacher on leave shall notify the director of schools in writing at least thirty (30) days prior to the date of return if the teacher does not intend to return to the position from which he/she has taken leave. Failure to render such notice may be considered a breach of contract.⁷

Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with the Commissioner and request the suspension of a teacher’s certificate. After the Commissioner has provided the teacher an opportunity for defense during a hearing, the Commissioner may suspend the certificate for no less than thirty (30) and no more than three hundred sixty-five (365) days.⁸

**RETIREMENT**

Retirement shall mean a termination of services under conditions which will allow the employee to draw benefits from retirement plans and/or social security benefits. Employees eligible for retirement benefits may elect to retire at any age according to the provisions of the retirement system.

Central office personnel shall assist employees in securing retirement benefits; however, it shall be the responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to the central office. It shall be the responsibility of the retiring employee to file for benefits.

Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year without loss of retirement benefits. Retired teachers may substitute teach for an additional ninety (90) days if the director of schools certifies in writing to the Board that no other qualified personnel are available to substitute teach.⁹

The director of schools may employ teachers retired for at least one year for full-time employment as a kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost or suspended under certain conditions, which include but are not limited to the following: ¹⁰
1. The director of schools of the employing system must certify in writing that no other qualified individuals are available to fill the position;

2. The Commissioner of Education must certify that the employing school system serves an area that lacks qualified teachers to serve in the position to be filled;

3. The retired teacher must hold a valid license and shall not be entitled to tenure status;

4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave or receive medical insurance coverage; and

5. The salary paid to the retired member shall not be less than the rate of compensation set by the Board for teachers with no experience filling similar positions, nor more than eighty-five percent (85%) of the rate of compensation set by Board for teachers with comparable training and years of experience filling similar positions.

Legal References

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301 (b)(1)(EE), TCA 49-5-512(d)
3. TCA 49-5-511(a)(2)
4. TCA 49-5-511 through 513
5. TCA 49-5-512, 513
6. TCA 49-5-508
7. TCA 49-5-706
8. TCA 49-5-411
9. TCA 8-36-805
10. TCA 8-36-821
SUSPENSION PENDING AN INVESTIGATION ¹

The director of schools may suspend a teacher at any time that may seem necessary, pending investigation or final disposition of a case before the board or an appeal. Under no circumstances shall the director of schools suspend a non-tenured teacher with pay. If reinstated, the non-tenured teacher shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

SUSPENSION OF THREE DAYS OR LESS ²

A director of schools/designee may suspend a teacher for incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination. Before an employee is suspended he/she shall be: (1) provided with written notice, including the reasons for the suspension along with an explanation of the evidence; (2) given an opportunity to respond to the director at a recorded conference, if requested within five (5) days; and (3) given a written decision of the suspension within ten (10) days. Both parties may be represented by counsel at the conference, which shall be recorded.

DISMISSAL OR SUSPENSION GREATER THAN THREE DAYS

The director of schools may dismiss or suspend for more than three days any non-tenured teacher during the contract year for incompetence, inefficiency, insubordination, improper conduct or neglect of duty after giving the non-tenured teacher, in writing, due notice of the charges.

The director of schools shall give the non-tenured teacher an opportunity for a full and complete hearing before an impartial hearing officer. ²

The Board will appoint an impartial hearing officer to conduct such hearings. The hearing officer will hear the case and the employee shall have the right to:

1. be represented by counsel;
2. call and subpoena witnesses;
3. examine all witnesses; and
4. require that all testimony be given under oath.

Factual findings and decisions in all dismissal cases shall be reduced to written form and delivered to the affected employee within ten (10) working days following the close of the hearing. The employee may appeal the decision to the Board within ten (10) working days of the hearing officer rendering the written decision to the employee. Written notice of appeal to the Board shall be given to the director of schools. Within twenty (20) days of receipt of notice, the director shall prepare a copy of the proceedings, transcript, documentary and other evidence presented and provide the Board a copy of same.

The Board shall hear the appeal. No new evidence shall be introduced. The non-tenured teacher may appear in person or be represented by counsel and argue why the decision should be modified or reversed. The Board shall take one of the following actions:

1. sustain the decision;
2. send the record back if additional evidence is necessary; or
3. revise the penalty or reverse the decision.
Before any decision to dismiss is made, a majority of the membership of the Board shall concur in sustaining the charges. The Board shall render a decision on the appeal within ten (10) working days after the conclusion of the hearing.

The director of schools shall also have the right to appeal any adverse ruling by the Hearing Officer in same manner as the non-tenured teacher.

Within twenty (20) days after receipt of notice of the decision of the Board, either party may appeal to the chancery court in the county where the school system is located. The Board shall provide the entire record of the hearing to the court.

NONRENEWAL

Non-tenured teachers are subject to the same rules and regulations and are entitled to the privileges of employment enjoyed by tenured teachers except that they have no claim upon continuing employment or tenure protections.

The principal is responsible for discussing deficiencies as part of the evaluation process with the non-tenured teacher and providing assistance for overcoming these deficiencies.

The director of schools is under no obligation to re-employ non-tenured teachers at the end of their contract period. If the director of schools determines not to renew the contract of a non-tenured teacher, the following action shall be taken:

1. The Board shall be notified at the next regular board meeting; and
2. Written notice of non-renewal shall be hand delivered or sent to the employee by registered mail so that it will be received by the employee prior to June 15.

RESIGNATION

A teacher shall give the director of schools notice of resignation at least thirty (30) days before the effective date of the resignation. The Board may waive the thirty (30) days-notice requirement and permit a teacher to resign in good standing.

The conditions under which it is permissible to break a contract with the Board are as follows:

1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified statement of a physician approved by the Board;
2. The release by the Board of the teacher from the contract which the teacher has entered into with the Board.

Any teacher on leave shall notify the director of schools in writing at least thirty (30) days' prior to the date of return if the teacher does not intend to return to the position from which he/she has taken leave. Failure to render such notice may be considered a breach of contract.

Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with the Commissioner and request the suspension of a teacher’s certificate. After the Commissioner has provided the teacher an opportunity for defense during a hearing, the Commissioner may suspend the certificate for no less than thirty (30) and no more than three hundred sixty-five (365) days.

RETIREMENT

Retirement shall mean a termination of services under conditions which will allow the employee to draw benefits from retirement plans and/or social security benefits.

Employees eligible for retirement benefits may elect to retire at any age according to the provisions of the retirement system. Central office personnel shall assist employees in securing retirement benefits; however, it
shall be the responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to
the central office. It shall be the responsibility of the retiring employee to file for benefits.

Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year without loss
of retirement benefits. Retired teachers may substitute teach for an additional ninety (90) days if the director of
schools certifies in writing to the Board that no other qualified personnel are available to substitute teach.¹

The director of schools may employ teachers retired for at least one year for full-time employment as a
kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost or
suspended under certain conditions, which include but are not limited to the following:²

1. The director of schools of the employing system must certify in writing that no other qualified
   individuals are available to fill the position;
2. The Commissioner of Education must certify that the employing school system serves an area that lacks
   qualified teachers to serve in the position to be filled;
3. The retired teacher must hold a valid license and shall not be entitled to tenure status;
4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave or receive
   medical insurance coverage; and
5. The salary paid to the retired member shall not be less than the rate of compensation set by the Board
   for teachers with no experience filling similar positions, nor more than eighty-five percent (85%) of the
   rate of compensation set by Board for teachers with comparable training and years of experience filling
   similar positions.

(Note: Nonrenewal of non-tenured teachers after the contract year is not suspension or dismissal and does NOT
follow the suspension/dismissal procedures outlined in this policy. Rather, nonrenewal of non-tenured teachers
after the contract year follows the nonrenewal procedures outlined in this policy.)

