

A - SCHOOL DISTRICT - SCHOOL BOARD

- AA Legal Status and Authority
- ABB Duties and Powers of Board of Education
- AFC Emergency Closings

B - SCHOOL BOARD OPERATIONS

BBABA	Duties - Chairman
BBABB	Duties - Vice Chairman
BBABC	Duties - Secretary
BBBE	Compensations and Expenses
BBC	Board Committees
BBD	Board - Director Relations
BBDC	Tobacco-free Schools
BBDD	Section 504 & ADA Grievance Procedure
BBE	School Attorney
BBF	Advisory Committees
BBBF	Orientation and Training
BC	Meetings
BCAA	Meetings - Annual (Organizational Meeting)
BCAB	Meetings - Regular
BCAC	Meetings - Special
BCAE	Meetings - Public Hearings
BCB	Board Meetings - Procedures
BCBF	Rules of Order
BCBH	Minutes
BCBI	Public Participation at Board Meetings
BCBJA	Board Meetings/Press Services
BCBK	Executive Sessions

BD Policy Development & Adoption

BE School Board Records

BH Ethics

C - GENERAL SCHOOL ADMINISTRATION

CCC	Community Use of School Facilities
CE	The Director of Schools
CGD	Principals
CGPG	Procedures for Absences
CGPGB	Sick Leave Policy
CGH	Policy Against Harassment and Sexual Harassment
CH	Charter Schools

D - FISCAL MANAGEMENT

DA	Fiscal Management Goals and Objectives
DE	Food Service Management
DF	Revenues
DFL	Investment Earnings
DFM	Personal Property Sales
DH	Bonded Employees
DIB	Financial Reports and Records
DIC	Inventories
DJD	Travel Policy
DJE	Purchasing
DJED	Bids and Quotations
DJEG	Purchase Orders and Contracts
DK	Student Activity Funds Management

G - PERSONNEL

GAAA	Equal Opportunity Employment
GAN	Drug-Free Workplace
GANN	Drug and Alcohol Testing for Employees
GAP	Complaints and Grievances
GB	Teaching Personnel
GBA	Suspension/Dismissal of Non-Tenured Teachers
GBC	Application and Employment
GBD	Reduction in Force
GBE	Personnel Records
GBQ	Retirement
GBRAA	Acquired Immune Deficiency Syndrome (AIDS)
GBRAB	Hepatitis B (HBV) Policy
GBRIA	Long-Term Leaves of Absence for Professional Personnel
GBRIC	Family and Medical Leave
GC	Non-Teaching Personnel
GCA	Suspension/Dismissal of Non-Certified Employees
GCD	Personnel Transfers
GD	Substitute Teachers
GE	Staff Time Schedule
GEF	Evaluation

H - NEGOTIATIONS

HA	Professional Personnel Negotiations - Legal Status
HAA	Scope of Professional Negotiations
HAB	Board Negotiating Agent
HAC	Director of Schools Role in Negotiations
HAD	Bargaining Progress Reporting
HAE	Preliminary Agreement Disposition

I - INSTRUCTIONAL PROGRAM

IEH	Promotion and Retention
IF	Selection of Instructional Materials (Other Than Textbooks)
IFAA	Textbook Selection Distribution and Care
IFAD	Reconsideration of Instructional Materials and Textbooks
IFBA	Instructional Assistants
IFCB	Field Trips and Excursions
IFCDD	Parent/Family/Community Engagement
IKBB	Controversial Materials
IKJ	Period of Silence
IKK	Web Pages
IKL	Student Access to Electronic Media
IKLM	Student Records – Annual Notification of Rights
IL	Testing

J - STUDENTS

JAA	Student Goals and Objectives
JB	Student Attendance
JBCB	Attendance of Non-Resident Students
JCAB	Interrogations and Searches
JCAD	Student Discrimination/Harassment and Bullying/Intimidation
JCAE	Students Concerns, Complaints and Grievances
JCB	Zero Tolerance Offenses
JCBC	Smoking by Students
JCBD	Drug-Free Schools
JCBE	Weapons and Dangerous Instruments
JCBEA	Use of Personal Communication Devices in School
JCBF	Bus Conduct
JCBG	Interference/Disruption of School Activities
JCBH	Care of School Property
JCCB	Detention
JCCC	Suspension/Expulsion/Remand
JCCD	Request for Admission of Suspended or Expelled Students
JCDB	Dress Code Policy
JCEA	Child Abuse and Neglect
JCEB	Discipline Code
JDA	Corporal Punishment Policy

JDC	Probation System and Work Program Policy
JDE	Expulsion
JE	Student Guidance Program
JGC	Student Health Services
JGCA	Physical Examinations and Immunizations
JGCCC	Acquired Immune Deficiency Syndrome
JGCD	Medicines
JGD	Student Psychological Services
JGE	Student Social Services
JHA	Student Solicitations/Fundraising Activities
JKA	School-Community Relations
JLA	Grading System
JS	Student Fees
JT	Survey of Students
JVA	Migrant Students
JVB	Homeless Students

Legal Status and Authority

Descriptor Code: AA

The legal basis for education in the Sweetwater City School System is invested in the will of the people as expressed in the State Constitution, the statutes, court interpretation of these laws, and the powers implied in them. School Boards are instruments of the state, and members of the Board are state officers representing local citizens and the state in the management of the public schools.¹

The school system shall serve residents of the City of Sweetwater and the First District and non-residents under conditions specified by state law and the Board of Education.

The governing body of the school system shall be the Board of Education.

All powers of the Board of Education lie in its action as a group; therefore, individual board members exercise their authority over school system affairs only as they vote to take action at an official meeting of the Board.

In other instances, an individual board member, including the chairman, shall have power only when specified by state law or when the Board, by vote, has delegated authority to him.

Legal References:

¹TCA 49-1-101; TCA 49-1-102; TCA 49-1-103

12, 2009

November 12, 2012

Reviewed: October

Reviewed:

ROLE OF THE BOARD OF EDUCATION

Descriptor Code: ABB

The Board will be guided by the general mandatory powers and duties of the Board as defined through statute¹ which state or imply that a local Board of Education has full power to operate the local public schools as it deems fit in compliance with state and federal mandates. The Board functions only when in session.

The Board sees these as its required functions:

1. **Policy Oversight:**² The Board will develop policy and employ a chief school administrator who shall carry out its policies through the development and implementation of administrative procedures. The Board will evaluate the effectiveness of its policies and their implementation. This includes setting and evaluating goals in educational and financial areas.
2. **Educational Planning:**³ The Board will require reliable information from responsible sources which enable it and the staff to work toward the continuous improvement of the educational program.
3. **Provision of Financial Resources:**⁴ The Board will adopt a budget to provide the necessary funding in terms of buildings, staff, materials and equipment to enable the school system to carry out its functions.
4. **Interpretation:** The Board will keep the local community informed about the school and keep itself informed about the wishes of the public. The Board will build public support for the schools by involving the public in the planning process.

The Board will provide, within the financial limitations set by the community, the best educational opportunities possible for all children.

The Board shall exercise its powers through the legislation of policies for the organization and operation of the school district. The Board will delegate the administration of the schools to the Director of Schools.

Legal References:

1. TCA 49-2-203
1.600
2. TCA 49-2-207
3. TCA 49-1-302(a) (3); TRR/MS 0520-2-1.01
1.700
4. TCA 49-2-203(a) (1)

Cross References:

Policy Development & Adoptions

Administrative Procedures 1.601
School District Goals & Objectives

Annual Operating Budget 2.200

Reviewed: October 12, 2009

Reviewed: November 12, 2012

EMERGENCY CLOSINGS

Descriptor Code: AFC

The Board authorizes the Director of Schools to close schools in the event of hazardous weather or any other emergency which presents a threat to the safety of students, staff members or school property.

As soon as the decision to close schools is made, the Director will notify the public media and request that an announcement be made.

In the event school is not in session or dismissed early due to snow or inclement weather, all activities scheduled where students are involved will be postponed or canceled. The Director of Schools shall have the authority to allow exception to this for good and sufficient reason.

Revised: May 8, 2006
Reviewed: October 12, 2009
Reviewed: November 12, 2012
Revised: January 14, 2013

DUTIES - CHAIRMAN

Descriptor Code: BBABA

It shall be the duty of the chairman of the Sweetwater City Board of Education

- A. To function as chairman of the executive committee;
- B. To conduct school board hearings;
- C. To preside at all meetings of the Board;
- D. To appoint committees authorized by said board;
- E. To countersign all warrants authorized by the Board of Education and _____ issued by the superintendent for all expenditures of the school system;
- F. To fulfill the duties assigned to the Executive Committee;
- G. To prepare the school budget with the Director of Schools;
- H. To authorize the use of mechanical check writing equipment;
- I. To certify in writing the value of surplus property valued less than _____ \$250.00; and
- J. To carry out other such duties as may be assigned by the Sweetwater City _____ Board of Education.

Reviewed: November 9, 2009
Reviewed: November 12, 2012

DUTIES - VICE CHAIRMAN

Descriptor Code: BBABB

It shall be the duty of the vice-chairman of the Sweetwater City Board of Education to assume the duties of the chairman in his absence, or to function as the chairman until a new chairman can be elected in the event the chairman is incapacitated or is deceased.

November 9, 2009

November 12, 2012

Reviewed:

Reviewed:

DUTIES - SECRETARY

Descriptor Code: BBABC

The executive officer of the local Board of Education is the Director of Schools. Said individual is also the secretary of the local Board of Education. As secretary, he/she conducts all correspondence of the Board, keeps and preserves all of its records, receives all reports required by the Board, and sees that such reports are in proper form. He/she further has the right to advise on any question under consideration by the Board, but has no vote.

In local school districts which have a private act providing for the election of a secretary or secretary-treasurer as an officer of the board, the director retains the statutorily assigned duties as cited above unless the private act specifically assigns the duties to the secretary or secretary-treasurer.

The Board of Education on the recommendation of the Director may assign the keeping of the minutes to a clerk, subordinate; however, the responsibility resides with the Director.

November 9, 2009

November 12, 2012

Reviewed:

Reviewed:

COMPENSATIONS AND EXPENSES

Descriptor Code: BBBE

Members of the Sweetwater City Board of Education shall be compensated for their attendance at regular and special meetings at the rate designated in the city charter (effective date, July 2003).

Members of the Sweetwater City Board of Education shall be reimbursed for travel expenses when they travel outside the school district on school business. When attendance at conventions or other educational meetings or travel for other school purposes is authorized in advance by the Board, expenses shall be submitted to the Director of Schools office within 30 days of the date of completion of such travel.

November 9, 2009

Reviewed:
Reviewed: November 12, 2012

BOARD COMMITTEES

Descriptor Code: BBC

The only standing committee that shall be authorized to function by the Sweetwater City Board of Education shall be the Executive Committee which is established by statute.

The Chairman shall appoint committees that are authorized by the Board to function. The Sweetwater City Board of Education may utilize the following types of committees; however, such committees shall serve no longer than the ensuing organizational meeting of the Board unless reappointed to finish a designated task.

I. Special Committees

Special committees may be appointed by the chairman at the direction of the board. Such committees shall be discharged when the work is finished, or earlier if by a majority vote of the entire Board. All reports of special committees shall be made directly to the Board as a whole.

A. A special committee serving in advisory capacity shall ordinarily consist of less than a quorum of Board members.

B. The committee will be advisory to the Board and have no deliberative authority.

C. The committee will not hold hearings without Board approval.

D. The committee will look forward to the long-range affect of actions and recommend implementation calendars.

E. Reports to the Board will be made on a quarterly basis or as necessary.

F. Action to be taken by the committee members must be approved in advance by the entire Board.

II. Citizens Advisory Committees

The Board shall, when it deems advisable, authorize advisory committees to assist the Board in research projects, long-range studies,

advisory program evaluation, and development of policies or educational goals. Each committee shall be appointed for a specific purpose.

Such committees shall be representative of the community, in relation to the tasks delegated to them.

Such committees shall serve in an advisory capacity only; proposing recommendations based on analysis of a problem, and shall exist only as long as is necessary for the study and reporting to the Board on particular projects assigned them. The Board shall give careful consideration to all recommendations, although final action and responsibility shall remain with the Board.

The chairman or his representative shall be an ex officio member of all advisory committees.

November 9, 2009

Reviewed:

November 12, 2012

Reviewed:

BOARD - DIRECTOR RELATIONS

Descriptor Code: BBD

Board members shall give the Director of Schools full administrative authority for properly discharging his statutory and Board assigned duties, but shall hold him/her responsible for acceptable results.

Board members shall require the Director and those under his authority to work within the framework of policies adopted by the Board of Education.

Neither the duties of the Board of Education nor the duties of the Director are in conflict if properly understood; furthermore, the roles of both the Board of Education and the Director should interact as cooperatively and effectively for the best interest of the school system as possible.

The Board believes that the legislation of policies is its most important function, and that the execution of the policies should be the function of the Director. Delegation by the Board of its executive powers to the Director provides freedom for the Director to manage the schools within the Board's policies, and frees the Board to devote its time to policy making and appraisal functions. The Board holds the Director responsible for carrying out its policies within established guidelines and for keeping the Board informed about school operations. In his or her efforts to keep the Board informed, the Director will notify Board members as promptly as possible of any happenings of an emergency nature which occur in schools.

2009

Reviewed: November 9,

2012

Reviewed: November 12,

Revised: January 14, 2013

TOBACCO-FREE SCHOOLS

Descriptor Code: BBDC

All uses of tobacco and tobacco products, including smokeless tobacco, are prohibited in all of the school district's buildings. **Adult staff members may smoke outdoors but not within fifty feet (50') of any entrance to any building or in the presence of children. In addition, after regular hours, adults are allowed to smoke on the property surrounding the building, but not blocking any entrance to any building.**

The use of tobacco or tobacco products, including smokeless tobacco, will be prohibited in all vehicles, owned, leased operated by the district.

District employees and students enrolled in the district's schools will not be permitted to use tobacco or tobacco products, including smokeless tobacco, while they are participants in any class or activity in which they represent the school district.

Signs will be posted throughout the district's facilities to notify students, employees and all other persons visiting the school that the use of tobacco and tobacco products is forbidden.

November 9, 2009

Reviewed: November 12, 2012

Reviewed:

SECTION 504 and ADA GRIEVANCE PROCEDURE

Descriptor Code: BBDD

The Board is committed to maintaining equitable employment/educational practices, services, programs and activities that are accessible and usable by qualified individuals with disabilities.

Definition

Section 504 of the Rehabilitation Act of 1973 provides that: No otherwise qualified individual with handicaps in the United States...solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.¹

Title II of the Americans with disabilities act of 1990 provides that: No otherwise qualified individual with a disability shall be discriminated against in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training and other terms, conditions and privileges of employment.²

Coordinator³

The Board shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the American with Disabilities Act (ADA) and Section 504, including any investigation of any complaint alleging non-compliance with the Acts or alleging any actions that would be prohibited by the Acts.

Notice⁴

The Board shall make available the name, office address, and telephone number of the ADA/Section 504 coordinator.

Methods of initial and continuing notification may include the posting of notices, publication in newspapers and student and employee handbooks and distribution of memoranda or other written communications.

Complaint Procedure⁵

The coordinator will hear ADA/Section 504 complaints. Complaints of disability discrimination may be submitted orally or in writing to the coordinator who will endeavor to accomplish prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA/Section 504. The coordinator will respond to all complaints within twenty (20) days with a written response as well as information on further grievance procedures that may be followed if the complaining party is not satisfied with the coordinator's proposed resolution.

Legal Representation at Hearing

If a parent/guardian is represented by a licensed attorney at the due process hearing, he/she must inform the Section 504 coordinator and the appointed hearing officer of that fact, in writing, at least seven (7) calendar days prior to the hearing date or the hearing can be continued upon the coordinator's request. The school system shall not have legal representation at the hearing unless the parent provides notice that he/she will have legal representation.

Pre-Hearing Conference

The hearing officer may order a Pre-Hearing Conference during which the parent/guardian or his/her representative will state and clarify issues to be addresses at the hearing. The Pre-Hearing Conference will also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties' questions regarding the hearing process. The Pre-Hearing can be held via telephone or in person depending on the hearing officer's decision based on the convenience to both parties.

Dismissals

If, after the Pre-Hearing Conference, the hearing officer finds that the parent, as a matter of law, alleges and/or raises no factual claims or legal issues that come within his/her jurisdiction as a Section 504 hearing officer, he/she may dismiss the hearing and issue an order to that effect explaining the basis for such finding.

Hearing

The hearing shall be conducted in an informal, non-adversarial manner. The hearing shall be closed to the public unless the parent/guardian requests an open hearing. The hearing officer may reasonably limit testimony and introduction of exhibits for reasons of relevance.

Recording

Instead of a formal written transcript produced by a court reporter, the entire due process hearing will be video recorded. The school system shall provide a copy of the recording to the parent/guardian upon request. In order for an accurate recording to be made, the parties and witnesses shall introduce themselves at the beginning of their presentations. If a parent/guardian appeals the decision of the hearing officer to a court of competent jurisdiction, the school system shall prepare a written transcript of the hearing to be offered to the court as an exhibit.

Witnesses

Witnesses will present their information in narrative form, without the traditional question and answer format of legal proceedings. Cross-examination of witnesses will not be allowed, but a party may request that the hearing officer, at his/her discretion, ask a witness a certain question.

Format of Presentation

Each side will have an equal amount of time to present their positions as determined by the hearing officer. The parent/guardian will present his/her case first by making an opening statement outlining the issues, calling witnesses, and making a closing argument. The school system will present its side next. At the end of the school system's presentation, the parent/guardian may offer a short response. Each side may present personally or through their representatives.

Submission of Exhibits

As part of their presentation and at the discretion of the hearing officer, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions. Exhibits submitted to the hearing officer by either party must be marked. The hearing officer may, in the exercise of his/her discretion, reasonably limit the number of documents to be submitted for his/her review, as well as the number of witnesses and the length and/or scope of their presentations or statements.