Legal References

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301 (b)(1)(GG), TCA 49-5-512(d)
3. TCA 49-5-409
4. TCA 49-5-508
5. TCA 49-5-706
6. TCA 49-5-411
7. TCA 8-36-805
8. TCA 8-36-821
SUSPENSION

A director of schools/designee may suspend an employee at any time when deemed necessary.\(^1\)

Under no circumstances shall a director of schools suspend an employee with pay. If reinstated, the employee shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

DISMISSAL

All non-certified (classified) employees are employed at the will of the director. The director of schools may dismiss any non-certified employee during the year for any lawful reason.

RESIGNATION

Support personnel shall give the immediate supervisor written notice of resignation at least two (2) weeks (ten (10) working days) in advance of the effective date of voluntary termination. The ten (10) working days may be waived by the director of schools for justifiable reason.

The immediate supervisor shall forward copies the day received to the director of schools' office. The payroll office will prepare final payment for the next appropriate scheduled pay day.

RETIREMENT

Retirement shall mean a termination of services under conditions which will allow the employee to draw benefits from retirement plans and/or social security benefits. Employees eligible for retirement benefits may elect to retire at any age according to the provisions of the retirement system.

Central office personnel shall assist employees in securing retirement benefits; however, it shall be the responsibility of the retiring employee to obtain verification of eligibility in writing from TCRS to the central office. It shall be the responsibility of the retiring employee to file for eligible benefits. Employees who retire under TCRS may be employed up to one-hundred-twenty (120) days per year without loss of retirement benefits.

Legal References

1. TCA 49-2-301 (b)(1)(EE)(FF)
1. Short term leaves of absence shall consist of the following: Emergency, legal, sick, personal and professional leave.

Legal References

1. TRR/MS 0520-1-2-.04(8)

Cross References

Emergency & Legal Leave 5.301
Sick Leave 5.302
Personal & Professional Leave 5.303
Vacations and Holidays 5.310
In fulfilling any citizenship rights and responsibilities, employees shall give proper consideration to the educational welfare of students and ensure that no conflict exists with their actual duties.

Each staff member has the right to:

1. A work environment free from sexual, racial, ethnic and religious discrimination/harassment.¹
2. Academic freedom within the confines of state law and board policy in order to create an atmosphere of freedom in the classroom.

Each staff member has the responsibility to:

1. Make themselves familiar with and abide by, the laws of the state as these affect their work, the policies of the Board and the procedures designed to implement them.²
2. To adhere to the Teacher Code of Ethics.³
3. Exercise good judgment in selecting issues for discussion and balance the relative maturity of students and the students' right to know.
4. Be courteous and helpful in interacting and responding to parents, visitors and members of the public.
5. Keep all records and prepare and submit promptly all reports that may be required by state law, state board regulations, board policy and administrative procedures.
6. Wear appropriate dress for work according to board guidelines and local school rules.

Legal References

1. 42 U.S.C.A. § 2000 E-E-2; TCA 49-6-8002 through 8006
2. TCA 49-5-201
3. TCA 49-5-1001-1005
Staff meetings shall be held in each school for the purpose of promoting school improvement and professional growth and may be conducted by the principal, teachers or committees.

All staff members are expected to attend all meetings called by the administration and all in-service programs designed to improve the total school, unless excused by the person calling the meeting.

Teachers’ meetings may include but not be limited to:

1. Meetings of the entire staff of school;
2. Meetings of teachers in the same subject area or on the same grade level;
3. System-wide in-service meetings; and
4. Committee meetings dealing with specific problems.

Cross References

In-Service & Staff Development Opportunities  5.113
1 **GIFTS**

2 Employees of the Board shall not accept gifts from students unless the gifts are of token value only.

3 Individual employees of the Board will refrain from giving gifts to staff members who exercise administrative or supervisory jurisdiction over them, either directly or indirectly. The collection of money for group gifts is discouraged except in special circumstances such as bereavement, serious illness, or for mementos at retirement.

4 Employees are prohibited from accepting things of material value from individuals, companies or organizations doing business with the school system. Exceptions to this policy are the acceptance of minor items which are generally distributed to all by the companies through public relations programs.

10 **SOLICITATIONS**

11 No organization may solicit funds from employees within the schools. Flyers or other materials related to fund drives shall not be distributed through the schools without the written approval of the director of schools or designee.

14 Employees will not be responsible for the collection of any money or the distribution of any fundraising materials within the schools unless such activity has the director of schools or designees' written approval.
Employees have a right to express their views on any issue, but must in each case make clear that the view expressed is not the official view of the Board or school system.

Employees may, on their own time, campaign for or against any candidate or referendum, but are prohibited from using system owned property to engage in political activity. System owned property includes, but are not limited to: all buildings, signage, message boards, telephonic equipment, electronic equipment and email accounts. Employees shall not use audio or video messages to engage in any political promotion or solicitation during school hours.¹

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Legal References

1. TCA 49-6-2009

Cross References

Board-Community Relations 1.500
News Releases, News Conferences & Interviews 1.503
Advertising & Distribution of Materials in Schools 1.806
PROFESSIONAL PERSONNEL

A given professional position may require additional hours during evenings or other times when offices may be closed. Outside employment is regarded as employment for compensation that is not within the duties and responsibilities of the employee’s regular position with the school system.

An employee will not perform any duties related to an outside job during their regular working hours or during the additional time that the responsibilities of the position require, nor will an employee use any district facilities, equipment or materials in performing outside work. This includes the Board's computer systems and networks and any configuration of hardware and software. The systems and networks include all of the computer hardware, operating system software, stored text and data files. This includes but is not limited to, electronic mail, local databases, externally accessed databases (such as the Internet), CD-ROM, optical media, clip art, digital images, digitized information, communications technologies, and new technologies as they become available. The Board reserves the right to have all technology resource activity monitored.

The Board's technology resources will be used only for learning, teaching and administrative purposes consistent with the Board's mission and its goals. Commercial use of the Board's system is strictly prohibited.

When the periods of work are such that certain evenings, days or vacation periods are duty-free, the employee may use such off-duty time for the purposes of compensation provided all the following conditions are met:

1. The work in no way interferes with the degree of effectiveness of their work in the school system;
2. The work in no way reflects detrimentally upon the school system or its prestige;
3. Such outside obligations do not prevent the individual from assuming duties required by the regular position; and
4. The individual does not receive compensation for work that is customarily within their regular position.¹

SUPPORT PERSONNEL

Support personnel shall not be prohibited from holding employment outside the school system so long as such employment does not interfere with regular and overtime scheduled duties for the school system.

_________________________________
Legal References

1. TCA 49-5-410
Any teacher may enter into an agreement with parents for tutoring children for a fee, but this practice must be limited to those children who the teacher is not currently exercising teaching, administrative or supervisory responsibility.¹

School facilities may not be used for private profit.

Legal References

1. TCA 49-5-1003
Administrative and supervisory personnel may be authorized by the director of schools to make consulting or speaking engagements of a professional nature outside the school system, provided that such commitment do not adversely affect the performance of their system assignments. Personnel may accept honoraria in connection with these authorized out-of-system activities.
### Lakeland Board of Education

<table>
<thead>
<tr>
<th>Monitoring:</th>
<th>Descriptor Term:</th>
<th>Descriptor Code:</th>
<th>Issued Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review: Annually, in March</td>
<td>Staff-Student Relations</td>
<td>5.610</td>
<td>Rescinds: Issued:</td>
</tr>
</tbody>
</table>

1. Staff members shall maintain professional relationships with students at all times. Staff members shall be expected to regard each student as an individual and to accord each student the rights and respect that is due.