Closing Arguments

The hearing officer may allow or request written closing arguments summarizing and characterizing the information presented at the hearing.

Decision

The hearing officer may make an oral ruling at the conclusion of the hearing or take the case under advisement and issue a written opinion. Such decision shall address all of the issues raised by the parent/guardian as well as any corrective actions, if any, the school system must take. Any issue or claim raised by the parent/guardian that is left unaddressed by the hearing officer in his/her decision will be deemed to have been denied. The decision must be issued within forty-five (45) days after the date the Request for a Due Process Hearing is received by the district. The hearing officer may not award attorney's fees as a part of the relief granted to the parent/guardian or the district.

Review Procedure/Appeal

If the parent/guardian is not satisfied by the decision of the hearing officer, he/she may seek the review of the decision in a court of competent jurisdiction.

Legal Reference:

1. 34 CFR § 104.4 (a)
2. 42 USCA § 12112(a)
3. 28 CFR § 35.107
4. 28 CFR § 35.106; 34 CFR § 104.8
5. 28 CFR § 35.170; 172
6. 34 CFR § 104.36

2012

Reviewed: November 9, 2009
Reviewed: November 12,

Revised: January 14, 2013
Revised: July 8, 2013

SCHOOL ATTORNEY

Descriptor Code: BBE

The Sweetwater City Board of Education is authorized to employ an attorney to represent the Board in matters which arise concerning the school system.

Reviewed: November 9, 2009
Reviewed: November 12, 2012

ADVISORY COMMITTEES

Descriptor Code: BBF

I. The Board may rely on various advisory committees to counsel it as one means to discerning the needs and desires of the school district and its residents. The central purpose of all advisory committees is to contribute to the educational program by conducting studies, identifying problems, and developing recommendations that will enhance the effectiveness of the decision making process. The ultimate authority to make decisions shall continue to reside in the powers and duties of the Board as imposed by law.

A. Citizen's advisory committees: Such committees shall be authorized by the Board at such times and for such specific purposes as the Board deems necessary. They shall function until their assigned goal has been accomplished, and then shall be dissolved. Generally, citizens' advisory committees shall be assigned to investigate areas of the educational program which need development, change, or reorganization and areas of community involvement in district affairs. Members shall be broadly representative of the community's population and chosen from among residents who have shown an interest in the advancement of public education. Once activated, the committee shall report periodically to the Board, keeping it informed of progress and problems. The Board may designate the intervals at which it will be reported as they occur. No announcement may be made by any committee or its members to the public or press until such release has been cleared with the Board. The Board shall provide citizens; advisory committees with a suitable meeting place and other required facilities. The chairman of this committee shall be so designated by the chairman of the Board.

B. Staff advisory committee: Recognizing the unique contribution to be made by staff members to its deliberations, the Board may authorize the participation of professional personnel in a district-wide advisory committee to the Board. Composition of this committee shall include professional employees, representative of the administrative, supervisory, and instructional staffs in the district. The chairman of this committee shall be so designated by the chairman of the Board.

C. Student advisory committee: Student concerns in policy areas may be conveyed to the Board through a student advisory committee

authorized by the Board consisting of members appointed annually by the chairman. The committee shall be designated by the chairman of the Board.

II. The Board sets the following guidelines for operation of all school advisory committees:

A. Within two months after appointment each committee will submit for

approval by the Board its by-laws for operation which clearly spell out the objectives of the committee, its advisory function, methods to be used in focusing on the problems, and methods of reporting the progress of the committee.

B. Committees shall meet at least four times a year with a representative of the Board and administration present at each meeting.

C. Minutes shall be taken at each meeting, with a copy sent within one week after the meeting to the Director of Schools, and to the Chairman of the Board.

D. Clerical and duplication work needed by the committee that cannot be done without overtaxing the school secretaries should be referred to the superintendent's office.

E. The Director shall act as staff liaison between the committees and the Board. Any communications to the Board shall be forwarded through the Director except when reporting to the Board during a Board meeting.

F. No announcement may be made by any committee or its members to the public or press until such release has been cleared with the Board of Education.

ORIENTATION AND TRAINING

Descriptor

Code: BBBF

New Board members will attend local and state orientation sessions to include instruction in roles, duties, and responsibilities of Board members.

All Board members will attend development activities as required by Tennessee law and are encouraged to attend additional training provided by the Tennessee School Boards Association and other agencies.

Legal Reference:

TCA 49-2-202

Reviewed: November 9, 2009
Reviewed: November 12, 2012

MEETINGS

Descriptor Code: BC

Boards of Education in Tennessee must hold an annual meeting to elect one (1) of its members chairman and one (1) member vice-chairman.

The Sweetwater City Board of Education will hold regular monthly meetings on the second Monday of each month for the purpose of transacting public school business.

Further, local Boards of Education are authorized to conduct special meetings; provided, the chairman, or in his absence the vice-chairman, may call special meetings whenever in his judgment the interest of the public schools requires it, or when requested to do so by a majority of the Board of Education.

2009

Reviewed: November 9,

2012

Reviewed: November 12,

MEETING - ANNUAL (ORGANIZATIONAL MEETING)

Descriptor Code: BCAA

The method of electing the officers of the Board of Education shall be as follows:

- (1) The chairman of the Board shall preside at the annual organization meeting;
- (2) The chairman of the Board may serve for no more than four consecutive one year terms after which a one year leave is required;
- (3) The chairman shall vote as any other member in the election of a new chairman for the forth coming year;
- (4) The vice-chairman shall perform the duties of the chairman in case of the chairman's absence or inability to act;
- (5) In the event of a permanent vacancy in the office of chairman or vice-chairman, new officers shall be elected as soon as practicable;
- (6) Officers of the Board are elected by roll call vote of the Board.

November 9, 2009

November 12, 2012

14, 2013

Reviewed:

Reviewed:

Revised: January

MEETINGS - REGULAR

Descriptor Code: BCAB

Regular meetings of the Board shall be held at the Board of Education on the second Monday of each month for the purpose of transacting public school business, except that any meeting may be dispensed with upon approval of a majority of the members of the Board at the preceding meeting.

In instances when the second Monday of the month falls on a legal holiday, the regular meeting of the Board may be held on the next business day.

All regular meetings shall be open to the public and the press.

All changes of regular meetings from normal dates shall be advertised in the press to provide adequate public notice prior to the date of the meeting.

A Board member may participate electronically if he/she is out of the county for work, family emergency or military service. The absent member must be visually identified and a quorum of members must be physically present at the meeting.¹

Legal Reference:

1. TCA 49-2-203

November 9, 2009

15, 2012

November 12, 2012

Reviewed:

Revised: October

Reviewed:

MEETINGS - SPECIAL

Descriptor Code: BCAC

Special meetings may be called for either of the following purposes:

1. To enable the Board to concentrate and take action on a single problem
or set of problems; or
2. To enable the Board to take emergency action between regular meetings.

Special meetings may be called by the chairman, or in his absence the vice-chairman, whenever in his judgment the interest of the public school requires it or when requested to do so by the majority of the Board of Education. Such meetings shall be announced in advance at a regular meeting of the Board if possible.

When special meetings are called in the interim between Board meetings, all Board members and public shall receive adequate notice of the time and place. Such notice will be published in the press to provide adequate public notice as required by law.

All special meetings shall be open to the public and press, but no public discussion shall be heard on items other than those on the agenda for the called meeting.

With the exception of details of minor importance, only business related to the call of the meeting shall be discussed or transacted by the Board at a special meeting.

November 9, 2009

November 12, 2012

Reviewed:

Reviewed:

MEETINGS - PUBLIC HEARINGS

Descriptor Code: BCAE

The Board may hold public hearings in the following circumstances:

1. When a licensed employee is dismissed during a contract period. Any licensed employee of the Board, is entitled to a hearing, upon written request, and shall be advised of the same in the event of a dismissal;¹
2. When a student has been suspended and the resolution has not been satisfactory;²
3. When a parent or legal guardian shall contest the school assignment of their child,³ and/or
4. When the Board deems it to be in the public interest.

Any individual(s) requesting a hearing before the Board will make such request in writing stating the purpose of the hearing, the action desired, and, in the case of contesting a school assignment, the specific reasons for requesting the transfer. All requests for hearings must be received by the Board or director of schools within the time limit prescribed by law for that category of hearing.

Legal References:

1. TCA 49-2-301-(f)(33): TCA 49-5-512
2. TCA 49-6-3401
3. TCA 49-6-3201

Tenured

November 9, 2009

November 12, 2012

Cross Reference:

Appeals To and Appearances
Before the Board 1.404
Suspension/Dismissal of
Nontenured Teachers 5.200
Suspension/Dismissal of

Teachers 5.201

Reviewed:

Reviewed:

BOARD MEETINGS - PROCEDURES

Descriptor Code: BCB

The Board recognizes it to be the right and duty of each member to be as fully informed as possible concerning the matters on which the Board must act. It is the policy of the Board that each member be provided, in advance of Board meetings if possible, with minutes and other pertinent supporting information and documentation as it relates to the business to come before the Board, and as will be of interest and of value to the Board in performing its duties.

The director of schools shall make recommendations on all agenda items where action is required. These recommendations and all information pertinent to the action to be taken should be furnished to the Board prior to the discussion and the vote.

2009

Reviewed: November 9,

2012

Reviewed: November 12,

RULES OF ORDER

Descriptor Code: BCBF

The rules contained in the current edition of *Robert's Rules of Order, Newly Revised*, shall govern the Board in all cases to which they are applicable, except as otherwise provided by any statutes¹ applicable to the Board, or by policies of this Board including the following exceptions:

VOTING METHOD

When a formal vote is taken on any question brought before the Board, the decision shall be made on the basis of a majority of the membership of the Board.²

Roll call votes will be used at the discretion of the chairman or upon the request of any board member. Each member's vote shall be recorded in the minutes on a roll call vote.

Upon request, any member's individual vote may be recorded in the minutes. No secret votes shall be used.³

CHAIRMAN'S PARTICIPATION

The person chairing a meeting may participate in discussion, make motions, and vote on all issues as any other member without relinquishing the chair.⁴

SUSPENSION OF RULES

Rules of order may be suspended by a two-thirds vote at any regular or special meeting.

Legal Reference:

1. TCA 49-5-409(b)(1); TCA 49-6-3004(2)(f)
2. TCA 49-2-202
3. TCA 8-44-104 (b)
4. *Reeder v. Trotter*, 142 Tennessee 37 (1919)

November 9, 2009

Reviewed:

November 12, 2012

Reviewed:

MINUTES

Descriptor Code: BCBH

The Board secretary shall keep, or cause to be kept, complete records of all meetings of the Board and of all its official acts. These minutes shall include:

1. A record of all actions taken by the Board, with the vote of each member recorded except in cases of unanimous votes.
2. Resolutions and motions in full; reports and documents relating to a formal motion may be omitted if they are referred to and identified by title and date.
3. A record of the disposition of all matters on which the Board considered, but did not take, action.

Copies of the minutes shall be made available, if possible, to all Board members before the meeting at which the minutes are to be approved. The minutes shall become permanent records of the Board and shall be in the custody of the Board secretary. The secretary shall make them available to interested citizens upon request.

Reviewed: November 9, 2009
Reviewed: November 12, 2012

PUBLIC PARTICIPATION AT BOARD MEETINGS

Descriptor

Code: BCBI

Board meetings are conducted for the purpose of carrying on the business of the schools, and therefore are not public meetings, but meetings held in public. Citizens of the city and county, including delegations or individuals, have the express right, and are encouraged to attend meetings of the Board of Education and to listen to and observe its deliberations. In the interest of orderly conduct of Board meetings, spontaneous discussion from the floor shall be discouraged, and public participation will be allowed through the following guidelines.

Public presentation

Individuals or organizations desiring to be heard by the Board shall make written request to the Director of Schools one week prior to the scheduled meeting. The Board may, however, agree to hear any individual or organization at any time, notwithstanding the requirements for notice set forth above.

Public Hearings

Every person who wishes to speak at a public hearing must be recognized by the Chairman, and the Chairman will determine whether it is in the public interest to allow the request. Should the request to speak be granted, the Chairman may limit the time for the presentation, and if there are numerous requests to address the Board on the same subject, the chairman may select representatives to speak on each side of the issue. The Board has the right to overrule the Chairman by a majority vote of those present.

Comment on agenda items

An individual desiring to speak to the Board on an agenda “action” item should file a written request with the Director of Schools not less

than 48 hours before the meeting. The Board may, however, agree to hear any individual or organization at any time, notwithstanding the requirements for notice set forth above.

Additional guidelines

1. Since a record is kept of all meetings of the Board, every person who addresses

the Board is requested to state name, address, and subject of presentation even

though a written request for recognition has been submitted.

2. Presentations will be limited to not more than five minutes.

3. All persons seeking the opportunity to speak at a Board meeting shall address

the Chairman and may direct questions or comments to Board members or other officers of the school system only upon the approval of the Chairman. Members of the Board and the Director of Schools shall have the privilege of asking questions of any person who addresses the Board.

4. Recognition of individuals who are not citizens of the school district is to be

determined by the Chairman.

5. Presentations will be in consonance with good taste and decorum befitting the

occasion and dignity of the Board meeting. The Chairman may interrupt or

terminate a presentation when it is too lengthy, personally directed, abusive,

obscene, or irrelevant.

These procedures are not designed to restrict the scheduled appearances of citizens who have regular business with the Board and whose presentations are provided for in the agenda.

BOARD MEETING/PRESS SERVICES

Descriptor

Code: BCBJA

The Board believes that one of the paramount responsibilities of a Board of Education is to keep the public informed of its concerns, deliberations, policies, and actions. Therefore, the Board encourages the attendance of press representatives at all meetings.

1. A copy of the agenda will be sent in advance to members of the working press who request it. Additionally, all reports approved by the Board shall be considered matters of official record and shall also be made available to the press. However, reports-in-progress on which the Board has taken no final action shall be released only upon the Board's authority as "tentative reports".
2. Extra working copies of the agenda shall be located near the Board's table to enable reporters to follow discussion without difficulty.
3. In order that the Board may transact its business with dispatch, questions from the press will not be entertained while meetings are in progress. However, a representative of the Board will be available after each meeting to answer reporters' questions and to clarify points of discussion and actions.

In the event that representatives of the news media are unable to attend a meeting, they shall be provided upon request with a copy of the Board minutes which shall be designated "tentative minutes" until approved by the Board of Education.

Reviewed: November 9, 2009
Reviewed: November 12, 2012

EXECUTIVE SESSIONS

Descriptor Code: BCBK

It is hereby the policy of the Sweetwater City Board of Education that no secret sessions may be held. Further, it is the policy of this Board to conduct all deliberations of this Board's business in an open session unless otherwise allowed by state law. Both the press and the public are invited to attend regular, special and annual meetings of the Board.

Reviewed: November 9, 2009
Revised: January 18, 2011
Reviewed: November 12, 2012

POLICY DEVELOPMENT AND ADOPTION

Descriptor Code: BD

A proposed policy or policy change shall be submitted to the Board as part of the agenda. Any interested party shall be given an opportunity to be heard on the proposal. The Board's approval of the proposal or return for study and/or further revision shall constitute the first reading.

The proposed policy or policy amendment shall be considered at the next board meeting with the final vote following the second reading. Adoption shall require affirmative vote by a majority of the members of the Board.

Policies and amendments adopted by the Board shall be made a part of the minutes and shall be placed in the policy manual. Policies and amendments shall be effective immediately upon adoption unless a specific effective date is provided, and shall supersede any previous Board action on the subject.

Policy Maintenance

The director of schools shall be responsible for drafting policy proposals, maintaining the Board Policy Manual and serving as liaison between the Board and the Tennessee School Boards Association. At least annually, the Board shall review its policy manual for the purpose of passing, revising, or deleting policies mandated by changing conditions.¹

Policies shall be accessible to all employees of the school system, members of the Board, and citizens of the community.¹ All policy manuals shall remain the property of the Board and are subject to recall any time deemed necessary by the director of schools.

Emergency Procedure

On matters of unusual urgency, by an affirmative vote by a majority of the members of the Board, the Board may waive the second reading limitation and take immediate action to adopt new or revised policies.

Suspension of Policies

Any board policy or part thereof may be suspended by an affirmative vote by a majority of the members of the Board.

Administration in Policy Absence

In cases where the Board has provided no guidelines for administrative action, director of schools shall have the power to act, but report to the Board at its meeting.

Legal Reference:

1. TCA 49-2-207
2009
2012

Reviewed: November 9,

Reviewed: November 12,

SCHOOL BOARD RECORDS

Descriptor

Code: BE

The Director of Schools, or a designee, shall maintain all school system records required by law, regulation and board policy. Any citizen of Tennessee, state official or other authorized person shall be permitted, upon written request to the Custodian of Records (delivered in person or via U.S. mail), at a reasonable time, to inspect or receive all records maintained by the school district unless otherwise prohibited by law, regulation or Board policy. Emailed requests will not be accepted as valid open records requests. The records custodian or other authorized representative of the Board shall respond to the request within seven days (7) business days to advise the requestor of the status of their request in accordance with State law.²

A person who has the right to inspect a record may request and receive copies of the documents subject to payment of reasonable cost.^{1,2,3,4} The requestor may be required to pay the cost of copies and/or the cost of labor required to fulfill their request, among other reasonable charges that may be incurred. These reasonable charges shall be calculated at the rate prescribed by the Schedule of Reasonable Charges as produced by the Tennessee Office of Open Records Counsel as from time to time amended. The Board hereby adopts and incorporates herein the schedule of reasonable charges produced by the Tennessee Office of Open Records Counsel as the schedule of charges for which a requestor may be required to pay if incurred in the course of responding to an open records request. This schedule can be found at:

<http://www.comptroller.tn.gov/openrecords/forms.asp>. When the total number of requests made by the requestor within a calendar month exceeds 4, but the time to produce the record requested each time is less than the one (1) hour threshold necessary to charge a reasonable fee, the Board may begin to charge the requestor a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after

informing the requestor that the aggregation limit has been met. Further, the names of persons inspecting records and the date of inspection shall be recorded.

No records pertaining to individual students will be released for inspection by the public or any unauthorized persons.

The Director of Schools and/or his/her designee(s) shall retain and dispose of school district records in accordance with the following guidelines:^{2,4}

1. The Director of Schools and/or his/her designee(s) will determine if a particular record is of permanent or temporary value in accordance with regulations promulgated by County Public Records Commission and the Tennessee Institute for Public Services records manual;^{5,6}
2. Temporary value records which have been kept beyond the required time may be recommended to the Public Records Commission for destruction;^{7,8}
3. The records that the State Librarian and Archivist desire to preserve in their facilities will be transferred to the State Library and Archives. The temporary value records rejected by the State Library and Archives may be transferred to another institution or destroyed;^{7,8,9} and
4. Permanent records will be kept in some usable form. If the Director of Schools desires to destroy the original permanent record, these records must be reproduced by microfilming or some other permanent, un-amendable, reproduction method. Permission to destroy any original permanent records after microfilming shall be the same procedure noted above for the temporary records.^{6,8}
5. The Director of Schools shall establish procedures to safeguard against the unlawful, destruction, removal or loss of records.¹⁰

Legal References:

1. TCA 49-2-301 (b) (1) (CC)
2. TCA 10-7-503
3. TCA 10-7-506(a)
4. TCA 49-2-104
5. TCA 10-7-401
6. TCA 10-7-406
7. TCA 10-7-404

- 8. TCA 10-7-413
- 9. TCA 10-7-414
- 10. TCA 39-16-504

ETHICS

Descriptor Code: BH

The Board adopts this Code of Ethics as recommended by the Tennessee School Boards Association as a guide to its members as they provide educational leadership for the youth of our state. The Board further agrees that ethical issues regarding the Board or its members may be referred to the TSBA Advisory Ethics Commission. A copy of the Ethics Policy shall be provided to each Board member at the annual organizational meeting of the Board of Education. Board members shall acknowledge by signature and date the receipt of the policy and their agreement to abide by the policy.

ARTICLE I. MY RELATIONS TO THE CHILDREN

Section 1. I will at all times think in terms of “children first,” always determining other important things according to how they affect education and training of children.

Section 2. I will seek to provide equal educational opportunities for all children regardless of ability, race, color, sex, creed or location of residence.

**ARTICLE II. MY RELATIONS TO MY
COMMUNITY**

Section 1. I will endeavor to appraise fairly both the present and future educational needs of the community and to support improvements as finances permit.

Section 2. I will represent at all times the entire school community and refuse to represent special interest or partisan politics.

Section 3. I will endeavor to keep the community informed about the progress and needs of the schools.

**ARTICLE III. MY RELATIONS TO TEACHERS AND
PERSONNEL**

Section 1. I will support the employment of those persons best qualified to serve as employees and insist on a regular and impartial evaluation of all staff.

Section 2. I will support and protect personnel in performance of their duties.

Section 3. I will not criticize employees publicly but will make such criticism to the superintendent for investigation and action if necessary.

**ARTICLE IV. MY RELATIONS WITH OTHER
BOARD MEMBERS**

Section 1. I will recognize that authority rests only with the Board in official meetings and that the individual member has no legal status outside of such meetings.

Section 2. I will refuse to make promises as to how I will vote on a matter which should properly come before the Board as a whole.

Section 3. I will make decisions only after full discussion of matters at a board meeting.

Section 4. I will respect the opinion of other members and will accept the principle of "majority rule."

**ARTICLE V. MY RELATIONS WITH THE
SUPERINTENDENT**

Section 1. I will support full administrative authority as well as responsibility for the superintendent to properly discharge all professional duties.

Section 2. I will support superintendent accountability for working and requiring staff to work within the framework of policies set up by the Board.

Section 3. I will refer all complaints and concerns to the superintendent.

ARTICLE VI. MY RELATIONS TO MYSELF

Section 1. I will inform myself about my duties and responsibilities and current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations.

Section 2. I will avoid being placed in a position of conflict of interest, and will refrain from using my board position for personal or partisan gain.

Reviewed: November 9, 2009
Reviewed: November 12, 2012

COMMUNITY USE OF SCHOOL FACILITIES

Descriptor Code: CCC

When not in use for school purposes, school buildings and grounds or portions thereof may be used for public, governmental, charitable, civic, recreational, cultural, and other purposes as approved by the Board.^{1,2,3}

1. Requests for the use of school facilities shall be made at the office of the Principal prior to the date of use by completing the “facilities use” form. The principal, upon approval by the Director of Schools, will make arrangements to have the building available.
2. Student clubs and activities, parent-teacher associations, and other organizations affiliated with the schools shall be permitted use of school facilities without charge. Groups sponsoring an activity related to the school program and/or student body may not be charged the normal user fee. Requests from such groups will be judged on an individual basis.
3. A non-profit organization may use school facilities with established partnership of system approved, private, profit organizations. Unused facilities may be leased for private-day-care centers which provide educational and child care services to the community.²
4. Sponsoring organizations shall provide sufficient supervision. The principal will assign school employees to be present as needed.
5. Groups receiving permission for building use are restricted to the dates and hours approved and to the building area and facilities specified, unless requested changes are approved by the principal;
6. Groups receiving permission for building use are responsible for the observance of all fire and safety regulations at all times;
7. The use of alcoholic beverages, drugs or tobacco, profane language, or gambling in any form is not permitted in school buildings;
8. The Board will cooperate with recognized agencies, such as the Red Cross, National Guard and Civil Defense, and will make suitable facilities available without charge during community emergencies;
9. When school kitchens are used, at least one member of the cafeteria staff must be present to supervise the use of the equipment.
10. All applicants for use of school facilities shall hold the Sweetwater City Schools free and without harm for any loss or damage liability or expenses

that may arise during or be caused in any way by such use or occupancy of school facilities. Also, in the event that school property loss or damage is incurred during such use or occupancy of school facilities, the amount of damage shall be decided by the Director of Schools and approved by the Board and a bill for damages will be presented to the group using or occupying the facilities during the time the loss or damage was sustained.

11. System may request a copy of insurance from sponsoring organizations.
12. The Board will annually review a fee schedule for the use of school facilities by community or civic organizations and other non-profit, recreational, religious, political or philosophical groups.

Legal References:

1. TCA 49-50-201
2. TCA 49-2-203(ab)(4)
6.311
3. Lamb's Chapel v. Center Moriches Union Free School District,
113, S. Ct. 2141 (1993)

2011
Reviewed: January 14, 2013

Cross References:

Tobacco-Free Schools
Care of School Property

Revised: August 9, 2010
Revised: November 29,

Revised: February 11, 2013

THE DIRECTOR OF SCHOOLS

**Descri
ptor
Code: CE**

- A. Election - The Director of Schools shall be elected for a term of one to four years. This contract may be renewed annually.
- B. Qualifications - The Director of Schools shall be a person of literary attainment, experienced in the art of teaching and school administration, and qualified in respect to the requirements set down by the State Department of Education and such other qualities as the Board may specify (Master's Degree with major in school administration). (1925, Ch. 115, Sec. 8)
- C. Duties - See TCA 49-2-301.

TRANSFER OF DUTIES

In the event that the Director of Schools becomes incapacitated or is otherwise unable to fulfill the duties of the office, the system Supervisor shall assume the duties of the Director of Schools until such time as the Director returns to duty or the Board meets to name an Interim Director.

In the event that both the Director and system Supervisor become incapacitated, the Chairman of the Board shall have the authority to name an acting Director of Schools from the selected list of names determined by the Board at the yearly organizational meeting until such time as the Director returns to duty or the Board meets to name an Interim Director.

RECRUITMENT AND SELECTION

When a vacancy occurs, the appointment of a Director of Schools 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 director of schools 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 Director of Schools.²

Prior to conducting a search to fill the position, the Board shall initially develop the following:³

- a job description
- a timeline
- a process for accepting and reviewing applications
- election procedures which shall include, but not be limited to, the following:

1. The interview process for each finalist may include meetings with various staff members and an interview with the entire Board.
2. Candidate interviews will be conducted in open session. Only Board members will be allowed to ask questions during the interview.
3. Resumes of persons interviewed by the Board shall be available in the central office for public inspections.
4. The Board will attempt to select a director by unanimous vote, but a majority vote of the membership of the board shall be required for the appointment of a Director of Schools. Vote will be by roll call.

Legal Reference:

1. TCA 49-2-203 (a) (15) (A)
2. TCA 49-2-203 (a) (1) (D)
3. TCA 49-2-203 (a) (15) (F)

11, 2010

14, 2013

Reviewed: January

Reviewed: January

Revised: February 11, 2013

PRINCIPALS

Descriptor Code: CGD

- A. Employment - The Director of Schools shall employ principals for the public schools. The employment contract shall be in writing, shall not exceed the contract term of the Director, and may be renewed.

- B. Qualifications - Principals shall hold certification endorsement as principal to cover the grades supervised as specified and required by State Department regulation, plus such other administrative qualifications as the Board may require.

- C. Duties - See TCA 49-2-303.

Legal Reference:

- 1. TCA 49-2-303

11, 2010

14, 2013

Reviewed: January

Reviewed: January

PROCEDURES FOR ABSENCES

Descriptor Code: CGPG

Teachers should notify their principal not later than 6:30 A.M. on the day of the proposed absence.

The principal shall call the most capable and best qualified substitute.

The principal shall designate a member of the school staff to be contacted in the event that he/she is unavailable. When neither the principal nor the principal's designee can be contacted, then the supervisor should be called. If the supervisor cannot be contacted, the Director of Schools should be called.

Teachers returning to duty should call the principal **NOT LATER THAN 6:30 A.M.** if possible. If a teacher fails to notify the principal and both the teacher and substitute appear for duty, the teacher shall forfeit the amount required to be paid to the substitute.

May 14, 2007

Revised:

Reviewed: January 11, 2010

Reviewed: January 14, 2013

SICK LEAVE POLICY

Descriptor Code: CGPGB

A statement certifying to the cause of absence may be required of all employees on forms furnished by the Board of Education in support of all claims for each leave pay. A false statement will subject the employee to dismissal by the Board of Education. Applications should be completed in the principal's office within three days after returning to work.

A certificate executed by the attending physician may be required in support of claim for sick leave pay for a period of four days or more.

Weekly sick leave reports will be made to the Director of School's office by each principal.

Policy on Leave for Doctor Visits After Prior Injury

Full-time employees who are released to return to work after having taken leave covered by the provisions of worker compensation shall be afforded additional leave for return visits to a physician as required. If the return visits are not scheduled after working hours, leave shall be granted from the employee's accrued sick leave or from leave generated under the provisions of the federal Family and Medical Leave Act. Further, the employee may request leave without pay.

Part-time employees requiring leave under the conditions described herein who are not eligible for leave benefits under the Family and Medical Leave Act may choose to take accrued sick leave, or may choose to schedule return visits after regular working hours. The part-time employee may also elect to request leave without pay.

If any employee chooses to request leave without pay, at least three (3) days' prior notice shall be required. Exceptions to this notice requirement may be made by the Director of Schools on a case-by-case basis.

POLICY AGAINST HARASSMENT AND SEXUAL HARASSMENT

Descriptor Code: CGH

I. GENERAL STATEMENT

The Sweetwater Board of Education is committed to safeguarding the right of all students and employees within the school system to learn and work in an environment that is free from all forms of harassment and/or sexual harassment.

It is the policy of the Sweetwater School system to maintain a learning and working environment that is free from harassment of any type. The school system prohibits any form of sexual harassment or harassment based upon age, religion, disability or race/national origin.

It shall be a violation of this policy for any student or employee of the school system to harass a student or an employee through conduct or communication in any form as defined by this policy.

Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 require school districts to have officially adopted policy statements of nondiscrimination on the basis of sex, disability, national origin and race.

II. HARASSMENT DEFINED AND PROHIBITED

It is the policy of the Sweetwater Board of Education not to discriminate on the basis of sex, race, national origin, creed, religion, age, marital status, or disability in its educational programs, activities, or employment policies as required by the herein referenced federal statutes. Any employee, or student of

this school system shall be punished for infractions of this policy as provided for herein.

III. **SEXUAL HARASSMENT DEFINED AND PROHIBITED**

A. Sexual harassment consist of unwelcomed sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting the individual's employment or educational opportunities; or
3. The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment. Any sexual harassment as defined when perpetrated on any student or employee by any student or employee will be treated as sexual harassment under this policy.

B. Sexual harassment may include but is not limited to:

1. sexual advances;
2. verbal harassment or abuse;
3. subtle pressure for sexual activity;
4. touching of a sexual nature including inappropriate patting or pinching;

5. intentional brushing against a student or an employee's body;
6. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
7. demanding sexual favors especially when accompanied by implied or overt promises of preferential treatments with regard to an individual's employment or educational status;
8. graffiti of a sexual nature;
9. displaying or distributing sexually explicit drawings, pictures or written materials including making and playing sexual explicit audio/video tapes;
10. sexual gestures including touching oneself sexually or talking about one's sexual activities in front of others;
11. sexual or "dirty" jokes; or
12. spreading rumors about or rating other students as to sexual activity or performance.

IV. **REPORTING PROCEDURES**

Any person who believes he or she has been the victim of harassment or sexual harassment by a student or an employee of the school system, or any third person with knowledge or belief of conduct that may constitute harassment or sexual harassment should report the alleged acts immediately to an appropriate school system official as designated by this policy. The school system encourages the reporting party or complainant to use the report form available from the principal of each school or available from the school system central office.

A. **In Each School:** The school principal is the person responsible for receiving oral and written reports of harassment or sexual harassment at the school level. A written report will be forwarded to the Director of Schools or his/her designee. If the report was given verbally, the principal shall reduce it to written form within 24 hours. Failure to forward any harassment or sexual harassment report or complaint as provided herein shall result in disciplinary action. If the complaint involves the school principal, the complaint shall be filed directly with the Director of Schools or his/her designee.

B. **System Wide:** The school board designates the Director of Schools or his/her designee to receive reports or complaints of sexual harassment from any individual, employee or victim of harassment or sexual harassment or discrimination and also from the school principals as outlined above. If complaint

contains allegations involving the Director of Schools, the written report shall be filed with the Chairman of the Board who will review, evaluate and report to the Board.

C. Submission of a complaint or report of harassment or sexual harassment will not affect the reporting individual's present or future employment, grades or work assignments.

D. Use of formal reporting forms is not mandatory; however, a sample of the reporting form currently used in this system is attached to this policy.

The school system will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school system's legal obligations and the necessity to investigate allegations or harassment and take disciplinary action when the conduct has occurred.

V. **INVESTIGATION AND RECOMMENDATION**

Upon receipt of a report or complaint alleging harassment, sexual harassment or discrimination, the Director or designee shall immediately undertake an investigation. The investigation shall be conducted by the Director of Schools or his\her designee who shall be assisted by the school principal, if such complaint originates at a school site.

In determining whether alleged conduct constitutes harassment, sexual harassment or discrimination, the school system shall consider all relevant circumstances, the nature of the sexual advances if sexual harassment is alleged, relationships between the parties involved and the context in which the alleged incidents occurred.

The investigation shall consist of, but not limited to, personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation shall also consist of any other methods and documents deemed relevant by the Director of Schools.

In addition, the school system shall take immediate steps to protect the complainant, students and employees pending completion of an investigation of alleged harassment, sexual harassment or discrimination.

VI. **SCHOOL DISTRICT ACTION**

- A. Upon receipt of a recommendation that the complaint is valid, the school system shall take such action as appropriate based on the results of the investigation.
- B. The result of the investigation of each complaint filed under these procedures shall be reported in writing to complainant by the school system. The report shall document any disciplinary action taken as a result of the complaint.
- C. The school system shall take such other steps as are necessary to prevent recurrence of the harassment.
- D. The school system shall keep the complainant informed of the status of complaints.

VII. **REPRISAL**

The school system shall discipline any individual who retaliates against any person who reports alleged incidents of harassment, sexual harassment or discrimination as well as any individual who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a harassment, sexual harassment or discrimination complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment that creates a hostile environment.

VIII. **NON-HARASSMENT/FALSE ACCUSATIONS**

The school system recognizes that not every reported incident, advance or consent containing sexual content constitutes harassment. Whether a particular action or incident constitutes a personal or social relationship having a discriminatory effect requires a determination based on all the facts and surrounding circumstances.

False accusations of harassment, sexual harassment or discrimination can have serious detrimental effect on innocent parties. Any person, who knowingly and intentionally makes a false accusation, for any reason that would be contrary to the spirit

and intent of this policy, shall be subject to immediate and appropriate disciplinary action.

IX. **RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These proceedings do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Tennessee Department of Human Rights, initiating the civil action, filing complaint with the Office of the Civil Rights of the United States Department of Education, or in certain instances, seeking redress under state statutes.

X. **SEXUAL HARASSMENT AS SEXUAL ABUSE**

Under certain circumstances, sexual harassment may constitute sexual abuse under Tennessee Law. In such situations, the school system shall comply with Tennessee statutory requirements regarding the reporting of suspected abuse to the appropriate authorities.

XI. **DISCIPLINE**

Any school system action taken pursuant to this policy shall be consistent with requirements of federal law, Tennessee statutes, and other school system policies. The school system shall take such disciplinary action it deems necessary and appropriate, including warning, suspension or immediate discharge to end harassment, sexual harassment or discrimination and to prevent its recurrence.

XII. **POLICY DISTRIBUTION**

A copy of the foregoing policy and reporting procedure shall be referenced in the school system policy manual, shall be referenced in each student handbook published by the school system, and shall be posted in a conspicuous place in each school building. Postings of the policy shall include the names(s) of the person(s) to whom reports should be directed.