2. Staff members shall promote a learning environment that encourages fulfillment of each student's potential in regard to their program, consistent with district goals and with optimal opportunities for students. This goal may be reached by adapting instruction to individual needs by:

   1. Insisting on reasonable standards of scholastic accomplishment for all students;
   2. Creating a positive atmosphere in and out of the classroom;
   3. Extending courtesy and respect to students; and
   4. Treating all students with consistent fairness.\(^1\)

3. Staff members shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting and shall avoid excessive informal and social involvement with individual students. Any appearance of impropriety shall be avoided. Sexual relationships between employees and students shall be prohibited.\(^2\)

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**Legal References**

1. TCA 49-5-1003
2. TCA 39-13-506; TCA 39-13-527

**Cross References**

Staff Rights & Responsibilities 5.600
Ethics 5.611
An effective educational program requires the services of men and women of integrity, high ideals and human understanding. To maintain and promote these essentials, all employees are expected to maintain high standards in their school relationships. These standards include the following:

**Educator’s obligations to students:**

1. An educator shall strive to help each student realize the student’s potential as a worthy and effective member of society. An educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

2. If fulfillment of this obligation to the student, an educator shall:
   a. Not unreasonably restrain the student from independent action in the pursuit of learning;
   b. Not unreasonably deny the student access to varying points of view;
   c. Not deliberately suppress or distort subject matter relevant to the student’s progress;
   d. Make reasonable effort to protect the student from conditions harmful to learning or to health and safety;
   e. Not intentionally expose the student to embarrassment or disparagement;

3. Not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background or sexual orientation unfairly:
   a. Exclude any student from participation in any program;
   b. Deny benefits to any student; or
   c. Grant any advantage to any student;

4. Not use professional relationships with students for private advantage; and

5. Not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.

**Educator’s obligations to the education profession:**

1. The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service. In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions which attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

   In fulfillment of this obligation to the profession, and educator shall not:

1. Deliberately make a false statement or fail to disclose a material fact related to competency and qualifications in an application for a professional position;

2. Misrepresent the educator’s professional qualifications;

3. Assist entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute;

4. Knowingly make a false statement concerning the qualifications of a candidate for a professional position;
5. Assist a non-educator in the unauthorized practice of teaching;
6. Disclose information about colleagues obtained in the course of professional service unless the disclosure serves a compelling professional purpose or is required by law;
7. Knowingly make false or malicious statements about a colleague; and
8. Accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

Legal References

1. TCA 49-5-501(3)(D); TCA 49-5-1003; TCA 49-5-1004
Employees shall be hired on an interim contract only when a vacancy is created by an employee taking a leave of absence as set forth in TCA 49-5-702. Such interim employees shall be considered as temporary replacements for the remainder of the school year and the contract term will not be considered as initial employment.

Said positions will be filled at the discretion of the director of schools in a manner that is the least disruptive on the educational process of students. Said positions shall be filled as quickly as possible to ensure a continuous function of the specified position.

Persons filling any temporary positions shall have no expectancy of continued employment, but such person may be considered for employment in filling vacancies as specified in the section dealing with initial employment. The contract of each temporary employee shall contain the following statement: *I understand that in filling a temporary position, I have no expectancy of continued employment, but may be considered for initial employment to fill other vacancies.*

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Legal References

1. TCA 49-2-203(a)(1)(A); TCA 49-5-702
Student teachers shall be accepted by both the principal and the cooperating teacher.

Student teachers will be expected to observe all policies and procedures established by the Board.

A student teacher shall be granted the same protection of the laws as a certified teacher and shall comply with all policies and procedures of the Board and observe all duties of teachers as set forth in state statute.¹

In addition, student teachers shall be required to fulfill all normal local responsibilities, both school and extracurricular.

No classroom student shall have more than one (1) student teacher per year in a given subject. Any exception to this policy must have prior approval from the director of schools.

The evaluation of a student teacher shall be based upon a joint agreement between the cooperating teacher and the student’s supervising teacher.

The principal may terminate the service of a student teacher at any time during the term.

Legal References

1. TCA 49-5-403 (c); TCA 49-5-201; TRR/MS 0520-2-3.11(3)
Interns shall be accepted by both the principal and the cooperating teacher. The principal shall be responsible for implementation of the internship program.

Interns will be expected to follow all guidelines of the internship program that have been established by the Board and the participating institution of higher education.

An intern shall be granted the same protection of the laws as a licensed teacher and shall comply with all policies and procedures of the Board and observe all duties of interns as set forth in the State Board Rules and Regulations.

In addition, interns shall be required to fulfill all normal local responsibilities, both school and extracurricular.

Interns shall be evaluated at the beginning and the end of the internship period based upon a joint agreement between the cooperating teacher, the principal, and the student’s supervising teacher. The principal shall have final responsibility for recommending or not recommending the intern for apprentice licensure status.

The principal may terminate the service of an intern at any time during the term.

Supervision of interns by mentor teachers shall be considered as one of the teacher's regular duties and not as an extra duty.

Legal References

1. TRR/MS 0520-2-3-.11(2)
The superintendent shall be the chief executive officer of the school system and shall have, under the direction of the Board, general supervision of all the public schools, personnel and departments of the school system. The director of schools is responsible for the management of the schools under the Board’s policies and is accountable to the Board.\(^1\)

The superintendent, at their discretion, may delegate any of their duties to other school personnel.

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Legal References

1. TCA 49-2-301(a)
When a vacancy occurs, the appointment of a superintendent is a function of the Board.\(^1\) The Board is responsible for finding the person it believes can most effectively translate into action the policies of the Board and the goals of the community and the professional staff.

The Board may employ a consultant to advise and assist the Board in the search and selection process. However, final selection shall rest with the Board after a thorough consideration of qualified applicants. An interim superintendent appointed during the time of a search shall not become a candidate unless the Board expressly permits such inclusion in the selection procedures. A board member may not apply for or in any other way be considered for the position of superintendent.\(^2\)

If the Board chooses to conduct a search to fill the position, the Board shall initially develop the following:

- a job description
- a timeline
- a process for accepting and reviewing applications
- selection procedures which shall include, but not be limited to, the following:\(^3\)

1. The Board may invite the community, including board employees, to participate in the process of selecting a superintendent. Resumes of persons interviewed by the Board shall be available in the central office for public inspection.

2. The interview process for each finalist shall include meetings with various staff and community groups and an interview with the entire board.

3. Candidates shall be interviewed by the Board in an open session. Only board members will be allowed to ask questions during the interview.

4. The Board shall attempt to select a superintendent by unanimous vote, but a two-thirds vote of the membership of the board shall be required for the appointment of a superintendent.

Legal References

1. TCA 49-2-203 (a)(14)
2. TCA 49-2-203 (a)(1)(D)
3. TCA 49-2-203 (a)(14)(B)
### Qualifications and Duties of the Superintendent

**Descriptor Term:** Qualifications and Duties of the Superintendent  
**Descriptor Code:** 5.802

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<thead>
<tr>
<th>1</th>
<th>QUALIFICATIONS:</th>
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<tr>
<td>2</td>
<td>1. A professional educator's license</td>
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<td>3</td>
<td>2. A master's degree in education with a preference for a doctorate degree</td>
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<td>4</td>
<td>3. Three (3) years of successful experience in school administration</td>
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<tr>
<td>5</td>
<td>4. Such other qualifications as the Board deems desirable</td>
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</table>

| 6 | REPORTS TO: The Board of Education |
| 7 | SUPERVISES: All administrative and supervisory personnel in the district |
| 8 | JOB GOAL: To provide leadership in developing and maintaining the best possible educational programs and services |

| 10 | SCOPE OF RESPONSIBILITY: The management responsibilities of the superintendent shall extend to all activities of the district, to all phases of the educational program, to all aspects of the financial operation, to all parts of the physical plant, and to the conduct of such other duties as may be assigned by the Board. The superintendent may delegate these duties together with appropriate authority, but may not delegate nor relinquish ultimate responsibility for results or any portion of accountability. |

| 16 | ESSENTIAL FUNCTIONS: |

**General Administrative**

1. Provides leadership in identification of priorities and assures that all activities reflect those board-established priorities.

2. Prepares and recommends short- and long-range plans for board approval and implements those plans when approved.

3. Prepares, in conjunction with the board chairman, agenda recommendations relative to all matters requiring board action, including all facts, information, options, and reports needed to assure informed decisions. Provides advice and counsel to the Board on matters before it.

4. Attends all regular and special meetings of the Board and keeps a complete and accurate record of the proceedings of all meetings of the Board and of its official acts.

5. Recommends drafts of new policies or changes to the Board. Anticipates potential problems. Recommends policies or courses of staff action.

6. Develops administrative procedures to implement board policy or for the items deemed necessary for the efficient operation of the schools and disseminates these procedures to appropriate staff.
7. Keeps the Board informed regarding development in other districts or at state and national levels that would be helpful to the district.

8. Ensures that all local, state/federal standards for the health and safety of the students and staff are maintained and that required reports are maintained.

9. Fulfills all statutory obligations and implements the education law of the State of Tennessee and the rules and regulations of the State Board.

Financial Management

1. Provides direction to and supervision of school business functions. Encourages development and implementation of sound business practices. Continually assesses business practices to achieve efficiency.

2. Prepares annually, a budget and submits it to the Board for approval. Presents approved budget to the appropriate local funding body for adoption.

3. Makes appropriate written reports for the Board detailing all receipts and expenditures of the public school funds and submits them to the local funding body.

4. Ensures that funds are spent prudently by providing adequate control and accounting of the district’s financial and physical resources.

Personnel Administration

1. Establish lines of authority which shall be approved by the Board and shown on the system organization chart. Lines of authority shall not restrict the practical working relationships of all staff members at all levels.

2. Employs such personnel as may be necessary within the limits of budgetary provisions and recommends to the Board teachers who are eligible for tenure.

3. Develops recruitment procedures to assure well-qualified applicants for professional and non-professional positions.

4. Assigns and transfers employees as the interest of the district may dictate and reports such action to the Board for information and record.

5. Holds meetings of teachers and other employees as necessary for the discussion of matters concerning the welfare and improvement of the schools.

6. Communicates directly or through delegation all actions of the Board relating to personnel matters to all and receives from employees communications to be made to the Board.

7. Evaluates principals annually.

Instructional Leadership

1. Serves as the chief school executive. Ensures the development and maintenance of a positive educational program designed to meet the needs of the community and to carry out the policies of the Board. Ensures that a system of thorough and efficient education, as defined by state law, is available to all students.
2. Recommends to the Board for its adoption all courses of study, curriculum guides, and major changes in tests and time schedules to be used in the schools.

3. Oversees the timely revisions of all curriculum guides and courses of study.

4. Develops guidelines and direction for monitoring the effectiveness of existing and new programs.

5. Conducts a periodic audit of the total school program and advises the Board of recommendations or the educational advancement of the schools.

6. Seeks out available sources for grant funding to support programs and projects.

7. Ensures that the goals of the school system are adequately reflected in its educational program and operations.

Community/Public Relations

1. Promotes community support of the schools. Interprets district programs and services, reports plans, events and activities of interest and solicits community opinions regarding school and educational issues.

2. Identifies available community resources and links to social service agencies that support education and healthy child development.

3. Develops strategies to promote parental involvement in their children's education and provides opportunities for parent-teacher interaction.

4. Maintains contact and good relations with local media. Acts as the Board's spokesperson.

5. Ensures that the district interests will be represented in meetings and activities of municipal and other governmental agencies.

6. Represents the school system and its interests in community organizations, activities, and projects.

TERMS OF EMPLOYMENT: Serves in accordance with the terms of the contract between the board and the superintendent. Salary to be determined by the Board.

EVALUATION: Performance of this job will be evaluated in accordance with provisions of state law and the board's policy on evaluation of the superintendent.

GENERAL REQUIREMENTS: The above statements are intended to describe the general nature and level of work being performed by the person assigned to this position. They are not intended to be a complete list of responsibilities, duties, and skills required of personnel so assigned.

Legal References

1. TCA 49-2-301
Through an annual evaluation of the superintendent, the Board will strive to accomplish the following:

1. Clarify the role of the superintendent according to a job description as agreed upon by the Board and the director;

2. Develop harmonious working relationships between the Board and the superintendent; and

3. Develop improvements in the administrative leadership of the school system.

The Board will develop, with the superintendent, a set of performance objectives based on the needs of the system. The performance of the superintendent will be reviewed in accordance with these specified goals. The performance objectives will be memorialized in an evaluation plan that includes, at a minimum, sections regarding job performance, student achievement, relationships with staff and personnel, relationships with board members, and relationships with the community.

At a time agreed to by the Board and the superintendent, the Board will meet as a body to evaluate the superintendent’s performance.

The following guidelines will be used in the evaluation process:

1. The superintendent will know the standards upon which they will be evaluated and will be involved in the development of those standards.

2. A part of the evaluation may be a composite of the evaluation by individual board members, but the Board, as a whole, will meet with the superintendent to discuss the composite evaluation.

3. The evaluation shall include a discussion of strengths as well as weaknesses.

4. Both the Board and superintendent will prepare for the evaluation; the superintendent will conduct a self-evaluation and board members will document the evidence used in rating the superintendent’s performance.

5. All documentation will be supported by objective evidence.

______________________________  ______________________________
Legal References  Cross References

1. TRR/MS 0520-2-1-.01  Board-Director Relations 1.205
2. TCA 49-2-203(a)
Children between the ages of six (6) and seventeen (17) years, both inclusive, must attend a public or private school.1 A parent/guardian or legal custodian who believes that their child is not ready to attend school at the designated age of mandatory attendance may make application to the principal of the public school which the child would attend for a one (1) semester or one year deferral in required attendance. Any such deferral shall be reported to the director of schools by the principal.2 Under certain circumstances, the Board may temporarily excuse students from complying with the provisions of the compulsory attendance law.3

Any child residing within the state who is or will be five (5) years of age on or before August 31 for the 2013-2014 school year and on or before August 15 for all school years thereafter, who makes application for admission, shall be enrolled in the school designated by the Board.4

If a child will be five (5) years of age on or before September 30, such child's parent(s)/legal guardian(s) may request that the child be admitted into kindergarten. Upon a request, the director of schools shall administer an evaluation and examination. If the results indicate that the child is sufficiently mature emotionally and academically, then the child may be enrolled into kindergarten. The director of schools shall develop procedures and forms to implement the provisions of this policy.

No child shall be eligible to enter first grade without having attended an approved kindergarten program.5

A child entering a special education program shall be no less than three (3) years of age.6

A person eighteen (18) years of age or older who applies for admission must have the application approved by the principal and director of schools when:

1. He/she fails to enroll within thirty (30) calendar days after school officially starts; or
2. He/she has dropped out of school and wants to re-enter.

The compulsory attendance law shall not apply to the following:7

1. A student who has received a diploma or other certificate of graduation;
2. A student who is enrolled and making satisfactory progress in a course leading to a GED;
3. A student who is six (6) years or younger and whose parent or guardian has filed notice of intent to conduct home school with the director of schools; or
4. A student enrolled in a home school who has reached the age of seventeen (17).