Reviewed: January 11, 2010
Reviewed: January 13, 2013
Revised: February 11, 2013

**HARASSMENT, SEXUAL HARASSMENT OR
DISCRIMINATION REPORT FORM**

1. Date:

2. Time:

3. Name of person making complaint:

4. Name of person to whom initial complaint was reported:
5. Nature of the complaint (here, provide a very detailed account of the harassing or discriminatory activity including an exact recitation of words used, details regarding offensive touching, and/or the nature of other discriminatory activity – attach additional sheets if necessary):
6. Other persons outside the school district who may have knowledge of the facts alleged:
7. Names of other staff members with knowledge of the facts alleged:
8. Date that the report was forwarded to the Complaint Director:

9. Time of report to the Complaint Director:

10. Date and time of report to the Department of Children's Services (if applicable):

CHARTER SCHOOLS

Descriptor Code: CH

DEFINITION

A charter school shall be a public, nonsectarian, non-religious, non-homebased school which operates within a public school district. It shall be subject to all state and federal laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services.¹

Charter schools may be formed to:²

1. Provide alternatives for students in schools failing to make adequate yearly progress.
2. Address the unique needs of students eligible for special education services.
3. Provide local school systems the option to work in concert with the state's public higher education teacher training institutions.

APPLICATION PROCESS²

A sponsor requesting that the Board approve a charter school must provide a written application in the form provided by the state and a list of requirements that the sponsor wants to waive. In the application, the sponsor must demonstrate that the proposed charter school meets the purpose prescribed by law for the formation of a charter school and the proposed charter school will be able to implement a viable program of quality education for its students. In the case of a conversion school, the application must include documents showing the necessary parental or teacher support for a charter school.

On or before November 15 of the year preceding the year in which the proposed charter school plans to begin operation, the sponsor seeking to

establish a public charter school shall file with the Board the written application with required supporting documents.

REVIEW TEAM

The Board shall establish a review team consisting of appropriate school personnel and a local business representative. The Board shall designate a chairman of the review team as the contact person for answering questions about the application process and receiving applications. The review team shall work cooperatively with the applicants for charter schools.

The Board shall require a procedure of receiving, reviewing and ruling on applications for the establishment of charter schools. The procedure must include a timeline for the application and review process and the means for reviewing and evaluating each application, including the criteria on which the decision to grant or deny a charter will be based. A copy of the procedure, including the review criteria, shall be available to any interested party upon request.

The review team shall:

1. Evaluate all charter school applications based on the review criteria adopted by the Board;
2. recommend one of the following options to the Board for each application: approve, reject, or reject with stipulations for reconsideration;
3. Monitor charter school progress; and
4. Make recommendations for revocation, renewal or non-renewal of charter contracts.

APPROVAL, DENIAL OF APPLCIATION³

The Board shall rule by resolution on the approval or denial of a charter application within sixty (60) days of receipt of the completed application.

Upon receipt of the grounds for denial, the sponsor shall have fifteen (15) days within which to submit an amended application to correct the deficiencies. The Board shall have fifteen (15) days either to deny or to approve the amended application.

A denial of an application for new schools formed to address low performance by the Board may be appealed by the sponsor, within ten (10) day of the final decision to deny to the State Board of Education.

Legal References:

1. Tennessee Public Charter Schools Act of 2002, Section 5
2. Tennessee Public Charter Schools Act of 2002, Section 6
3. Tennessee Public Charter Schools Act of 2002, Section 8

Reviewed: January 11, 2010

Reviewed: January 14, 2013

FISCAL MANAGEMENT GOALS AND OBJECTIVES

Descriptor Code: DA

General

The Board shall practice sound fiscal management procedures which guarantee maximum use of all resources provided. The Board assumes responsibility, within its financial capabilities, for providing at public expense all items of equipment, supplies and services that may be required in the interest of education in the schools under its jurisdiction.¹

In fiscal management, the Board seeks to achieve the following goals:

1. To engage in advance planning, with broad-based staff and community involvement;
2. To establish levels of funding which will provide quality education for the system's students;
3. To use the available techniques for budget development and management;
4. To provide timely and appropriate information to all staff with fiscal management responsibilities; and
5. To establish efficient procedures for accounting, reporting, purchasing and delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.

Legal Reference:

Tennessee Internal School Uniform Accounting Policy Manual; Section 4-19

Reviewed: February 8, 2010
Reviewed: January 14, 2013

FOOD SERVICE MANAGEMENT

Descriptor Code: DE

Individual Schools

School food service will be operated on a not for profit basis and will comply with all rules and regulations pertaining to health, sanitation, internal accounting procedures, and service of foods and will meet all state and federal¹ requirements necessary for participation.

The system's food service supervisor will oversee the program. The principal of each school is responsible for administering the program in the particular school. All products and services necessary for the operation of the food service department shall be procured under the direction of the cafeteria manager.

School food service receipts will be used only to pay regular food service operating costs. When food service facilities are used by outside agencies, an adequate fee approved by the Board will be charged and the manager will ensure that no USDA commodities or supplies provided for the regular program are used.

The principal shall correlate the food service program with areas of instruction.

Students will be permitted to bring their lunches from home and to purchase beverages and incidental items at school.

FREE OR REDUCED PRICE MEALS

The criteria and procedures for determining a student's need and steps in securing for students no-cost or reduced-cost lunches as established at the state/federal level will be outlined and made known by the director of food services.

Students who participate in no-cost or reduced-cost meals will not be distinguished in any way from students who pay the regular price. Their names will not be made known to any person except such staff member(s) as needed to make the special arrangements for them.

The Sweetwater City School system will abide by the following regulations regarding the sale of competitive foods and foods of minimal nutritive value.

Individual components of the reimbursable meal may be sold as a la carte items during the meal service period. Competitive foods approved by federal and state guidelines may also be sold during the meal service period.

Accordingly it is the policy of this Board that the sale of foods of minimal nutritional value shall be prohibited throughout the school grounds during the school day and within one half hour before and after school. Foods of minimal nutritional value include soft drinks, water ices, chewing gum and certain types of candies (hard candies, jellies and gums, marshmallow candies fondant licorice, spun candy, and candy coated popcorn).

This prohibition applies to all food sales on school grounds including sales from kiosks, vending machines or school book stores.

The school nutrition funds will receive all income from the sale of competitive foods and

a la carte food sold in the cafeteria during the meal service period.

2010

2013

Revised : May 14, 2007
Reviewed: February 8,

Reviewed: January 14,

REVENUES

Descriptor Code: DF

General

Any money collected by any school shall be documented by a written receipt.

The schools may receive funds collected from activities and for events held at or in connection with the school, including contracts with other schools for interschool events. To be included in this accounting are all monies collected from lunch rooms, athletics, entertainments, school clubs, fees, concessions and all fund raising activities. Each principal with approval of Director shall determine the reconciliation method to be used for all events which require a ticket.¹

The purchase of items intended for resale for profit through the schools shall be subject to sales tax based on the purchase price to the vendor providing the service or item. Resale items not intended to generate a profit shall be determined by the principal.²

EXTENDED SCHOOL PROGRAMS

Extended school funds shall be collected at the individual schools and receipted and deposited in a special board of education account set up for that purpose.³

GRANTS

Grants for educational purposes made available by the state and/or federal government may be sought by the school system but only when the conditions of their availability are in harmony with the purposes and policies of the Board and the laws of the state, county, and municipality. Principals with approval of Director may apply for and receive grants, but funds must be recorded in a separate restricted fund account.⁴

Legal References:

1. TCA 49-2-110(a)
2. TCA 67-6-102
3. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-32
4. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-31

Reviewed: February 8, 2010

Reviewed: January 14, 2013

February 11, 2013

Revised:

INVESTMENT EARNINGS

Descriptor Code: DFL

Individual Schools

The building principal, with consent of the director of schools, is authorized to invest excess funds of the school in savings accounts.¹ Interest earned on general fund accounts shall be credited to general fund revenue. Interest earned on restricted fund accounts shall be credited to revenue in each restricted account.

School food service funds shall be kept separate from other school funds and interest earned on food service fund deposits shall be credited to food service revenue.

All funds shall be deposited into accounts fully protected by sufficient collateral.

Legal Reference:

1. Tennessee Internal School Uniform Accounting Policy Manual; Section 6-1

Reviewed: February 8, 2010

Reviewed: January 14, 2013

PERSONAL PROPERTY SALES

Descriptor Code: DFM

General

When equipment, books, materials, and other personal property no longer have an intended use by the system or are no longer capable of being used because of condition, the Board shall declare them surplus property and authorize their disposal.¹

Legal References:

1. TCA 49-6-2007

Reviewed: February 8, 2010
Reviewed: January 14, 2013

BONDED EMPLOYEES

Descriptor Code: DH

General

The director of schools and all other employees who handle school monies shall be bonded in order to indemnify the school system against the loss of any funds.¹

The Board shall determine the amount of the bond, giving consideration to the total amount of money and/or property that is handled in each school.²

The director of schools shall report to the Board annually the persons, amount, and adequacy of said bond.

Legal References:

1. TCA 8-10-101 through 103, TCA 49-2-110(a)(1)
2. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-16

Reviewed: February 8, 2010
Reviewed: January 14, 2013

FINANCIAL REPORTS AND RECORDS

Descriptor Code: DIB

FINANCIAL REPORTS

Central Office

The Executive Committee shall submit to the Board at each regular Board meeting a report of all business transacted since the last regular meeting.¹

A report indicating all receipts and expenditures will be given quarterly to the City Commission.² Each report will show the amount of the annual appropriation, the amount expended by account to date, the amount encumbered and the free balance in each account.

The director of schools shall submit monthly financial reports to the Board and to state and federal agencies as required.³

Individual Schools

Each principal shall submit to the director of schools at the end of each calendar month on a prescribed form the receipts, expenditures and cash balance of all accounts under his jurisdiction. These reports shall be made available to the Board at its request.

FINANCIAL RECORDS

General

The director of schools shall maintain all financial records as required by regulation and applicable state and federal law. The Board, from time to time, may determine to extend the retention time for certain records.⁴

Legal References:

1. TCA 49-2-206(5)
2. TCA 49-2-3011(19)
3. TCA 49-2-301(22)26
4. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-21

Reviewed: February 8, 2010
Reviewed: January 14, 2013

INVENTORIES

Descriptor Code: DIC

General

The director of schools shall establish an accurate inventory procedure for all school real and personal (e.g., material and equipment) property, and this system shall be implemented at each school facility. Administrative personnel shall ensure that a physical count of all such property is taken at the end of each fiscal year, and this inventory shall be properly entered on the appropriate records for accounting purposes.¹

Legal Reference:

1. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-13

Reviewed: February 8, 2010
Reviewed: January 14, 2013

TRAVEL POLICY

Descriptor
Code: DJD

In order to best utilize the resources available to the school system, employees are expected to minimize the costs of necessary business travel. This policy sets out regulations and restrictions governing travel expense for all officials and employees of the Sweetwater City Schools.

School system employees shall use the most economical means available when traveling at system expense; shall thoroughly document all expenses incurred; and shall complete all necessary travel requests and reports according to the following guidelines:

Transportation/Public Transportation - the system will pay the actual costs of coach or regular fare for public transportation by air, train, or bus.

Transportation/automobile - If a private vehicle is used, the system will reimburse mileage at the state rate by the most direct route to and from a meeting to a maximum of the cost of the most economical air fare for the same trip.

If a private vehicle is used by two or more official travelers on the same trip, only the traveler owning or having custody of the vehicle will be reimbursed for mileage in accordance with the rate outlined above.

In no event shall reimbursement for use of a private vehicle, meals, and lodging while in transit to and from destination exceed the cost of economy class air fare.

Additional travel days required due to automobile travel rather than air travel, when automobile travel is selected as a matter of personal preference by traveler rather than by the system, shall be taken as annual leave or other appropriate leave.

The system will reimburse for car rental, including mileage, when any employee can justify the necessity for a vehicle. The employee should include this expense in estimating the cost of the trip beforehand, and be prepared to justify the need for a car at the location. Liability coverage listing the Sweetwater Schools as insured must be obtained from the

vendor for any use of rental vehicles. Whenever possible, public transportation should be utilized in lieu of rental vehicles.

Employees will not be reimbursed for any fines for traffic violations or parking tickets.

Costs incurred to private vehicles due to accidents, or the cost of repairs due to breakdowns of private vehicles will not be reimbursed to employees.

Lodging - Reimbursement for lodging will be based upon the locality, purpose for travel, and availability of accommodation. Reasonableness and economy should be exercised by the traveler in all instances.

The system will not reimburse for suites or resort accommodations unless the expense is approved in advance of the trip.

The system will pay lodging expenses at the single room rate, except when two or more system personnel share a room. In that case, the system will pay the cost of the room.

The employee will reimburse the system for the difference in cost between a single room rate and a double room rate if the employee shares the room with his or her spouse. The amount to be reimbursed by the employee will be limited to the difference in the room rates and will not include any related taxes or other charges on a pro-rata basis.

Meals - An employee shall be provided a meal allowance per diem of \$40.00

(which includes tips) for each full day while attending a conference or training seminar or while on other official system business travel. Individual meals will be reimbursed as follows:

Breakfast	\$ 8.00
Lunch	\$12.00
Dinner	\$20.00

Meal allowances will not be provided when meal events are included in conference registrations or are otherwise provided at no cost to the employee or for travel of one day or less.

If any meal is part of the official program at a conference or a seminar, the system will reimburse an employee for the actual cost.

Meals for hosts and guests transacting and/or discussing system business is an allowable expense.

Receipts for meals shall not be required except if a part of the official program when the system will reimburse for the actual cost.

Conference Expenses - The system will pay for all actual charges pertaining to an approved conference, meeting, or seminar, including registration fees and dues.

General Information:

Advance travel funds must be requested in writing by the department head seven days prior to any travel for any employee in the department with date and time of departure and expected return. The system will pay travel expenses upon receipt of the completed "Travel Expense Report" supported by paid receipts for transportation, lodging, registration fees, and other miscellaneous expenses authorized for reimbursement.

For the system to be able to take advantage of its sales tax exempt status as a municipal organization, a direct payment must be made from the system to the vendor of travel or lodging services. Therefore, prepayment of these expenses

should be made whenever possible.

Before departure, employees will provide to their department an address and phone number where they can be contacted if the need arises while they are away.

All Department Heads are responsible for the dissemination and administration of this policy within their departments and for monitoring travel expenses of their employees.

All employees who travel on system business are responsible for compliance with the requirements of this policy, and for the exercise of sound judgment in their travel expenditures. Violation of travel rules can result in disciplinary action of employees and officials. Travel fraud can result in criminal prosecution of employees and/or officials.

Revised: August 10, 2009

Reviewed: February 8, 2010

Reviewed: January 14, 2013

PURCHASING

Descriptor Code: DJE

General

The school system will purchase competitively and seek maximum educational value for every dollar expended. Authorization to purchase shall be provided by the Board. The director of schools shall serve as purchasing agent for the system-wide purchasing. Principals shall serve as purchasing agents for individual schools.

Purchases made by anyone not authorized by the appropriate officials shall become the personal responsibility of the persons making the purchase agreement. The Board will not, under any circumstances, be responsible for payment of any material or supplies purchased by unauthorized individuals or in an unprescribed manner.

No school shall be obligated to pay for any expenditure made by a student or a teacher or by any other employee unless s/he first receives a written purchase order from the proper office or unless prior written permission or arrangements are made with the principals.

Individual Schools

The director of schools must approve the following purchases:

1. a single piece of equipment costing more than five thousand dollars (\$5,000.00);
2. one that is to be attached to or one that requires alteration of the building; or
3. one that will become a permanent fixture.

Central Office

ROUTINE PURCHASES

Routine purchases shall include expenditures for supplies, salaries, and routine expenditures required for the operation of the school system. These expenditures shall be anticipated and provided for in the budget and will normally be authorized by the Board at the beginning of the fiscal year. The director of schools shall make all routine purchases without further Board authorization; however, the Board shall be promptly informed if any substantial variation from budgeted estimates becomes necessary.

SPECIAL PURCHASES

Special purchases are those which are not routine and which may or may not be specifically identified by line item in the budget. Examples of special purchases are all capital expenditures such as for vehicles, buildings, major contracts, purchases of major equipment, items for long-term use and supplies of an unusual quantity or nature. All purchases in this category shall require specific prior Board approval on an item-by-item basis. In its approval, the Board may place constraints on the director requiring Board evaluation and/or approval at various steps in the procurement process. This will be determined by the Board on an individual basis depending on the nature of the procurement action.

EMERGENCY PURCHASES

Emergency purchases are those which are necessary to avert hazards which threaten health or safety, to protect property from damage or to avoid major disruption of educational activities. If within budgetary limits and deemed essential, emergency purchases may be made by the Executive Committee. However, if the purchase is of such significant magnitude as to impact on the integrity of the budget, the chairman shall call a special or emergency meeting of the Board to deal with the matter. In any event, the Board shall be advised promptly of all emergency purchases.

PURCHASING OF SURPLUS PROPERTY

The director of schools and other employees designated by the Board shall be authorized to act for the Board in acquiring federal surplus property through the Tennessee General Services Department for surplus property

and in entering into agreements, certifications and covenants of compliance concerning the use of federal surplus property.

Further, the director of schools is authorized to purchase any needed items through suppliers approved on the state bid list.

COOPERATIVE PURCHASING

The Board, at its option, may join in cooperative purchasing with other school systems to take advantage of lower prices for bulk purchasing and to reduce the cost involved in bidding whenever such buying appears to be to the benefit of the system.

Legal Reference:

1. TCA 49-2-206(3); TCA 6-36-115

Reviewed: February 8, 2010
Reviewed: January 14, 2013

BIDS AND QUOTATIONS

Descriptor Code: DJED

GENERAL

All purchases of supplies, materials, equipment, and contractual services in excess of ten thousand dollars (\$10,000) ¹, including those of individual schools, shall be based on competitive bids. These bids shall be solicited by advertisement in a newspaper of general circulation within the school system. However, said newspaper advertisement may be waived by the purchasing agent in an emergency. The purchasing agent shall advertise for bids and receive quotations.²

All purchases of ten thousand dollars (\$10,000) or less, including those of individual schools, may be made in the open market without newspaper notice, but shall, whenever possible, be based on at least three (3) competitive bids.