Legal References
1. TCA 49-6-3001 (c)(1)

Cross References
Special Education Program 4.202
2. TCA 49-6-3001 (c)(5)  
3. TCA 49-6-3005  
4. TCA 49-6-201 (b)(3); TCA 49-6-3001 (b)(1)  
5. TCA 49-6-201 (d)  
6. 20 U.S.C. Sec 5. 1400-1485  
7. TCA 49-6-3001 (c)(2)(A)-(D)  

Adult Education Program 4.208  
Special Education Students 6.500
TO SCHOOLS

Students, including those in kindergarten, shall attend the school to which they are assigned.\(^1\)

Parents who are dissatisfied with the assignment of their children may, within ten (10) days after the assignment, make application to the Board for a hearing requesting a transfer to another school.\(^2\)

TO CLASSES

The principal shall be responsible for assigning all students to classes.

Students who enter the system from another school system are to be placed by the principal in the grade and/or level as indicated by records from the former school. If the student's placement is inappropriate in the grade or level assigned, he/she may be reassigned by the principal to another grade level. Parents shall be kept advised.

Legal References

1. TCA 49-6-3102-3103
2. TCA 49-6-3201
Beginning with the month of March and through the month of June of the upcoming school year, a parent/guardian may request that his/her child attend a school within the system other than the one to which the child is zoned. The director of schools or his/her designee shall review such requests and, if adequate space is available, grant such transfers unless a transfer would be adverse to the best interests of the child or the school system. If granted, the student must provide his/her own transportation to and from the school.¹

Except within the first ten (10) days of a school year where a parent/guardian may appeal the assignment of a student to the Board,² after a student has enrolled in one (1) school within the system, he/she shall not be permitted to transfer to another unless there is a change in residence of the student’s parents or guardian outside the area in which the student enrolled. Any exception to this policy must be brought before the director of schools for evaluation and decision.

Students whose families transfer their residence to another school area after the first month of school may complete the school year at their former school. Students who present evidence that they will move during the school year and who desire to enroll in a new school in the new area may do so with prior written request for a change of school area. The director of schools or his/her designee may grant other exceptions to this policy for good and sufficient reasons.

Principals shall allow credit for work transferred from other schools only when substantiated by official transcripts or successful completion of comprehensive written examinations approved, administered and graded by the principal or his/her designated representative.³

Legal References
1. TCA 49-2-128
2. TCA 49-6-3201
3. TRR/MS 0520-1-3-.03 (11)(a-e)

Cross References
Student Assignments 6.205
The director of schools shall develop procedures and forms to ensure adequate notification and subsequent documentation of the withdrawal of students from school.

Cross References

1. Student Records 6.600
The Board presumes that the person who enrolls a student in school is the student's custodial parent. Unless a Tennessee court specifies otherwise, the custodial parent shall be the one whom the school district holds responsible for the education and welfare of that child.

Parents or guardians shall have the right to receive information contained in school records concerning their minor child.\(^1\) The Board, unless informed otherwise, assumes there are no restrictions regarding the non-custodial parent's right to be kept informed of the student's progress and activities. If restrictions are made relative to the rights of the non-custodial parent, the custodial parent shall submit a certified copy of the court order which curtails these specific rights.

Unless there are specific court-imposed restrictions, the non-custodial parent, upon request, shall receive a copy of the child's report card, notice of school attendance, names of teachers, class schedules, standardized test scores and any other records customarily available to parents.\(^2\)

No school official shall permit a change in the physical custody of a child at school unless:

1. The person seeking custody of the child presents the school official with a certified copy of a valid court order from a Tennessee court designating the person who has custody of the child; and

2. The person seeking custody shall give the school official reasonable advance notice of his/her intent to take custody of the child at school.\(^3\)

Legal References

2. TCA 49-6-902
3. TCA 36-6-105

Cross References

Student Records 6.600-604
Before school authorities administer disciplinary measures, reasonable inquiry shall be made to determine the truth of what happened. The nature of this inquiry will vary in degree with the seriousness of the offense and the consequence attached thereto.

For minor offenses where corrective measures are taken by the classroom teacher, no formal procedure is required.

In case of severe offenses where there is a possibility of suspension, the student shall be advised of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.

If the principal determines that the offense is of such nature that the student’s continued presence would be detrimental to the school or persons within the school, he/she shall refer the case to the disciplinary hearing authority.

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### Legal References

1. Ingraham v. Wright, 430 U.S. 651 (1977)
3. TCA 49-6-3401(c)(4)(A)

### Cross References

- Interrogations and Searches 6.303
- Discipline Procedures 6.313
- Disciplinary Hearing Authority 6.317
INTERROGATIONS BY SCHOOL PERSONNEL

Students may be questioned by teachers or principals about any matter pertaining to the operation of a school and/or the enforcement of its rules. Any student answering falsely, or evasively or refusing to answer a question may be subject to disciplinary action, including suspension.

If a student is suspected or accused of misconduct or infraction of the student code of conduct, the principal may interrogate the student without the presence of parent(s)/guardian(s).

INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)

If the principal has requested assistance by law enforcement to investigate a crime involving his/her school, the police may interrogate a student suspect in school during school hours. The principal or his/her designee shall be present during the interrogation. The use of police women or female staff members is desirable in the interrogation of female students.

POLICE-INITIATED INTERROGATIONS

If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated crimes committed outside of school hours, the police department shall first contact the principal regarding the planned interrogation and inform him/her of the probable cause to investigate. The principal shall make reasonable effort to notify the parent(s)/guardian(s) of the interrogation unless circumstances require otherwise. The interrogation may proceed without attendance of the parent(s)/guardian(s), but the principal or his/her designee shall be present during the interrogation.

SEARCHES BY SCHOOL PERSONNEL

In order to ensure a safe and secure learning environment, the director of schools shall develop procedures regarding the searching of students, lockers, vehicles, and containers which are consistent with state law and regulations. The director shall develop additional procedures to ensure compliance with all of the provisions of the School Security Act of 1981.1

Legal References

1. TCA 49-6-4201 through 4218

Cross References

Procedural Due Process 6.302
Child Abuse and Neglect 6.409
The staff is authorized to take reasonable measures to establish appropriate school behavior. Any professional employee shall have the authority to control the conduct of any student while under the supervision of the school system. This authority shall extend to all activities of the school, including all games and public performances of athletic teams and other school groups, trips, excursions and all other activities under school sponsorship and direction.

Such measures may include the use of reasonable force to restrain or correct students and maintain order.

A student shall not use violence, force, noise, coercion, threat, intimidation, fear, passive resistance or any other conduct which causes the disruption, interference or obstruction of any school purpose while on school property, in school vehicles or buses, or at any school-sponsored activity, function or event, whether on or off campus. Neither shall he/she urge other students to engage in such conduct.

A student found guilty of misbehavior may receive punishment ranging from verbal reprimand to suspension and/or expulsion dependent on the severity of the offense and the offender's prior record.

Legal References

1. TCA 49-6-4102
2. TCA 49-6-3401
In order to maintain conditions and atmosphere suitable for learning, no person shall enter onto a
school bus except students assigned to that bus or parents of students or other persons with lawful and
valid business on the bus.¹

The school bus is an extension of school activity; therefore, students shall conduct themselves on the
bus in a manner consistent with the established standards for safety and classroom behavior.

Students are under the supervision and control of the bus driver while on his/her bus, and all reason-
able directions given by him/her shall be followed. A driver may remove a student in the event that the
driver finds it necessary for the safety of the other student passengers or the driver, provided that the
driver secures the safety of the ejected student for the uncompleted trip. A driver shall report to school
authorities as soon as possible, but no later than the end of the route, any student refusing to obey the
driver or exiting the bus without the driver’s permission at a point other than the student’s destination
for that trip."¹

The principal or designee of the student transported shall be informed by the bus driver of any serious
discipline problem and may be called upon to assist if necessary. A student may be denied the
privilege of riding the bus if the principal determines that his/her behavior is such as to cause
disruption on the bus, or if he/she disobeys state or local rules and regulations pertaining to student
transportation.

Any student wishing to ride a bus other than his/her designated bus must have written parental permis-
sion and the written approval of the principal or his/her designee.

Students who transfer from bus to bus while en route to and from school shall be expected to abide by
the discipline policies adopted by the Board and rules adopted by the staff of the terminal school.

**USE OF VIDEO CAMERAS**

Video cameras may be used to monitor student behavior on school vehicles transporting students to
and from school or extracurricular activities.

Students in violation of bus conduct rules shall be subject to disciplinary action in accordance with
established Board policy and regulations governing student conduct and discipline.

The district shall comply with all applicable state and federal laws related to video recordings when
such recordings are considered for retention as part of the student’s behavioral record as determined by
the district and in accordance with the law.

Video surveillance shall be used only to promote the order, safety and security of students, staff and
property.

The director of schools is directed to develop procedures governing the use of video cameras in
accordance with the provisions of the law and established Board policies.
Legal References

1. TCA 49-6-2008
2. TCA 49-6-2118

Cross References

Student Transportation Management 3.400
Scheduling and Routing 3.401
Discipline Procedures 6.313
Suspension/Expulsion/Remand 6.316
Student Records 6.600-604
In order to ensure a safe and secure learning environment, the following offenses shall not be tolerated:

**WEAPONS & DANGEROUS INSTRUMENTS**

Students shall not possess, handle, transmit, use or attempt to use any dangerous weapon in school buildings or on school grounds at any time, or in school vehicles and/or buses or off the school grounds at a school-sponsored activity, function or event.¹

Dangerous weapons for the purposes of this policy shall include, but are not limited to a firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.²

Violators of this section shall be subject to suspension and/or expulsion from school.

*Firearms (as defined in 18 U.S.C. § 921)*³

In accordance with state law, any student who brings or possesses a firearm on school property shall be expelled for a period of not less than one (1) calendar year. The director of schools shall have the authority to modify this expulsion requirement on a case-by-case basis.⁴

**DRUGS**

In accordance with state law, any student who unlawfully possesses any drug including any controlled substance or legend drug shall be expelled for a period of not less than one (1) calendar year. The director of schools shall have the authority to modify this expulsion requirement on a case-by-case basis.⁵

**ASSAULT**

In accordance with state law, any student who commits aggravated assault as defined in § 39-13-102 upon any teacher, principal administrator, any other employee of the school or school resource officer shall be expelled for a period of not less than one (1) calendar year. The director of schools shall have the authority to modify this expulsion requirement on a case-by-case basis.⁶

**ELECTRONIC THREATS**

In accordance with state law, any student who transmits by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention shall be expelled for a period of not less than one (1) calendar year. The director of schools shall have the authority to modify this expulsion requirement on a case-by-case basis.⁷
1 **NOTIFICATION**

When it is determined that a student has violated this policy, the principal of the school shall notify the student’s parent or guardian and the criminal justice or juvenile delinquency system as required by law.\(^7\)

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<th>Legal References</th>
<th>Cross References</th>
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<tr>
<td>1. TCA 39-17-1309</td>
<td>Discipline Procedures 6.313</td>
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<td>3. 18 U.S.C. 921</td>
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<td>4. 20 U.S.C. § 8921; TCA49-6-4216(b);TCA 49-6-3401(g)</td>
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<td>5. TCA 49-6-3401(g);TCA49-6-4216(b)</td>
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<td>6. TCA 49-6-4216(a)(2)(C)</td>
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<td>7. TCA 49-6-4209; TCA 39-17-1312</td>
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Students shall dress and groom in a clean, neat and modest manner so as not to distract or interfere with the operation of the school.

More specific guidelines appropriate for each level of school (elementary, middle, junior high and senior high) shall be developed by the director of schools.¹

When a student is dressed in a manner which is likely to cause disruption or interference with the operation of the school, or in a manner that violates the developed guidelines, the principal shall take appropriate action, which may include suspension.

Legal References

1. TCA 49-6-4215 ; TCA 49-1-302(j)

Cross References

Discipline Procedures 6.313
Suspension/Expulsion/Remand 6.316
Students may possess personal communication devices such as cell phones, laptops, tablets, mp3 players, and electronic readers at school. The personal communication devices must be in the off mode and must be out of sight. Students may not use personal communication devices during the instructional day but may be allowed to use the personal communication devices before school starts and after school dismisses. The principal or designee may grant a student permission to use a personal communication devise at the principal’s or designee’s discretion.

A person who discovers a student in possession of a personal communication device outside the parameters of this policy shall report the violation to the principal. The devise will be confiscated and will be returned only to the parent/guardian of the student.

Students who possess a personal communication devise in violation of this policy and school rules are subject to disciplinary action.

A “personal communication device” is a devise that emits an audible signal, vibrates, displays a message or picture or otherwise summons or delivers a communication to the possessor.
The following levels of misbehavior and disciplinary procedures and options are designed to protect all members of the educational community in the exercise of their rights and duties.

**MISBEHAVIORS: Level I**

Minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school, but which can usually be handled by an individual staff member.

*Examples* (not an exclusive listing):

- Classroom disturbances
- Classroom tardiness
- Cheating and lying
- Abusive language
- Non defiant failure to do assignments or carry out directions
- Harassment (Sexual, Racial, Ethnic, Religious)

**Disciplinary Procedures:**

- Immediate intervention by the staff member.
- Determine what offense was committed and its severity.
- Determine offender and that he/she understands the nature of the offense.
- Employ appropriate disciplinary options.
- Record of the offense and disciplinary action maintained by staff member.

**Disciplinary Options:**

- Verbal reprimand
- Special Assignment
- Restricting activities
- Assigning work details
- Counseling
- Withdrawal of privileges
- Issuance of demerits which might affect citizenship or deportment grades
- Strict supervised study
- Detention
- In-school suspension

**MISBEHAVIORS: Level II**

Misbehavior whose *frequency* or *seriousness* tends to disrupt the learning climate of the school. Included in this level are misbehaviors which do not represent a direct threat to the health and safety of
others but whose educational consequences are serious enough to require corrective action on the part of administrative personnel.

Examples (not an exclusive listing):

- Continuation of unmodified Level I behaviors
- School or class tardiness
- School or class truancy
- Use of tobacco
- Using forged notes or excuses
- Disruptive classroom behavior
- Harassment (Sexual, Racial, Ethnic, Religious)

Disciplinary Procedures:

Student is referred to principal for appropriate disciplinary action.
Principal meets with student and teacher.
Principal hears accusation made by teacher, permits student the opportunity of explaining his/her conduct, denying it or explaining any mitigating circumstances.
Principal takes appropriate disciplinary action and notifies teacher of action.
Record of offense and disciplinary action maintained by principal.

Disciplinary Options:

- Teacher/schedule change
- Modified probation
- Behavior modification
- Social probation
- Peer counseling
- Referral to outside agency
- In-school suspension
- Transfer
- Detention
- Suspension from school-sponsored activities or from riding school bus
- Restricting school related honors student is otherwise due
- Out-of-school suspension (not to exceed ten (10) days).

MISBEHAVIORS: Level III

Acts directly against persons or property but whose consequences do not seriously endanger the health or safety of others in the school.