The lowest and best bid shall be accepted, provided the purchaser reserves the right to reject any or all bids or any part of any bid and, if applicable, to accept that bid which is best as evidenced by reasons relative to the purpose of the purchase. Any bid may be withdrawn prior to the scheduled time for the opening of bids. Any bid received after the time and date specified shall not be considered.

The bidder to whom the award is made may be required to enter into a written contract.

The practice of splitting an order or dividing items to be purchased in order to avoid the use of bidding or other purchasing procedures is prohibited.

Contracts for legal services, educational consultants, insurance purchased through a plan authorized and approved by any organization of governmental entities representing city and countries,³ and similar services by professional persons or groups of high ethical standards shall not be based upon competitive bids but shall be awarded on the basis of recognized competence and integrity.⁴

Legal References:

1. Public Acts 2006, Public Chapter 664
2. TCA 49-2-203 (a) (3); TCA 49-2-203 (a) (3) (A) (B)
TCA 49-2-206 (b) (2)
3. TCA 29-20-407
4. TCA 12-4-106

Revised: October 9, 2006
Reviewed: February 8, 2010
Reviewed: January 14, 2013

PURCHASE ORDERS AND CONTRACTS

Descriptor Code: DJEG

General

All purchases in excess of \$100 made by the school system shall be by purchase order or formal contract, and no purchase in excess of said amount shall be made nor payment approved unless covered by an approved purchase order.

Purchase orders will include the following essentials:

1. A specification which adequately describes to the supplier the characteristics and the quality standards of the item required;
2. A firm, quoted, net delivered price, whenever possible; and
3. Signature of purchasing agent.

Contracts shall be made only with responsible suppliers with the following considerations:

1. The supplier has the potential ability to perform successfully under the terms and conditions of a proposed procurement;
2. A system for contract administration shall be maintained to assure supplier conformance with terms, conditions, and specifications of the contract or purchase order, and to assure adequate and timely follow-up of all purchases;
3. Contracts shall contain such provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where suppliers violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

4. All contracts, including those of individual schools, will meet all Requirements of state and federal laws, rules, and regulations.¹

Legal References:

1. TCA 49-2-203(a)(4); OMB Circular A 102-09, (7), (8), (9), 1977;
2. Tennessee Internal School Uniform Accounting Policy Manual, Section 5-11; TCA 49-2-206(b)(2).

Reviewed: February 8, 2010
Reviewed: January 14, 2013

STUDENT ACTIVITY FUNDS MANAGEMENT

Descriptor Code: DK

INDIVIDUAL SCHOOLS

The activity funds of each school shall include athletic and student organization funds and any other fund belonging to any student group, class, or activity.

Whatever the source, all student activity funds shall be under the jurisdiction of the Board and under the specific control of the school principal. Contracts with fund-raising agencies must comply with board policy and be approved in writing by the director of schools.

Principals and/or sponsors who knowingly authorize/allow unapproved fund-raising activities shall be subject to disciplinary action.¹

Student activity funds shall be deposited in respective school activity accounts. Proper records of receipts and disbursements shall be maintained in accordance with the *Tennessee Internal School Uniform Accounting Policy Manual*.²

Any school operating an athletic program shall establish one primary account for all athletics.

Revenue raised for specific purposes must be expended for that purpose, unless otherwise authorized in writing by both the activity group sponsor and the principal.³

An annual audit of the account and records of all student activity funds shall be conducted as a part of the audit of all other district funds.⁴

Any unencumbered class or activity funds automatically revert to the general activity fund of the school when a class graduates or an activity is discontinued.

Funds derived from activities sponsored by parent-teacher associations, parent-teacher organizations or other support organizations are not subject to this policy, unless such funds are in sole custody of the school.⁵

Internal activity funds shall not be expended without written approval by the membership of the group. All such expenses shall be in accordance with the *Tennessee Internal School Uniform Accounting Policy Manual*. Restricted account expenditures require the account sponsor's approval prior to expense. No checks will be written to employees from the internal school activity fund account. Any supplemental compensation owed to the Board for extracurricular activities must be processed through the director of schools' office in the same manner as salary and other payroll payments. The Board will invoice the school for reimbursement. Substitute teacher's salaries related to restricted class and club accounts will be paid by the Board and shall be reimbursed by the school from the appropriate class or club account.⁶

Legal References:

1. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-26
2. TCA 49-2-110©(d)
3. Tennessee Internal School Uniform Accounting Policy Manual; Section 5-25
4. TCA 49-2-112(a)
5. TCA 49-2-110(e)
6. Tennessee Internal School Uniform Accounting Policy Manual; Section 5-22

February 8, 2010

14, 2013

Reviewed:

Reviewed: January

EQUAL OPPORTUNITY EMPLOYMENT

Descriptor

Code:

GAAA

Opportunity for employment, as well as continuation and advancement in employment, shall be afforded equally to members of all races, creeds, colors, sexes, religions, ages, national origins and to individuals with disabilities or veteran status with regard only for qualifications for the positions involved.

Reviewed: March 8, 2010
Reviewed: February 11, 2013

DRUG-FREE WORKPLACE

Descriptor

Code: GAN

No employee shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in federal law.¹ "Workplace" shall include any school building or any school premise; any school-owned or any other school-approved vehicle used to transport students to and from school or school activities; and off-school property during any school-sponsored or school-approved activity, event or function.

Any employee who violates the terms of this policy shall be suspended and shall be subject to dismissal and referral for prosecution.²

The Director of Schools shall be responsible for providing a copy of this policy to all school system-employees.

Legal References:

1. Subtitle D Drug Free Workplace Act of 1988.
2. 34 CFR & 86.201

Cross Reference:

Drug and Alcohol Testing, Employees
5.403
Drug-Free Schools 6.307

Reviewed: March 8, 2010
Reviewed: February 11, 2013

DRUG & ALCOHOL TESTING FOR EMPLOYEES

Descriptor Code: GANN

REASONABLE SUSPICION DRUG TESTING

Trained supervisors have the responsibility to observe and document the cause for reasonable suspicion and when appropriate, refer the matter to the director of schools/designee. It is not the supervisor's responsibility to attempt diagnosis. All information, facts and circumstances leading to and supporting this suspicion should be included in a written report detailing the basis for the suspicion. After the report is filed, the employee should be notified.

Any employee may be required to submit to substance screening if the following conditions exist: (list is not inclusive)

1. Observed use, possession or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol and/or prescription drugs.
2. Apparent physical state of impairment of motor function.
3. Marked changes in personal behavior not attributed to other factors.
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents whether or not they involve actual or potential injury.
5. Violation of criminal statutes involving the use of illegal drugs, alcohol or prescription drugs and/or violations of drug statutes.

TESTING FOR CDL EMPLOYEES

All drivers and applicants for driver positions who are required to hold a Commercial Drivers License (CDL) to perform their job function must adhere to the requirements of this policy and all procedures related to this policy.¹

The use, possession, sale, purchase or transfer of any controlled substances except medically prescribed drugs on school property while on school business or while operating school vehicles and equipment is prohibited. Drinking alcoholic beverages during working hours, four (4) hours before reporting to work or having any measurable amount of alcohol in his/her system during working hours is prohibited, whether on or off school property. Working hours include all breaks. Off duty use of drugs and alcohol is prohibited to the extent that it affects drivers' attendance or performance and his/her ability to pass required Department of Transportation alcohol and controlled substance tests. Any violation of this policy is grounds for termination as employee of the Board and possible prosecution.

The use of any prescription drug that could affect the central nervous system or one that would impair reaction time shall be reported to the director of schools/director of transportation. Notice shall be given of non-prescription (over-the-counter) drugs being taken on a regular basis. The notice shall include the duration of ingestion and the possible side effects.

Procedures

The execution and enforcement of this policy will follow set procedures to screen bodily fluids, conduct breath testing, and/or search all employee/applicants for alcohol and drug use, and those employees suspected of violating this policy who are involved in a reportable accident or who are periodically or randomly selected. The procedures are designated not only to detect violations of this policy, but also to ensure fairness to each employee. Disciplinary action will be taken as necessary.

Implementation

The director of schools/director of transportation is authorized to implement this policy and procedures for the drug testing program including a periodic review of the program to address any problems, changes and/or revisions of it, maintenance of all records required by the federal regulations, and determination upon Board approval of how the program will be accomplished, whether in-house, contracted or by consortium.

Dissemination

The director of schools/director of transportation shall be responsible for communicating this policy and the procedures to all employees affected by this policy and shall be accountable for its consistent enforcement.² The director of schools/director of transportation is designated to answer questions about this policy, procedures and other matters involved in alcohol and controlled substance testing of CDL drivers and the reasonable suspicion testing of all other employees.

Legal References:

1. 49 U.S.C. § 2717, Alcohol and Controlled Substances Testing (Omnibus Transportation Testing Act of 1991)
2. 49 CFR § 382.601

Reviewed: March 8, 2010

Reviewed: February 11, 2013

POLICY CONSENT/RELEASE FORM

I have read the above statement of policy and agree to abide by the School Board's drug and alcohol rules. I agree to submit to drug and alcohol tests at any time as a condition for my initial or continued employment. I authorize any laboratory or medical provider to release test results to the Sweetwater Board of Education and its Medical Review Officer.

I expressly authorize the School Board or its MRO to release any test-related information, including positive results, to the Unemployment Compensation Commission or other government agency investigating my employment or the termination thereof.

I understand that this agreement in no way limits my right to terminate my employment or to be terminated in accordance with federal and state law.

Employee

Date

Director of Schools

Date

COMPLAINTS AND GRIEVANCES

Descriptor Code: GAP

EMPLOYMENT-RELATED COMPLAINTS/GRIEVANCES

The Board believes that differences of opinions arising in the course of employment should be resolved as quickly as possible and at the lowest supervisory level.

In instances of questions by an individual staff member concerning the interpretation of policies and procedures to that staff member, administrative practices within his/her particular school, and relationships with other employees, the staff member concerned must consult the administrative or supervisory personnel to whom he/she is responsible. If a satisfactory resolution of the problem cannot be reached after ample opportunity for consideration of the matter, the staff member concerned may discuss the matter with the next level of supervision up to and including the director of schools.

In instances where an individual staff member feels for personal reasons that he/she cannot discuss a problem with his/her immediate superior, he/she may take the problem directly to the director of schools. After review of the case, the director of schools shall take action as he/she deems appropriate and within a prompt, reasonable time shall notify all parties concerned of his decision.

HARASSMENT/DISCRIMINATION GRIEVANCES

Employees should notify any district complaint manager if they believe the Board, its employees or agents have violated their rights guaranteed by the State or federal Constitution, State or federal statute or board policy including: ^{1, 3, 4}

1. Title II of the Americans with Disabilities Act²
2. Title IX of the Education Amendments of 1972⁷

3. Section 504 of the Rehabilitation Act of 1973⁵
4. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972^{6,7}

The complaint manager will endeavor to respond and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

1. **Filing a Complaint** – An employee who wishes to avail himself or herself of this grievance procedure may do so by filing a complaint with any district complaint manager. The employee may request a complaint manager of the same sex. The complaint manager may request the employee to provide a written statement regarding the nature of the complaint. The complaint manager may assist the employee in filing a grievance.
2. **Investigation** – The complaint manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The complaint and identity of the complainant will not be disclosed except (1) as required by law or this policy; or (2) as necessary to fully investigate the complaint; or (3) as authorized by the complainant. The complaint manager shall file a written report within ten (10) days of the filing of the grievance, of his or her findings with the director of schools. If a complaint of sexual harassment contains allegations involving the director of schools, the written report shall be filed with the Board. The director of schools shall keep the Board informed of all complaints.

3. **Decision and Appeal** – After the receipt of the complaint manager’s report, the Director of Schools shall render a written decision within five (5) days of the receipt of the report which shall be provided to the employee. If the employee is not satisfied with the decision, the employee may appeal the decision to the Board by making a written request to the complaint manager. The complaint manager shall be responsible for promptly forwarding all materials relative to the complaint and appeal to the Board. Thereafter, the Board shall render within thirty (30) days from the date the appeal was received, review the report and affirm, overrule or modify the decision and render a written finding which shall be provided to the Complainant. This grievance procedure shall not be construed to create an independent right to a board hearing.

APPOINTING COMPLAINT MANAGERS

The director of schools shall appoint at least two complaint managers, one of each gender. The Federal Rights Coordinator may be appointed as a complaint manager. The director of schools shall insert into this policy the names, addresses and telephone numbers of current complaint managers.

Legal References:

1. Age Discrimination Employment Act, 29 U.S.C. 621, et seq.
2. Americans with Disabilities Act, 42 U.S.C. 12101 et seq.
3. Equal Pay Act, 29 U.S.C. 206(d)
4. Immigration Reform and Control Act, 8 U.S.C. 1324a et seq.
5. Rehabilitation Act, 29 U.S. C. 791 et seq.
6. Title VII of Civil Rights Act, 42 U.S. C. 2000e et seq.
7. Title IX of the Education Amendments, 20 U.S.C. 1681 et seq.

8, 2010

February 11, 2013

Reviewed: March

Reviewed:

TEACHING PERSONNEL

**Descrip
tor
Code:
GB**

I. Teachers

- A. **Employment** - Teachers who are not eligible for tenure shall be hired by the Director of Schools for a period of one year. It is the authority of the Board of Education to elect annually, upon the recommendation of the Director, teachers who have attained or are eligible for tenure.
- B. **Qualifications** - See TCA 49-5-101, 49-5-202, 49-5-403, 49-5-404, 49-5-405, 49-5-406.
- C. **Duties**
1. **Hours** - Each teacher shall arrive at the hour designated by the Director and remain until the time so designated by the Director. Promptness is an individual responsibility and failure to meet this responsibility will result in financial or other penalty at the direction of the Director of Schools and the Board. It shall be the responsibility of the teacher to be in his or her proper place and the responsibility of the Principal to see that the teacher is on time.
 2. **Length of Day** - Teachers of all grades shall be on duty at least seven and one half clock hours per day and such additional time as the administrative organization requires.
 3. **Attendance Reports** - Each teacher shall report daily the attendance totals in the manner described by the principal. The principal shall keep attendance records and school census records up to date and available at all times.
 4. **Line of Authority** - Teacher concerns should be taken first to the Principal when assistance is needed. If a satisfactory

solution cannot be arrived at with his help, the Director of Schools and the Board should be consulted in that order.

5. **Teachers' Meetings** - All teachers are expected to attend regular and special meetings, both on the local school level and on system, county, or regional level as stipulated by the administrative authorities or as indicated by the inservice schedule for credit.

6. **P.T.A. Meetings** - All teachers are expected to attend P.T.A. meetings as specified by the Director of Schools and the Board. Principals shall report attendance to the Director and maintain a record for teacher evaluation purposes.

7. **Inservice Training** - All teachers are required to fulfill inservice training requirements in order to qualify for full salary allotment.

8. **Other Assignments** - Each teacher shall be required to carry out such other assignments as the Director of Schools, the Principal, or the Board shall specify as a part of the regular school day.

D. **Sick Leave** - The Sweetwater Board of Education will follow the State Rules and Regulations guidelines for determining policies regarding sick leave for teachers.

See TCA 49-5-710 and Rules, Regulations, and Minimum Standards

1. When a teacher's sick leave has been exhausted, any further absences will result in that teacher's pay being withheld for each day of absence, and the substitute will be paid by the Board on the basis of that substitute's qualifications.

E. **Personal Leave Days** - Two personal leave days shall be allotted to each teacher per year. The substitute will be paid by the Board. If the allotted days are not used, they may accumulate as sick leave days but not as personal leave days.

F. Leave of Absence

1. **With Pay** - Leave of absence with pay may be allowed for school business with permission of the Director of Schools.

2. **Without Pay** - Days in excess of the above stated number granted for sick leave, business-emergency, or other reasons listed above shall result in a loss of full pay for each day's absence.

G. Prolonged Leave of Absence

1. **Reason for Granting** - The Director of Schools may grant leave of absence up to one year for such reasons as prolonged illness of a teacher, maternity leave, or educational pursuit, with each case to be judged individually on its own merits.

H. Home Visits - Teachers are urged to visit student's homes for public relations value and for encouragement or co-operation between parents and the school.

Revised: March 8, 2010
Reviewed: February 11, 2013

SUSPENSION/DISMISSAL OF NON-TENURED TEACHERS

Descriptor
Code: GBA

SUSPENSION

A director of schools/designee may suspend a non-tenured teacher at any time when deemed necessary.¹ Before an employee is suspended s/he shall be: (1) provided with reasons for the suspension; (2) given an opportunity to respond³; and (3) given a written decision of the suspension.

Under no circumstances shall a 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,² unless suspension without pay is deemed to be an appropriate penalty.

DISMISSAL

The director of schools may dismiss any non-tenured teaching **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.

PERSONNEL HEARINGS

The Board will appoint an impartial Personnel Hearing Officer to conduct such hearings. The Personnel 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 (10) working days of the Personnel Hearing Office 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 on 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 the 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 Personnel 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.

Legal References:

1. TCA 49-2-301 (f)(31)
2. TCA 49-5-511
3. TCA 49-5-511 through 513; TCA 49-2-301; *Cleveland Board of Education v. Loudermill*, 105 S. ct. 1487 (1985)

Reviewed: March 8, 2010
Reviewed: February 11, 2013

APPLICATION AND EMPLOYMENT

Descriptor Code: GBC

Application

An individual desiring a position with the Board shall make application to the Director of Schools on forms approved by the Board.¹ In a continuing effort to further ensure the safety and welfare of students and staff, the district shall require criminal history checks and fingerprints of applicants for teaching positions and any other position with proximity to children.