Examples (not an exclusive listing):

- Continuation of unmodified Level I and II behaviors
- Fighting (simple)
- Vandalism (minor)
- Stealing
- Threats to others
- Harassment (Sexual, Racial, Ethnic, Religious)

Disciplinary Procedures:

Student is referred to principal for appropriate disciplinary action.
Principal meets with student and teacher.
Principal hears accusation by accusing party and permits offender the opportunity of explaining conduct.
Principal takes appropriate disciplinary action.
Principal may refer incident to director of schools and make recommendations for consequences.
If student’s program is to be changed, adequate notice shall be given to the student and his/her parents of the charges against him, his/her right to appear at a hearing and to be represented by a person of his/her choosing.
Any change in school assignment is appealable to the Board.
Record of offense and disciplinary action maintained by principal or director of schools.

Disciplinary Options:

In-school suspension
Detention
Restitution from loss, damage or stolen property
Out-of-school suspension not to exceed ten (10) days
Social adjustment classes
Transfer
Expulsion

MISBEHAVIORS: Level IV

Acts which result in violence to another’s person or property or which pose a threat to the safety of others in the school. These acts are so serious that they usually require administrative actions which result in the immediate removal of the student from the school, the intervention of law enforcement authorities and/or action by the Board.

Examples (not an exclusive listing):

Unmodified Level I, II and III behaviors
Death threat (hit list)
Extortion
Bomb threat
Possession/use/transfer of dangerous weapons *
Assault Battery *
Vandalism
Theft/possession/sale of stolen property
Arson Possession of unauthorized substances *
Use/transfer of unauthorized substances
Harassment (Sexual, Racial, Ethnic, Religious)

Disciplinary Procedures:

Principal confers with appropriate staff members and with the student.
Principal hears accusations and permits offender opportunity to explain conduct.
Parents are notified.
Law enforcement officials are contacted.
Incident is reported and recommendations made to the director of schools.
Complete and accurate reports are submitted to the director of schools.
Student is given hearing before disciplinary hearing authority.

Disciplinary Options
Expulsion
Alternative schools
Other hearing authority or Board action which results in appropriate placement

* Expulsion/Remand for a period of not less than one (1) calendar year subject to modification by the director of schools on a case-by-case basis.

**ADDITIONAL GUIDELINES:**

1. A student shall not be suspended solely because charges are pending against him/her in juvenile or other court.
2. A principal shall not impose successive short term suspensions that cumulatively exceed ten (10) days for the same offense.2
3. A teacher or other school official shall not reduce or authorize the reduction of a student’s grade because of discipline problems except in deportment or citizenship.
4. A student shall not be denied the passing of a course or grade promotion solely on the basis of absences except as provided by board policy.
5. A student shall not be denied the passing of a course or grade promotion solely on the basis of failure to:
   a. pay any activity fee;
   b. pay a library or other school fine; or
   c. make restitution for lost or damaged school property.

Legal References

1. TCA 49-6-4012 – 4015
2. TCA 49-6-3007(h)
Students may be detained before or after the school day as a means of disciplinary action.

The following guidelines shall be followed:

1. The student shall be given at least one (1) day of notice before detention;
2. Parents shall be informed before detention takes place;
3. Students in detention shall be under the supervision of school personnel;
4. Detention shall not exceed one (1) hour after the official closing of the school day but may be administered several days in succession; and

Cross References

Discipline Procedures 6.313
DEFINITIONS:

Suspension: dismissed from attendance at school for any reason not more than ten (10) consecutive days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.

Expulsion: removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion.

Remand: assignment to an alternative school.

REASONS FOR SUSPENSION/EXPULSION:

Any principal, principal-teacher or assistant principal (herein called principal) may suspend/expel any student from attendance at school or any school-related activity on or off campus or from attendance at a specific class or classes, or from riding a school bus, without suspending such student from attendance at school (in-school suspension), for good and sufficient reasons including, but not limited to:

1. Willful and persistent violation of the rules of the school;
2. Immoral or disreputable conduct, including vulgar or profane language;
3. Violence or threatened violence against the person of any personnel attending or assigned to any school;
4. Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
5. Inciting, advising or counseling of others to engage in any of the acts herein enumerated;
6. Possession of a pistol, gun or firearm on school property;³
7. Possession of a knife, etc., as defined in TCA 39-17-1309, on school property;
8. Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or threatening language;
9. Unlawful use or possession of barbital or legend drugs, as defined in TCA 53-10-101;³
10. Engaging in behavior which disrupts a class or school-sponsored activity;
11. Making a threat, including a false report, to use a bomb, dynamite, or any other deadly explosive or destructive device including chemical weapons on school property or at a school sponsored event;

12. One (1) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school;

13. Off-campus criminal behavior resulting in felony charges; when behavior poses a danger to persons or property or disrupts the educational process; and

14. Any other conduct prejudicial to good order or discipline in any school.

If as a result of an investigation, a principal or his/her designee finds that a student acted in self-defense under a reasonable belief that the student, or another to whom the student was coming to the defense, may have been facing the threat of imminent danger of death or serious bodily injury, then, the student may not face any disciplinary action. 4

IN-SCHOOL SUSPENSION: 5

1. Students given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study; and

2. Personnel responsible for in-school suspension will see that each student is supervised at all times and has textbooks and classwork assignments from his/her regular teachers. Students given in-school suspension shall be required to complete academic assignments and shall receive credit for work completed.

PROCEDURES FOR OUT OF SCHOOL SUSPENSION AND EXPULSION: 6

1. Unless the student’s continued presence in the school, class or school-related activity presents an immediate danger to the student or other persons or property, no principal shall suspend/expel any student until that student has been advised of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.

2. Upon suspension/expulsion of any student (in-school suspension in excess of one (1) day), the principal shall make an immediate attempt to contact the parent or guardian to inform them of the suspension/expulsion. The student shall not be sent home before the end of the school day unless the parent or guardian has been contacted.

3. The principal shall notify the parent or guardian and the director of schools or designee in writing:

   a. Of the suspension/expulsion and the cause for it; and

   b. A request for a meeting with the parent or guardian, student and principal, to be held as soon as possible, but no later than five (5) days following the suspension/expulsion.

4. Immediately following the scheduled meeting, whether or not attended by the parent or guardian or student, the principal shall determine the length of the suspension/expulsion and set conditions for readmission. If the principal determines the length of the suspension to be between six (6) and the maximum of ten (10) days, the principal shall develop and implement a plan for correcting the behavior when the student returns to school.
5. If at the time of the suspension the principal determines that an offense has been committed
which, in the judgment of the principal would justify a suspension/expulsion for more than ten
(10) days, he/she may suspend/expel/remand the student unconditionally for a specified period
of time or upon such terms and conditions as are deemed reasonable.

6. The principal shall immediately give written or actual notice to the parent or guardian and the
student of the right to appeal the decision to suspend/expel/remand for more than ten (10) days.
The notice shall include a statement that, unless the student’s parent or guardian requests an
open hearing in writing within five (5) days of receipt of the notice, any hearing will be closed
to the public. All appeals must be filed, orally or in writing, within five (5) days after receipt
of the notice and may be filed by the parent or guardian, the student or any person holding a
teaching license who is employed by the school system if requested by the student.

7. The appeal from this decision shall be to the Board or to a disciplinary hearing authority
appointed by the Board.

8. If the suspension/expulsion occurs during the last ten (10) days of any term or semester, the
student shall be permitted to take such final examinations or submit such required work as
necessary to complete the course of instruction for that semester, subject to conditions
prescribed by the principal.

Legal References

1. TCA 49-6-3007(h)
2. TCA 49-2-203(a)(7); TCA 49-6-3401(a)
3. TCA 49-6-4216; TCA 39-17-1309; TCA 39-17-417
4. TCA 49-6-3401(i)
5. TCA 49-6-3401(b)(1)
6. TCA 49-6-3401(4)-(6); Goss v. Lopez, 419 U.S. 565 (Ohio, 1975); Individuals with Disabilities Act
   Amendments of 1997 § 615

Cross References

Procedural Due Process 6.302
Interference/Disruption of School Activities 6.306
Bus Conduct 6.308
Zero Tolerance Offenses 6.309
Dress Codes 6.310
Discipline Procedures 6.313
Disciplinary Hearing Authority 6.317
A Disciplinary Hearing Authority (DHA) shall conduct appeals for students who have been suspended for more than ten (10) school days. ¹ The Board shall appoint members to the DHA which shall consist of three (3) members, (maximum number must not exceed total membership of Board) at least one (1) of whom shall be a licensed employee of the board, and such appointments are for one (1) year terms and subject to reappointment. Board members shall not serve on the DHA.

The director of schools shall appoint a chairman of the DHA from the members appointed by the Board. The chairman shall perform the following duties:

1. Set the time, place and date for each hearing;
2. Maintain order and structure during each hearing; and
3. Prepare, sign, and disseminate the minutes of each meeting.

Upon receiving notification of the request to appeal the suspension decision, the DHA shall provide written notification to the parent or guardian of the student, the student, and any other appropriate person of the time, place and date of the hearing. The hearing must be held no later than ten (10) days after the beginning of the suspension.¹

The DHA may take the following disciplinary actions: ²

1. Affirm the decision of the school principal;
2. Order removal of the suspension unconditionally;
3. Order removal of the suspension upon such terms and conditions as it deems reasonable;
4. Assign the student to alternative program; or
5. Suspend the student for a specified period of time.*

Within five (5) days of the DHA rendering a decision, the student, principal, principal-teacher or assistant principal may request a review by the Board, and the Board shall review the record. Following the review, the Board may grant or deny the request for a hearing or affirm or overturn the decision of the DHA with or without a hearing. The Board shall not impose a more severe penalty than that imposed by the DHA without first providing an opportunity for a hearing before the Board.³

The notice of the hearing shall include a statement that, unless the student’s parent or guardian requests an open hearing in writing within five (5) days of receipt of the notice, the hearing shall be closed to the public.⁵

* Note: Zero-tolerance offenses as set forth in statute require mandatory calendar year expulsion or assignment to alternative placement for a calendar year unless modified by the director of schools.
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<th>Legal References</th>
<th>Cross References</th>
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<td>Procedural Due Process 6.302</td>
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<tr>
<td>2. TCA 49-6-3401 (c) (5)</td>
<td>Suspension/Expulsion/Remand 6.316</td>
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<td>3. TCA 49-6-3401 (c)(6)</td>
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If under exceptional circumstances a child is required to take non-prescription or prescription medication during school hours and the parent cannot be at school to administer the medication, only the principal or the principal’s designee will assist in self-administration of the medication if the student is competent to self-administer medicine with assistance in compliance with the following regulations:

Written instructions signed by the parent will be required and will include:

1. Child’s name;
2. Name of medication;
3. Name of physician;
4. Time to be self-administered;
5. Dosage and directions for self-administration (non-prescription medicines must have label direction);
6. Possible side effects, if known; and
7. Termination date for self-administration of the medication.

The medication must be delivered to the principal's office in person by the parent or guardian of the student unless the medication must be retained by the student for immediate self-administration. (i.e. students with asthma)

The administrator/designee will:

1. Inform appropriate school personnel of the medication to be self-administered;
2. Keep written instructions from parent in student's record;
3. Keep an accurate record of the self-administration of the medication;
4. Keep all medication in a locked cabinet except medication retained by a student per physician's order;
5. Return unused prescription to the parent or guardian only; and
6. Ensure that all guidelines developed by the Department of Health and the Department of Education are followed.

The parent or guardian is responsible for informing the designated official of any change in the student's health or change in medication.

A copy of this policy shall be provided to a parent or guardian upon receipt of a request for long-term administration of medication.
1 **BLOOD GLUCOSE SELF-CHECKS**

2 Upon written request of a parent or guardian, and if included in the student's medical management plan and in the IHP, a student with diabetes shall be permitted to perform a blood glucose check or administer insulin using any necessary diabetes monitoring and treatment supplies, including sharps. The student shall be permitted to perform the testing in any area of the school or school grounds at any time necessary.

3 Sharps shall be stored in a secure, but accessible location, including the student's person, until use of such sharps is appropriate.

4 Use and disposal of sharps shall be in compliance with the guidelines set forth by the Tennessee Occupational Safety and Health Administration (TOSHA).²

_____________________________  ______________________________
Legal References                                      Cross References

1. TCA 49-5-415
2. TCA 49-5-415(d)(7), Public Acts 2006, Chapter No. 54

Student Health Services 6.401
Parent(s) of all students shall provide the schools with emergency contact information which shall contain the following information:

1. Parents’ location and phone numbers during the school day;
2. The name, address and phone number of the student’s physician(s);
3. Directions in the event that medical treatment is needed;
4. Information concerning a student’s particular physical disability or medical condition.

This information shall be required annually and shall be kept on file in the principal’s office.

If a student suffers an injury or becomes ill, the staff member in charge shall have the responsibility to render first-aid or ensure that it is rendered.

In the event of serious injury or illness to a student, the parent(s) shall be notified as whether to pick up the child at school or meet the child at the hospital. If the parent(s) cannot be reached, the student shall be transported to the hospital emergency room and the physician identified by the parent(s) on the emergency medical authorization form shall be notified of the accident. Efforts to notify the parent(s) shall continue until they are reached.

Principals shall inform the director of schools immediately of any serious injuries suffered by students while under the jurisdiction of the school.

Parents who object to the procedures contained in this policy shall submit to the principal a written emergency plan for his approval.

The director of schools shall develop forms and procedures to implement this policy.
Within the first three weeks of each school year, the school system shall notify parent(s) of students and eligible students* of each student's privacy rights.¹ For students enrolling after the above period, this information shall be given to the student’s parent(s) or the eligible student at the time of enrollment.² The notice shall include the right of the student’s parent(s) or the eligible student to:

1. Inspect and review the student’s education records;
2. Seek correction of items in the record which are believed to be inaccurate, misleading or in violation of the student’s rights, including the right to a hearing upon request;
3. File a complaint with the appropriate state or federal officials when the school system violates laws and regulations relative to student records;
4. Obtain a copy of this policy and a copy of the student's educational records;
5. Exercise control over other people’s access to the records, except when prior written consent is given, or under circumstances as provided by law or regulations, or where the school system has designated certain information as “directory information.” Parent(s) of students or eligible students have two weeks after notification to advise the school system in writing of items they designate not to be used as directory information. The records custodian shall mark the appropriate student records for which directory information is to be limited, and this designation shall remain in effect until it is modified by the written direction of the student’s parent(s) or the eligible student.

**DIRECTORY INFORMATION**

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone number, e-mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.³

Student directory information for 11th and 12th graders shall be made available upon request to persons or groups which make students aware of occupational and educational options, including official recruiting representatives of the military forces of the State and the United States.⁴

*The student becomes an “eligible student” when he/she reaches age 18 or enrolls in a post-secondary school, at which time all of the above rights become the student’s rights.⁵

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Legal References

1. 34 CFR 99.4; 34 CFR § 99.7
2. 34 CFR § 99.7; TCA 10-7-504
3. 34 CFR § 99.3
4. TCA 49-6-406; 10 U.S.C.§503(c)
5. 34 CFR § 99.3