Any costs incurred by the Tennessee Bureau of Investigation in conducting such investigations of applicants shall be paid by the applicant. The Board assigns to the Director of Schools the duty to conduct background checks and to advise all applicants that all hiring decisions are contingent upon satisfactory background check results.

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

Professional Employees

The applicant must include a transcript of credits earned at the colleges or universities attended along with reference information 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.¹

No person shall be employed:

1. Who does not hold a valid license to teach from the State Board of Education.²

2. Who has any contagious or communicable disease in such form that might endanger the health of school children.³

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,⁴ or

4. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause.¹

5. Who does not receive a satisfactory criminal background check.⁵

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,²

2. Who has not complied with the Immigration Reform and Control Act of 1986,⁶

3. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause.

4. Who does not receive a satisfactory background check.⁵

Recommendation

Professional Employees

After checking references and receiving recommendations, the Director of Schools shall hire and assign qualified applicants.⁶

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.¹

Support Employees

After checking references and receiving recommendations from principals and/or supervisors, the Director of Schools shall hire and assign qualified applicants.

Legal Reference:

1. TCA 49-5-406
2. TCA 49-5-403; TCA 49-5-101

3. TCA 49-5-404; TRR/MS 0520-1-3-.08(2)(f)
4. TCA 49-5-405
5. TCA 49-2-301(f)(12)(31); TCA 49 49-2-303(a)(3)
6. Immigration Reform and Control Act of 1986

Revised: August 10, 2009
Reviewed: March 8, 2010
Reviewed: February 11, 2013

REDUCTION IN FORCE

Descriptor

Code: GBD

When it becomes necessary to reduce the number of positions in the system because of a decrease in enrollment or for other good reasons, the Board shall abolish the positions. The Board or the Director of Schools, as appropriate, shall dismiss such employees, as may be necessary.¹

LICENSED PERSONNEL

Reductions in staff will be made according to which have the least detrimental effect on children. In general, this objective dictates a staff reduction policy which:

1. Retains the most effective teachers;
2. Avoids undue increases in class size; and
3. Provides consideration for the exceptional teacher.

The elimination of a position does not necessarily mean the person occupying the position will be dismissed. When an employee is released, it is the responsibility of the director to make a recommendation to the Board about which employee shall be released and to justify the recommendation based upon a composite of the following criteria:

1. Effectiveness in teaching and in related professional responsibilities evidenced by teacher evaluation;
2. Adaptability to other assignments (academic and extracurricular);
3. Evidence of professional growth as well as specialized or advanced training;
4. Previous history of grade levels and subject areas taught.

When a teacher is released because of reduction in staff, the teacher shall be given written notice of release explaining the circumstances or conditions making dismissal necessary.

NON-LICENSED PERSONNEL

When a non-licensed employee is released because of a reduction in the number of support positions, the Director of Schools shall give the

employee written notice of dismissal explaining the circumstances or conditions making termination of employment necessary.²

RECALL

The Director of Schools shall maintain a preferred re-employment list for tenured teachers whose position is abolished.³ The fitness of any teacher for re-employment shall be determined on the basis of the teacher's competence, compatibility and suitability to properly discharge the duties required by the position with consideration for the best interests of the students in the school where the vacancy exists.¹

It shall be the responsibility of the separated teacher to notify the Director of Schools in writing of his/her availability and current address. A professional employee who is placed on the preferred re-employment list and subsequently refuses the offer of a comparable position will be removed from the preferred list.³

Any teacher who has been on the preferred list for re-employment for two (2) consecutive years shall, by April 1 of the second consecutive year, receive notice that the teacher's name shall be removed from the list. The Director shall send the notice to the last known address of the teacher. A teacher who wishes to remain on the preferred list for re-employment after the second year shall notify the Director of Schools in writing by April 15 of the second year and each subsequent year of his or her desire to remain on the preferred list for re-employment.³

Employees returning from lay-off shall have all previously accrued sick leave reinstated, but shall not receive benefits for the period of the lay-off.

Legal References:

1. TCA 49-5-409(d); TCA 49-2-301 (f)(1)(EE)
2. TCA 49-5-511(b)
3. TCA 49-5-511(b)(4)

September 9, 2002

2010

13, 2012

February 11, 2013

Adopted:

Reviewed March 8,

Revised: February

Reviewed:

Personnel Records

Descriptor Code: GBE

The director of schools or his designee(s) shall be authorized to maintain personnel records and to permit inspection of the same for matters deemed confidential by law. The following personnel record shall be maintained for all employees as appropriate:

1. Employee applications and contracts;
2. Professional certificates and other documents required by state and federal laws and regulations;¹
3. Evaluations;
4. Cumulative information files;² and
5. INS Form 1-9.³

The following guidelines shall be followed:

1. Information contained in personnel records shall be limited to job-related matters;

2. Employees shall be granted an opportunity to respond in writing regarding material placed in records;
3. Employee records are public records, except for matters deemed confidential by law, and shall be open for inspection during regular business hours;⁴
4. In accordance with federal law, the district shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request for any teacher or paraprofessional who is employed by a school receiving Title 1 funds and who provides instruction to their child at that school.⁵
5. Members of the public may not obtain an employee's unpublished telephone number, bank account information, social security number or driver license information except where driving or operating a vehicle is considered to be a part of the employee's duties, unless release of this information is expressly authorized by the employee.⁶
6. A record of the person inspecting and the date of inspection shall be recorded; and
7. Copies of records may be made under rules determined by the director of schools.⁷

Legal References:

1. TCA 49-2-301 (f)(I)(BB)
2. County Records Manual, Department of Education, CTAS, 1978
3. Immigration Reform and Control Act of 1986
4. TCA 49-2-301(f)(28); TCA 10-7-503-504
5. 20 U.S.C. 6311 § 1111 (6)(a)
6. TCA 10-7-504
7. TCA 10-7-506; TCA 49-2-301(f)(29); TCA 8-5-108

Reviewed: March 8, 2010
Reviewed: February 11, 2013

RETIREMENT

**Descript
or Code:
GBQ**

Central office personnel shall assist employees in securing retirement benefits; however, it shall be the responsibility of the retiring employee to file.

The Board of Education may provide monetary incentives for the purposes of encouraging the retirement of employees who are eligible to retire. These incentives shall be approved and periodically reviewed by the Board.

Legal References:

1. TCA 49-1306
2. TCA 8, Chapter 34-37; Chapter 308, Tennessee Public Laws of 1983.
3. TCA 8-36-808
4. Public Chapter 367, Tennessee Public Acts of 1983.

8, 2010

February 11, 2013

Reviewed: March

Reviewed:

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Descriptor Code: GBRAA

The Board strives to ensure that each school of the system's employees are in a state of physical condition which will not endanger their personal health or the health of others, while balancing concerns regarding health matters within the boundaries of confidentiality.

The Director of Schools shall be responsible for developing, revising and implementing the administrative guidelines and procedures for this policy. The Director of Schools shall be responsible for enforcing this policy by communicating it to all personnel and by providing necessary instruction to all administrators.¹

HIV/AIDS TESTING

No school official can require any employee to undergo an HIV antibody test or other HIV-related test. This does not preclude school officials from requiring an employee to undergo an examination when another communicable illness is suspected.

LIABILITY AND NON-DISCRIMINATION

In accordance with current laws and regulations, the school system will take reasonable actions to prevent any diagnosed employee from being subjected to adverse or discriminatory treatment. No Employee who is diagnosed with HIV infection or AIDS shall be prevented from continuing his/her employment. No disciplinary action may be taken against an employee solely on the basis of HIV infection or AIDS. Action may be taken against an employee only if she/he is disabled and the disability interferes with his/her ability to perform the activities involved in employment duties. The Board shall make reasonable accommodation to enable the employee to perform employment duties as may be required by state² or federal³ law. Review of employment conditions will include the Director of Schools, the employee's physician, and a physician or nurse from the Department of Health as designated by the Regional Health Officer.

CONFIDENTIALITY

If information is received regarding an employee's HIV status, the Director of Schools may consult with the school board attorney on the appropriate course of action to pursue, bearing in mind the school system's potential liability for defamation, employment discrimination, and breach of confidentiality requirements.

Information obtained is confidential and may not be released to anyone except:²

1. Persons named on an authorization for Release of Confidential HIV-Related Information Form
2. Persons listed on a court order
3. Persons authorized to receive such information without a release or court order according to TCA 68-10-113

Under no circumstances shall information identifying an employee with AIDS be released to the public.

EDUCATION AND UNIVERSAL PRECAUTIONS

AIDS education and Universal Precautions in-service will be required of all school personnel and may include members of the Board of Education, parents, and community members. These training programs can utilize the educational/training resources of agencies or private institutions with personnel trained in the areas of HIV/AIDS prevention education. The Board of Education recommends that each employee uses the appropriate Universal Precaution when handling body fluids.

Legal References:

1. State Board of Education Plan for Addressing AIDS in Tennessee Public Schools, March, 1995
2. TCA 68-10-113
3. 20 USC 1232(g); 34 CFR 99.30

8, 2010

February 11, 2013

Reviewed: March

Reviewed:

APPENDIX A:

**MODEL AUTHORIZATION FOR RELEASE OF CONFIDENTIAL
HIV-RELATED INFORMATION**

(This form may be signed by an employee of the school system)

Confidential HIV - related information is any information indicating a person has tested positive for HIV or has AIDS. Confidential HIV-related information may only be given to those listed on this form and for the reason(s) listed.

Persons whose HIV-related information will be released:

Name, address and relationship of person signing this form if other than above:

Name, address of person(s) to be provided HIV-related information:

Reason for release of HIV-related information:

Dates release is authorized:

From _____ To:

My questions about this form have been answered. I understand I am not required to release HIV-related information and I may withdraw my permission at a later date.

(Signature)

(Date)

HEPATITIS B (HBV)

Descriptor Code: GBRAB

When it becomes known to the local education agency that an employee has tested positive for or has been diagnosed with Hepatitis B (HBV), an evaluation team, on a case-by-case basis, will be convened within five (5) days to determine employment status. This team will consist of the Director of Schools, a public health official, the chairman of the Board (or designee), a representative of the State Department of Education, the employee, and the employee's physician (if requested by the employee). The employee's attorney may be present upon request from the employee, provided the LEA is given a 24-hour notice in order that the LEA's attorney may be present.

The team will review the employee's medical records to determine if, as a result of the disease, the employee is medically capable of performing his/her responsibilities or if he/she constitutes a direct threat to the health and safety of others.

LIABILITY AND NON-DISCRIMINATION

Decisions on participation in activities which may be medically hazardous to employees with HBV will be made on a case-by-case basis by the evaluation team which was used to determine the employment status of the employee. Mandatory testing of employees for HBV will not be implemented.

Under no circumstances shall information identifying an employee with HBV be released to the public.

SAFETY

Employees who are at high risk of occupational exposure shall be identified and provided with personal protective equipment, including HBV vaccinations. Employees considered to be at high risk shall include custodians, special education pre-school teachers and instructional assistants, coaches, physical education teachers, and school office personnel.

When any employee is known to have been exposed to HBV on the job site, the employee will be notified immediately by the Director of Schools and the Board shall provide vaccinations.

The principal will ensure that an accident report is filed for all accidents. The report will include the employee's name, date of the accident, an explanation of the accident and the care used in treating the individual. These reports will be kept on file in the principal's office for a minimum of one (1) year.

EDUCATION AND UNIVERSAL PRECAUTIONS

HBV education, including universal precautions on handling blood and other body fluids, will be provided to all personnel and may include members of the Board.

Legal References:

1. Code of Federal Regulations 1910-1030

Reviewed: March 8, 2010
Reviewed: February 11, 2013

**LONG-TERM LEAVES OF ABSENCE FOR
PROFESSIONAL PERSONNEL**

Descriptor Code: GBRIA

Any person holding a position requiring a license to teach shall be granted leave for military service, legislative service, maternity, adoption, or recuperation of health and may be granted leave for educational improvements or other sufficient reason without loss of accumulated leave credits, tenure status, or other fringe benefits. All leaves shall be requested in writing at least thirty (30) days in advance on forms provided by the director of schools. The 30-day notice may be waived or reduced by the director of schools upon submission of a certified statement by a physician. The application for leave forms shall require:

1. A description of the type of leave requested;
 2. The requested dates for beginning and ending the leave;
- and
3. A statement of intent to return to the position from which leave is granted.

All leaves, except military leave, shall be from a specific date to a specific date. However, any leave may be extended by the director of schools upon written request from the teacher. Military leave shall be granted for whatever period may be required. Employees engaged in military service will be compensated for any difference between their regular pay and military pay. The procedure and condition for extending a leave are the same as those used when originally requesting and granting the leave.

Positions vacated for less than twelve (12) months by teachers on leave shall be filled with an interim teacher while the teacher is on leave. If the teacher returns from leave within 12 months, the interim teacher shall relinquish the position. If the leave exceeds twelve (12) months, the teacher shall be placed in the same or a comparable position upon return.

Part-time leaves may be granted by the director of schools upon written request for the same conditions as for full-time leave.

Any teacher on leave shall notify the director of schools 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 is on leave. Failure to give such notice shall be considered breach of contract.¹

PAY AND BENEFITS

All leave granted in conformance with this policy shall be without pay except as may be covered by sick leave in the case of maternity and recuperative leaves. Employees shall have the opportunity to continue participation, at their own expense, in group insurance plans subject to restrictions of the insuring carrier.

Employees who take leave under the provisions of the Family Medical Leave Act (FMLA) shall have the same portion of their insurance premiums paid by the Board as is paid for active employees. This leave is limited to twelve (12) weeks and subject to the restrictions and conditions of the Family and Medical Leave Act.

Legal References:

1. TCA 49-5-702 through TCA 49-5-709.

February 11, 2013

Reviewed:

FAMILY AND MEDICAL LEAVE

Descriptor Code: GBRIC

PURPOSE

To entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse or parent who has a serious health condition.

ELIGIBILITY

Anyone who has been employed for at least twelve (12) months by the school system or anyone who has at least 1,250 hours of service (hours used for leave, even FMLA leave, shall not be credited for service for purposes of FMLA eligibility¹) during the previous twelve month period.²

GENERAL PRINCIPLES

1. Any employee shall be granted, upon request, up to twelve (12) weeks unpaid leave for the birth or adoption of a child or the care of a child, spouse, or parent who has a serious health condition. (Any female requesting leave due to pregnancy, childbirth, or adoption shall be granted at least four (4) months leave.)³
2. Any employee on maternity leave shall be permitted to use accumulated sick leave during the period of actual physical disability only. Otherwise, the maternity leave shall be unpaid leave. A teacher may use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive parents are teachers, only one parent may request leave. Written verification from the adoption agency or other entity handling the adoption shall be required before the leave is granted.⁴
3. A physician's statement may be required by the Board or Director of Schools when determining the period of actual physical disability.⁵
4. Request for leaves and extension of leaves shall conform to state law governing all leaves of absence.

RESTRICTIONS

1. For foreseeable leave, the employee shall provide the Director of Schools with at least thirty (30) days written notice before the beginning of the anticipated leave.

2. The Director of Schools may require that a request for leave be supported by certification issued by a health care provider with the following information:

- a. the date on which the serious health condition commenced;
- b. the probable duration of the condition;
- c. the appropriate medical facts within the knowledge of the health care provider regarding the condition; and
- d. a statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that such employee is needed.

3. If there is any reason to doubt the validity of the certification provided, the Director of Schools may require, at the expense of the system, an opinion of a second health care provider.

4. Once it has been established that the leave requested qualifies for FMLA, the Director of Schools or designee shall notify the employee within two (2) business days (absent extenuating circumstances) that -

Any leave taken pursuant to state leave statutes (paid vacation leave, personal leave, sick leave or worker's compensation) shall run concurrently with FMLA leave.⁶

The notice may be given orally or in writing. If the notice is oral, it shall be confirmed in writing, no later than the following pay day.⁷

5. Intermittent Leave - When a licensed employee requests foreseeable leave for planned medical treatment and the employee would be on leave for greater than 20% of the total number of working

days in the period during which the leave would extend, the system may require that such employee elect either to take the leave for periods of a particular duration, not to exceed the duration of the planned medical treatment or to transfer temporarily to an available alternative position offered by the Board for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

6. *Period Near the End of an Academic Term (Professional employees)*- If leave is taken more than five (5) weeks prior to the end of the term, the Director of Schools may require an instructional employee to continue taking leave until the end of the term if the leave is at least three (3) weeks of duration and the return of employment would occur during the three (3) week period before the end of the term.

If the leave is taken five (5) weeks prior to the end of the term, the Director of Schools may require an instructional employee to continue taking leave until the end of the term if the leave is greater than two (2) weeks duration and the return to employment would occur during the two (2) week period before the end of the term.

REQUIREMENTS OF THE BOARD

1. The employee shall be restored to the same position of employment or an equivalent position with no loss of benefits, pay, or other terms of employment.

2. The employee shall be kept under any group health plan for the duration of the leave.

3. The Board may recover the premium paid under the following conditions:

a. the employee fails to return from leave after the period of leave has expired.

b. the employee fails to return to work for a reason other than the

continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.

Legal References:

1. *Hinson v. Tecumseh Products Co.* 234 F.3d 1268, 6th Cir. (2000)
2. Federal Family and Medical Leave Act 1993
3. TCA 49-5-702; TCA 4-21-408
4. TCA 49-5-710
5. TCA 49-5-704
6. 29 CFR & 825.208
7. OP Tenn. Atty Gen 94-006 (Jan 13, 1994);
Plant v. Morton International, Inc 212 F.3d 929, 6th Cir. (2000)

8, 2010

February 11, 2013

Cross References:

Sick Leave 5.302
Long Term Leaves 5.304

Reviewed: March

Reviewed:

NON-TEACHING PERSONNEL

Descriptor Code: GC

BOOKKEEPING, ACCOUNTING, AND CLERICAL

A. The Board shall authorize the employment of such personnel as is necessary for proper bookkeeping, accounting, and clerical procedures in the office of the Director of Schools.

B. Personnel employed for such work shall be responsible for submission of reports, statements, data, etc., as required by the Board of Education and the State Department of Education, and for duties as necessary for the proper operation of the school system as designated by the Director of Schools.

LUNCHROOM

A. The board authorizes the employment of such personnel as will be required for the supervision and operation of the lunchrooms in the various school units of the system.

B. Personnel engaged in the operation of the various school lunchrooms will be responsible for fulfilling the requirements set forth by the State Department of Education and by the state and local health agencies for public eating facilities.

C. Lunchroom personnel shall observe all regulations of state and local health agencies which are applicable to persons who are engaged in the preparation and

serving of food in a public eating facility.

JANITORIAL AND MAINTENANCE

A. Personnel necessary for adequate maintenance and operation of the various school plants of the Sweetwater City School System shall be employed by the

Director of Schools and shall be under the general supervision of the Director of Schools and the immediate direction of the Principal at each school site.

B. Personnel in this department shall be responsible to the Principal at each

school and the Director of Schools for carrying out the rules and regulations of the local Board of Education, whose policies must be in line with approved health and sanitation measures adopted by the State Department of

Education and outlined in the Rules, Regulations, and Minimum Standards of that body.

Reviewed: March 8, 2010
Reviewed: February 11, 2013

SUSPENSION/DISMISSAL OF NON-CERTIFIED EMPLOYEES

Descriptor Code: GCA

SUSPENSION

A director of schools/designee may suspend an employee at any time when deemed necessary.¹ Before an employee is suspended s/he shall be: (1) provided with reasons for the suspension; (2) given an opportunity to respond³; and (3) given a written decision of the suspension.

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 suspension² 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 of Schools. The Director may dismiss any non-certified employee during the contract year for any 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.

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.

Legal References:

1. TCA 49-2-301 (f)(31)
2. TRCA 49-5-511
3. TCA 49-5-511 through 513; TCA 49-2-301; Cleveland Bd of Ed v Loudermill, 105 S. Ct. 1487 (1985)

Reviewed: March 8, 2010

February 13, 2012

Reviewed: February 11, 2013

Revised:

SUBSTITUTE TEACHERS

Descriptor Code: GD

Substitute teachers are those teachers used to replace teachers on leave or to fill temporary vacancies.^{1,2} All substitute teachers shall be employed by the director of schools and paid by the Board.²

APPLICATION/QUALIFICATIONS

Criminal history record checks and fingerprinting of applicants for substitute teaching are required.³

Applicants whose records with the State Department of Education indicate a license or certificate currently in revoked status shall not be hired.⁴

Substitute teachers shall have a minimum of a high school diploma or its equivalency. The substitute teacher lists will be prepared by the director of schools. A list of all approved substitutes shall be provided to all building principals who are responsible for providing substitutes for absent teachers. Only those persons on the approved substitute list shall be employed to substitute teach.

COMPENSATION

The compensation of substitute teachers is determined annually by the Board.

CERTIFICATION

When substituting for a regular teacher who has been absent for twenty (20) consecutive days, a substitute teacher must possess a teaching certificate with endorsement in the discipline(s) to be taught and paid according to the State salary schedule.⁵ When substituting for a teacher without sick leave, the substitute shall be certified and paid according to the state salary schedule.¹

Retired teachers may substitute **one-hundred and twenty (120)** days per year without loss of retirement benefits,¹ and may substitute for additional ninety (90) days if the director of schools certifies in writing to the State Board of Education that no other qualified personnel are available to substitute teach.⁶

EMERGENCY NEEDS

All teacher aides, secretaries and clerks are approved substitute teachers for use in emergency situations. Emergency use shall be defined as less than a full day due to the regular or substitute teacher being unable to arrive on time or remain for the full day.

Such substitutes shall receive the proportionate equivalent salary regular substitute teachers would receive under similar circumstances or their

regular salary, if higher; however, they shall not receive pay for both positions at the same time.

TRAINING AND ORIENTATION

The principal or his designee will orient substitute teachers upon arrival in the building as to assignment and duties. The director of schools shall be responsible for providing periodic training and development programs for substitute teachers, as he/she deems appropriate.

Substitute teachers shall assume the same responsibilities and have the same authority as the regular teacher, including bus duty and playground supervision.

Legal References:

1. TRR/MS 0520-1-2-.04(5)
2. TCA 49-5-709
3. TCA49-5-413
4. TCA49-2-203(a)
5. TCA 49-3-312(c); TRR/MS 0520-1-2-.04(5)(b)
6. TCA 8-36-805

Reviewed: March 8, 2010
Reviewed: February 11, 2013

SUSPENSION/DISMISSAL OF NON-CERTIFIED EMPLOYEES

Descriptor Code: GCA

SUSPENSION

A director of schools/designee may suspend an employee at any time when deemed necessary.¹ Before an employee is suspended s/he shall be:

(1) provided with reasons for the suspension; (2) given an opportunity to respond³; and (3) given a written decision of the suspension.

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 suspension² 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 of Schools. The Director may dismiss any non-certified employee during the contract year for any 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.

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.

Legal References:

1. TCA 49-2-301 (f)(31)

2. TRCA 49-5-511

3. TCA 49-5-511 through 513; TCA 49-2-301; Cleveland Bd of Ed v Loudermill, 105 S. Ct. 1487 (1985)

Reviewed: March 8, 2010

Revised:

February 13, 2012

Reviewed: February 11, 2013

PERSONNEL TRANSFERS

Descriptor Code: GCD

The Director of Schools shall transfer and/or reassign employees as he/she deems necessary.¹

Legal Reference:

1. TCA 49-2-301(f)(12)(31); TCA 49-5-510; OP Tenn. Atty. Gen. 97-107 (July 28, 1997)

Reviewed: March 8, 2010
Reviewed: February 11, 2013

STAFF TIME SCHEDULES

Descriptor Code: GE

WORK SCHEDULES

The workday for full-time licensed and professional staff will be a minimum of seven hours and thirty minutes¹ and will continue until professional responsibilities to the student and the school is completed. Administrative meetings, curriculum development, student supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum. Teachers shall be allotted a duty-free planning period no less than two and one-half (2 ½) hours each week to provide time for planning, preparation for effective teaching, and attention to major program improvement.² Work schedules for other employees will be defined by the director of schools or his/her designee, consistent with the Fair Labor Standards Act and the provisions of this policy.

WORK-WEEK DEFINED

Working hours for all employees not exempted under the Fair Labor Standards Act,³ including secretaries, bus drivers, cafeteria, janitorial and maintenance personnel, will conform to federal and state regulations. The director of schools will ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors will make every effort to avoid circumstances which will require non-exempt employees to work more than forty (40) hours each week. For purposes of compliance with the Fair Labor Standards Act, the work-week for school district employees will be 12:00 a.m. Sunday until 11:59 p.m. Saturday.

OVERTIME AND COMPENSATORY TIME⁴

The Board discourages overtime work by non-exempt employees. A non-exempt employee will not work overtime without the express approval of his/her supervisor. All overtime work must be expressly approved in writing by the director of schools or his/her designee. All supervisory personnel must monitor overtime on a weekly basis and report such time to the director of schools/designee. Principals and supervisors will monitor employees' work, will ensure that overtime provisions of this policy and the Fair Labor Standards Act are followed and will ensure that

all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than forty (40) hours in a work-week. Accurate and complete time sheets of actual hours worked during the work week will be signed by each employee and submitted to the finance director. The finance director will review work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for one hour of overtime worked, if such compensatory time (1) is pursuant to an agreement between the employer and employee reached before overtime work is performed, and (2) is authorized by the immediate supervisor.

Employees will be allowed to use compensatory time within a reasonable period after requesting such use if the requested use of the compensatory time does not unduly disrupt the operation of the school division.

Employees may accrue a maximum of 240 compensatory time hours before they will be provided overtime pay at the rate earned by the employee at the time the employee receives such payment. In addition, upon leaving the school division, an employee must be paid for any unused compensatory time at the rate of not less than the higher of (1) the average regular rate received by the employee during his/her last three (3) years of employment, or (2) the final regular rate received by the employee.

Non-exempt employees whose work-week is less than forty (40) hours will be paid at the regular rate of pay for time worked up to forty (40) hours. Such employees shall be provided overtime pay or compensatory time as provided for working more than forty (40) hours in a work-week.

This policy shall be included in the staff handbook, however; employees will be provided with a copy of this policy and will be required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy shall be placed in the employee's personnel file and shall constitute the written agreement required in this section.

ATTENDANCE EXPECTATIONS

All employees are expected to be present during all work hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of

designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Legal References:

1. TRR/MS 0520-1-3-.03
2. TRR/MS 0520-1-3-.03;TCA 49-1-302
3. 29 CFR § 54.205; 541.303
4. 29 CFR § 553.20 – 23; TCA 5-23-101; 104

Reviewed: March 8, 2010
Reviewed: February 11, 2013

EVALUATION

Code: GEF	Descriptor
	<p>The evaluation of performance and its effectiveness must be a cooperative and shared endeavor on the part of the Director of Schools and administrative and supervisory personnel.</p>
	<p>The Board shall use a state-approved model for evaluation administrative and supervisory personnel and shall approve standard forms to be used in evaluating support personnel.</p>
	<p>The Director of Schools is responsible for ensuring that all administrative and supervisory personnel are evaluated annually.</p>

LICENSED TEACHING PERSONNEL

The Board adopts the TEAM evaluation model. The director shall draft procedures to ensure that the model is implemented throughout the school system. Additionally, the director shall provide information to all licensed teaching personnel regarding the nature of the evaluation and the grievance procedures prescribed by the Tennessee State Board of Education.^{1,2}

LOCAL LEVEL GRIEVANCE PROCEDURE

The director of schools shall develop procedures, consistent with the State Law, for processing evaluation grievances of licensed personnel.

NON-LICENSED PERSONNEL

Newly hired non-licensed administrative/support personnel shall be evaluated once during the evaluation period (up to 90 days) and at least one (1) additional time following successful completion of the evaluation period during the first year of employment. Support personnel employed for more than one (1) year shall be evaluated at least once a year.

Evaluations shall be used as an aid in improving an employee's performance and as a basis for continuing employment. Evaluation reports shall be discussed with the evaluated employee. Each employed shall be given a copy of the evaluation and shall sign the supervisor's copy as evidence it has been discussed.

Legal References:

1. TRR/MS 0520-2-1-.01
2. TRR/MS 0520-2-1-.02
3. Tennessee State Board of Education Teacher and Principal Evaluation Policy

15, 2012

February 11, 2013

Adopted: October

Reviewed:

PROFESSIONAL PERSONNEL NEGOTIATIONS - LEGAL STATUS

Descriptor Code: HA

The Board, as the duly constituted representative of the people and as the agent of the State, has the following rights, duties and legal status:

1. To manage and control public education in this school system;¹
2. To not delegate or abdicate its legal responsibilities;
3. To retain its legal status in any state, federal or private statute even with passage of the EPNA.²
4. To negotiate with its employees subject to the requirements and limitations set forth in the Education Professional Negotiations Act (EPNA); and

5. To not be subject to the National Labor Relations Act.³

Legal References:

1. TCA 49-2-203(a)(2).
2. TCA 49-5-612.
3. TCA 49-5-601.

Reviewed: April 12, 2010
Reviewed: March 11, 2013

SCOPE OF PROFESSIONAL NEGOTIATIONS

Descriptor Code: HAA

The Board shall restrict the scope of professional negotiations to those specific conditions of employment that are designated as mandatory topics for negotiations by the Education Professional Negotiations Act,¹ which are:

1. Salaries and wages;
2. Grievance procedures;
3. Insurance;
4. Fringe benefits, not including the Tennessee Consolidated Retirement System;
5. Working conditions;
6. Leave;
7. Student discipline procedures; and
8. Payroll deductions.

The representatives of the Board shall not negotiate on any terms and conditions of employment except as stated above.

The representatives of the Board shall not negotiate proposals contrary to:

1. Federal or state law, including the Rules, Regulations and Minimum Standards of the State Board of Education and the State Board of Vocational Educational;²
2. Professional employee rights defined in the EPNA; and
3. Board rights contained in Title 49 of the Tennessee Code Annotated.

Negotiations will take place after the regular school day at a mutually convenient time.

Legal References:

1. TCA 49-5-611; Blount County Education Association v. Blount County Board of Education No. 99-149, Blount County Chancery Court (June 2, 2000)
2. TCA 49-5-612.

Reviewed: April 12, 2010
Reviewed: March 11, 2013

BOARD NEGOTIATING AGENT

Descriptor Code: HAB

During the first two (2) months of each fiscal year the Board will designate and certify specific staff members as management personnel.¹ They may represent the Board in negotiation activities.

Prior to the beginning of negotiations each year, the Board will designate specific individuals to represent it at negotiating sessions.² The representative team will consist of board members, director of school and/or management personnel. The number may vary from year to year. The negotiating team shall designate one of the persons as spokesman.

The spokesman shall have the following responsibilities:

1. To serve as the Board's spokesman during bargaining;
2. To make progress reports and news releases in consultation with the chief negotiator and with approval by the Executive Committee;
3. To make available information regarding negotiations as required by law.

Legal References:

1. TCA 49-5-608.
2. TCA 49-5-602(9)(13).
3. TCA 8-44-101 through 106.

Reviewed: April 12, 2010

Reviewed: March 11, 2013

DIRECTOR OF SCHOOLS ROLE IN NEGOTIATIONS

Descriptor Code: HAC

The Director of Schools is a member of management personnel.¹

The Director of Schools shall serve as a member of the Board's negotiation team.

The Director of Schools duties shall be:

1. To consult with the chairman of the Board on all proposals presented to the Board's negotiating team; and
2. To coordinate the collective efforts of the central office staff and the Board's negotiating team.

Legal Reference:

1. TCA 49-5-608

12, 2010

11, 2013

Reviewed: April

Reviewed: March

BARGAINING PROGRESS REPORTING

Descriptor Code: HAD

The Board shall report on the progress of bargaining to the extent that the best interest of the public and the school district is served. Any release of information shall be made through the Board's official spokesman.

When a state of misunderstanding or misrepresentation exists, the Executive Committee of the Board may authorize the release of information to the extent necessary to foster greater understanding by all parties.

Reviewed: April 12, 2010
Reviewed: March 11, 2013

PRELIMINARY AGREEMENT DISPOSITION

Descriptor Code: HAE

Upon any negotiated agreement between the Sweetwater City Board of Education's representative and the representative of the professional employees' organization, a memorandum of understanding shall be submitted to the appropriate governing authorities for ratification or rejection within fourteen (14) calendar days after being jointly prepared by the representatives. These governing authorities, as soon as practical, shall consider the memorandum of understanding and take the appropriate action.

If either governing authority rejects or modifies any part of a proposed memorandum the matter shall be returned to the parties for further negotiation.

Any items negotiated by a Board of Education and a professional employees organization which require funding shall not be considered binding until such time as the body empowered to appropriate the funds has approved such appropriation. In the event the amount of funds appropriated is less than the amount negotiated the Board's representative and the professional employees' organization's representative shall negotiate an agreement within the amount of funds appropriated.

Reviewed: April 12, 2010
Reviewed: March 11, 2013

PROMOTION AND RETENTION

Descriptor Code: IEH

Students will normally progress annually from grade to grade. Retentions may be made when, in the judgment of the teacher(s) and subject to review and approval by the principal, such retentions are in the best educational interest of the student. However, no student enrolled in the third grade shall be promoted unless the student has shown a basic understanding of curriculum and ability to perform the skills required in the subject of reading as demonstrated by the student's grades or standardized test results. This requirement shall not apply to students who are participating in a Board-approved research-based intervention prior to the beginning of the next school year or to students who have IEPs pursuant to 20 U.S. C. § 1400 et seq.¹

Academic problems shall be identified as soon as possible during the school year. Parents will be notified when academic problems are identified. Effort will be made to enlist parental support of remediation efforts by the teacher(s). Parents should be given interim progress reports concerning the status of the student's progress.

Administrators and teachers should maintain appropriate documentation concerning remediation to include discussion concerning testing, change in student placement or programs for the student.

Teachers shall submit a list of pupils who might be retained to the principal of their school by April 1st of each school year.

Before a student is retained, the parents shall be informed in writing and shall be requested to participate in a conference concerning the placement of the student.

Promotion or retention shall be determined after due consideration of all information including test results, other measures of academic competency and attendance.

Use of conditional retention, summer programs, assignment to transitional classes and other approaches to meeting the needs of the student should be given consideration.

Retention shall be considered more appropriate in grades K-3. Except under unusual circumstance, students shall not be retained more than once in the same grade.

The principal shall insure that students who repeat a year shall be offered an appropriate program of instruction which may include but not be limited to:

1. Different teacher(s)
2. Different materials
3. Tutorial support
4. Use of federal support programs

Special education eligible students shall be placed in an appropriate grade by the principal after consideration of the M-Team recommendations and the current IEP. Special education students shall be placed within one year of their chronological-aged peers unless an annual written justification for other arrangements is included in their records.

Reviewed: May 10, 2010
Revised:
February 13, 2012
Reviewed: March 11, 2013

**SELECTION OF INSTRUCTIONAL MATERIALS
(OTHER THAN TEXTBOOKS)**

Descriptor Code: IF

The Board will seek to provide a wide range of instructional materials¹ on all levels of difficulty, with diversity of appeal, and the presentation of different points of view and will provide procedures for review and reconsideration of allegedly inappropriate instructional materials.

OBJECTIVES OF SELECTION

In order to assure that instructional materials are an integral part of the educational program, the following selection objectives are adopted:

1. To provide materials that will enrich and support the curriculum and personal needs of the students, taking into consideration their varied interests, abilities and learning styles;
2. To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;

3. To provide a background of information which will enable students to make intelligent judgments in their daily lives;
4. To provide materials on opposing sides of controversial issues so that the students may develop under guidance the practice of critical analysis;
5. To provide materials which realistically represent our pluralistic society and reflect the contributions made by these groups and individuals to our American heritage;
6. To place principles above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to ensure a comprehensive media collection appropriate for all students.

Legal Reference:

1. TRR/MS 0520-1-3-.07(2).

Reviewed: May 10, 2010
Reviewed: March 11, 2013

TEXTBOOK SELECTION DISTRIBUTION AND CARE

Descriptor Code: IFAA

SELECTION

The selection of textbooks shall be completed according to the laws and policies as required by the State of Tennessee and the State Textbook Commission. The responsibility for textbook selection rests with the local textbook selection committees, subject to approval by the Board of Education.¹ The Director of Schools shall be responsible for establishing a procedure for providing the citizens of the community an opportunity to examine proposed textbooks prior to their final adoption, including public notice of time and location at which textbooks may be examined.

The most important consideration in selecting textbooks is student need. Other important points to consider are: quality of content, local and state educational goals, current trends, available resources to supplement

the textbook, professional qualifications and experience of staff, and community support and concern.

DISTRIBTUION

The supervisor shall be designated by the Board of Education to be responsible for the purchase and distribution of textbooks to each school. The principal shall be responsible for seeing that each child receives the required textbooks at no cost to the child.²

CARE OF TEXTBOOKS

Textbooks are property of the Board of Education and shall be returned at the end of the school year, upon completion of the course, or upon withdrawal from a course or school.²

The following reimbursement schedule shall be used as a guide for collecting fines for lost books:

	<u>Age of Book</u>	<u>Amount Collected</u>
cost	1 - 2 years	100% of replacement
cost	3 - 4 years	75% of replacement
cost	5 or more years	50% of replacement

The Board shall approve and periodically review a schedule of fines for damaged books. In cases where the book is damaged to the extent it is no longer usable, the amount collected shall conform to the reimbursement schedule for lost books.

If after hearing the student's explanation and other investigation as necessary, the principal determines that there has been damage through willful intent or neglect of the textbook, he shall assess the appropriate fine and notify the parents in writing.

The principal may include with the notice a provision stating that failure to pay the fine imposed within a reasonable time may result in the imposition of one or both of the following sanctions:

- (1) Refusal to issue any additional textbooks until restitution is made;
- (2) Withholding of all grade cards, diplomas, certificates of progress,
or transcripts until restitution is made;²

The principal may waive the assessment of fines when in his judgment the damage or loss is due to uncontrollable circumstances and the child was not responsible for the damage.

Legal References:

1. TCA 49-6-2207
2. TCA 49-3-310

Reviewed: May 10, 2010
Reviewed: March 11, 2013

**RECONSIDERATION OF INSTRUCTIONAL MATERIALS AND
TEXTBOOKS**

Descriptor Code: IFAD

Because opinions differ, there may be questions concerning some instructional and library materials despite the quality of the selection process. If a complaint is made, the following procedure is to be followed:

1. Inform the complainant of the selection procedures and make no commitments.
2. Request the complainant to submit a formal "Request for Reconsideration of Instructional Materials" (see Exhibit A).
3. Inform the Director of Schools and other appropriate personnel.
4. Inform the Director of Schools and other appropriate personnel. Keep challenged materials available for use during the reconsideration process.
5. Upon receipt of the completed form, the principal requests review of the challenged materials by an ad hoc materials review committee within fifteen (15) working days, and notifies the Director of School that such review has been requested. The review committee is appointed by the Director of Schools, and will consist of no more than nine members including certificated library media personnel, representatives from classroom teachers, one or more parents, and may include one or more students.
6. The review committee shall take the following steps after receiving the challenged materials:
 - (a) Read, view or listen to the material in its entirety;
 - (b) Check general acceptance of the material by reading recognized and evaluative reviews;
 - (c) Determine the extent to which the material supports the curriculum;
 - (d) Complete the appropriate "Checklist for Reconsideration of

material Instructional Materials” (see Exhibit B), judging the

for its strength and value; and

- (e) Present recommendation to the Director of Schools for further action.

- 7. If the complainant desires further action after receiving the recommendation of the committee and the decision of the Director of Schools, an appeal may be made to the Board.

Reviewed: May 10, 2010
Reviewed: March 11, 2013

IFAD - Exhibit A

**CITIZENS REQUEST FOR RECONSIDERATION OF
INSTRUCTIONAL MATERIALS**

Adapted from *The Student's Rights to Read* published by
The National Council of Teachers of English

Type of Material

_____ Author _____

Title

Publisher (if
known) _____

—

Request initiated by

Telephone

_____ Address _____

—

City

Complainant represents: () himself; ()
organization_____

() other group

1. To what in the material do you object? (Please be specific; cite pages.)

2. What do you feel might be the result of a student using this material?

3. For what age group would you recommend this
item?_____

4. Is there anything good about this
item?_____

5. Did you read or view the entire
item?_____

6. Are you aware of the judgment of this material by literary
critics?_____

7. What do you believe is the theme of this material?_____

8. What would you like your school to do about this item?

_____do not assign/lend it to my child.

_____withdraw it from all students.

_____send it back to the Media Committee for reevaluation.

9. In its place, what item of equal literary quality would you recommend that would convey as valuable a picture and perspective of our civilization?_____

Date_____

Complainant)

(Signature of

Please use additional paper if necessary.

IFAD Exhibit B

**CHECKLIST FOR RECONSIDERATION OF
INSTRUCTIONAL MATERIALS**

Title

Author

A. Purpose

1. What is the overall purpose of the material? _____

2. Is the purpose accomplished? _____ Yes _____ No

B. Authenticity

1. Is the author competent and qualified in the field? _____ Yes
_____ No

2. What is the reputation and significance of the author and publisher/producer in

the
field? _____

3. Is the material up-to-date? _____Yes _____No

4. Are information sources well documented? _____Yes
_____No

5. Are translations and retellings faithful to the original? _____Yes
_____No

C. Appropriateness

1. Does the material promote the educational goals and objectives of the curriculum?

_____ Yes _____No

2. Is it appropriate to the level of instruction intended? _____Yes
_____No

3. Are the illustrations appropriate to the subject and age levels? _____
Yes _____No

D. Content

1. Is the content of this material well-presented by providing adequate scope, range,

depth, and continuity? _____Yes _____No

2. Does this material present information not otherwise available?

_____Yes _____No

3. Does this material give a new dimension or direction to its subject?

_____Yes _____No

E. *Reviews*

1. Source of review

Favorably reviewed _____ Unfavorably reviewed

2. Does this title appear in one or more reputable selection aids?

_____Yes

_____No

If answer is yes, please list titles of selection aids.

Additional
comments

Recommendation by School Textbook Advisory Committee for Treatment
of Challenged

Materials

DATE: _____

Signature of Textbook Advisory Review Committee:

INSTRUCTIONAL ASSISTANTS

Descriptor Code: IFBA

All job assignments with instructional assistants shall be for non-teaching positions. Instructional assistants may be involved in the instructional program only if they are under supervision of a certificated teacher.¹ They shall assist the teacher in achieving the objectives of the instructional program and shall perform such tasks as may be assigned.

In addition, the Board of Education authorizes principals to assign teacher aides to the non-instructional supervision of students without direct supervision of certificated teachers. These duties may include but are not limited to: (1) lunchroom duty; (2) bus duty; (3) recess or playground duty; (4) before or after school duty; or (5) other non-instructional duties.¹

Each principal shall submit annually to the Director of Schools for Board approval, a plan for using teacher aides for non-instructional duties. The Board of Education shall indemnify teacher aides in the performance of their duties by providing liability insurance comparable to the insurance coverage of certificated employees.

Legal References:

1. TCA 49-2-303

Reviewed: May 10, 2010
Revised: April 8, 2013

FIELD TRIPS AND EXCURSIONS

Descriptor Code: IFCB

Field trips are designed to stimulate student interest and inquiry and to provide opportunities for social growth and development are considered appropriate extensions of the classroom.

School sponsored trips are teacher organized, teacher chaperoned and approved by the principal and Director of Schools. These trips will have some educational value or extra-curricular value. All overnight trips must have approval of the Sweetwater City Schools Board of Education.

To be educationally beneficial, a field trip requires thoughtful selection, careful advance preparation of the class, and opportunities for students to summarize the experience at the conclusion of the trip. To this end, teachers and principals will be expected to consider the following factors in selecting field trips:

1. Value of the activity to the particular class or groups;
2. Relationship of the field trip activity to a particular aspect of classroom instruction;
3. Suitability of the activity and distance traveled in terms of age level;
4. Mode and availability of transportation; and
5. Cost

The following guidelines shall be followed in planning and conducting field trips and excursions:

1. Any teacher desiring to take a group of students on an educational field trip must obtain advance approval of the Principal and Director of Schools. The teacher shall complete the field trip request form stating the instructional goals and objectives for the trip and how the planned trip contributes to the unit of study;

2. The trip must have a definite purpose and reflect careful planning. Students should be prepared by general class discussion and/or research;

3. If bus transportation is required, the principal or his/her designee shall make the necessary arrangements. A fee will be charged to the school for mileage when school system buses are used;

4. Signed parental permission forms must be obtained for every student making an off-campus trip beyond the immediate vicinity of school. The principal shall ensure that these forms are kept on file for the remainder of the school year. The form for parental permission must include: purpose, date, time of departure and return, travel plans, destination, number of chaperones, personal expense involved, rules of conduct and penalties for violation, and other facts necessary for the parents to be fully informed. This information is to be completed by the school before the form is signed by the parent.

5. Overnight educational trips and chaperones must be approved by the Board in advance. The cost of the field trip will be a factor in the decision to approve the field trip. These groups must be accompanied by at least one regular staff member and others from the school who are appropriate for adequate supervision and shall be responsible for the student conduct while away. There must be at least one female and one male chaperone if the trip is for a mixed group; an approved adult; with an appropriate background check, must be assigned to each room. Chaperones are responsible for the cost of the background check.

6. Students shall not be penalized for participating in approved school-sponsored trips and activities. Teachers shall permit students to make up class assignments missed because of a trip or activity;

7. Students who participate in overnight trips (educational/athletic) made in order to participate in a multi-level competition, and that has already received Board approval, will be allowed to travel to additional levels of competition without additional Board approval.

8. All accidents that occur on a school-sponsored trip must be reported by the teacher to the principal immediately upon returning to school. Serious accidents involving personal injury must be reported immediately to the principal and or Director of Schools. An emergency

shall be dealt with promptly by the teacher or other members of the school staff by taking appropriate action, including sending the student to the hospital or summoning medical aid or ambulance. In cases where it is necessary to send the student to the hospital, reasonable effort must be made to notify the parents.

9. Prompt departure and return time is the responsibility of the classroom teacher.

10. The teacher should provide the driver with appropriate directions and have a well-scheduled itinerary that includes realistic time schedule. The teacher is responsible for meeting all time requirements.

11. A list of every child and adult on the field trip and their respective bus must be left in the school office and on the bus.

NON-SANCTIONED FIELD TRIPS

Non sanctioned field trips organized by employees acting as independent contractors/agents involving students on a volunteer, self-supporting basis are not approved by the Board and are not considered a part of curriculum. Total responsibility for privately planned field trips or tours rests with the individual(s) and agency sponsoring them. The Board assumes no legal or financial responsibilities for non-sanctioned field trips.

If recruitment of students is sought through the schools (s), the request for recruitment shall be made in accordance with those private citizens. Recruitment efforts shall not occur during class time or the employee's work day.

July 8, 2013

Adopted:

PARENT/FAMILY/COMMUNITY ENGAGEMENT

Descriptor Code: IFCDD

GENERAL EXPECTATIONS FOR ALL SCHOOLS

The school district shall be governed by the statutory definition of parent involvement as cited in the Elementary and Secondary Education Act (ESEA), and shall carry out programs, activities and procedures in accordance with this definition.¹

The Board shall implement the following as required by federal and state legislation²:

- The school district will put into operation activities and procedures for the involvement of parents in all of its schools. Those programs, activities and procedures will be planned and operated with meaningful consultation with parents.
- The school district shall incorporate activities and strategies that support this district wide family and community engagement policy into its Tennessee Comprehensive System wide Planning Process (TCSPP).
- The TCSPP shall include procedures by which parents may learn about the course of study for their children and have access to all learning materials.

- The TCSPP shall include strategies for parent participation in the district's schools which are designed to improve parent and teacher cooperation in such areas as homework, attendance, and discipline.
- If the school district's TCSPP is not satisfactory to the parents, the school district shall submit any parent comments with the plan when the school district submits the plan to the State Department of Education.
- To the extent practicable, the school district and its schools shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports in an understandable and uniform format and including alternative formats upon request, and, to the extent practicable, in a language parents understand.
- The school district shall appoint a Family and Community Advisory Council that will annually assess, through consultation with parents, the effectiveness of the Family and Community Engagement Program and determine what action needs to be taken, if any, to increase parental and community participation. In order to accomplish this, each advisory council shall be composed of representatives from parents of students in elementary and middle schools, community business leaders, a member of the school board, and representatives from the school district.
- Every school district shall ensure Title I schools are in compliance with the *No Child Left Behind Act/ESEA Waiver*.
- System-wide family engagement events are planned, coordinated and scheduled for all parents to attend. The topics that are addressed include ADHD, Autism, Healthy Living, Environmental Recycling, TCAP Family Nights, and Family Reading Nights.
- The school district will coordinate and integrate Title I-A parental involvement strategies with parent involvement strategies under other programs, such as Head Start, Reading First, Early Reading First, Even Start, Parents as Teachers, Home Instruction Program for Preschool Youngsters, State-run preschool programs, and Title III language instructional programs.

Legal References:

1. PL 107-110, No Child Left Behind Act of 2001
2. TCA 49-6-7001-7003; State Board of Education – Tennessee Parent Family Involvement Policy.

Adopted: August 8, 2005
Revised: February 14, 2011
Revised: March 11, 2013

CONTROVERSIAL MATERIALS

Descriptor Code: IKBB

Parent(s) may request that a student not be required to read a book, use certain material, or participate in an activity. If the request to the teacher is denied then a written request may be submitted on the appropriate form to the principal. If the principal denies the request the request may be submitted to the Director (See Exhibit A).

No student who is granted such a request shall be penalized academically for his/her failure to participate in an activity read a book or use certain materials.

The final decision concerning the use of controversial materials shall rest with the Board.

Reviewed: May 10, 2010
Revised: March 11, 2013

IKBB - Exhibit A

**REQUEST FOR EXEMPTION FROM REQUIRED USE OF BOOK,
MATERIALS OR PARTICIPATION IN AN ACTIVITY**

Sweetwater Board of Education

I, _____, hereby request the Board of
Education to

excuse my child, _____, from reading/using
the

book/materials entitled _____ in

grade at _____ School.

Reason(s) for this request:

I understand that the final authority concerning the use of the book,
material or activity rests with the Board of Education.

(Signature of Parent)

(Address)

(Phone)

(Date)

PERIOD OF SILENCE

Descriptor Code: IKJ

Each teacher responsible for students at the beginning of each school day shall call the students to order and announce that a moment of silence is to be observed. No other action is to be taken by the teacher other than to maintain silence for the full time.

At the end of approximately one minute the teacher shall indicate the end of the period of silence and shall resume regular class activities which may include announcements or other business before commencing instruction.¹

Legal References:

1. TCA 49-1922, as amended by Chapter 18,
Tennessee Public Acts of 1983
2. TCA 49-6-1004

10, 2010

2013

Reviewed: May

Revised: March 11,

WEB PAGES

Descriptor Code: IKK

CONTENT STANDARDS

In order to take advantage of the opportunities the Internet provides, the Board authorizes the creation of school and/or district web pages on the Internet. Only those web pages maintained in accordance with Board policy and established procedures shall be recognized as official representations of the district or individual schools. All information on a school or district web page must accurately reflect the mission, goals, policies, program and activities of the school and district. The web page must have a purpose which falls within at least one of three categories:

1. Support of curriculum and instruction – intended to provide links to Internet resource for students, parents, and staff in the district;
2. Public information – intended to communicate information about the schools and district to students, staff, parents, community and the world at large; and
3. District technology support – intended to provide and respond to instructional and administrative technology needs of students and staff.

All material on a school web site shall be either original to the school, in the public domain or posted with the express permission of its rightful owner. This includes graphics, pictures, video sounds, music, characters, logos and trademarks. Web page publications shall follow all applicable copyright laws and guidelines.

Web sites developed under contract for the school district or within the scope of employment by district employees are the property of the school district.

PRIVACY STANDARDS

1. Because Internet publications are available to the entire world, special care shall be taken to protect the privacy of students and staff. Web pages may not include personally identifying information regarding a student¹ such as: telephone numbers, addresses, names of other family members, names of friends, e-mail addresses, specific location of a student at any given time, grades or any other academic information. No confidential information shall be published on or linked to the web site.
2. Student work may be published on web pages only with written consent of the student's parent/guardian or the eligible student before each incident of publication. The authoring student shall also sign a copyright consent form.
3. Links to student e-mail accounts are prohibited.
4. Pictures of students may be included only under the following conditions:
 5. Individual student pictures may be published on the web site only with written consent of the student's parent/guardian or eligible student,
 6. Pictures of groups of students involved in a school-related activity may be published without consent; however, the students shall only be identified by the group name.
 7. Students shall not be individually identified in pictures unless there is a special reason for doing so, such as recognition for receiving an award. In such cases, the student's parent/guardian or eligible student must give written consent.

ADMINISTRATIVE PROCEDURES

The director of schools shall develop administrative procedures for development of web pages including content, quality and consistency and standards and shall designate an individual(s) to be responsible for maintaining the official district web page and monitoring all district web page activity. A building principal shall make such designation for an individual school. Schools or departments who wish to publish a web

page must identify the webmaster's name, e-mail address and phone number on the web page.

CONCERNS/COMPLAINTS

As with any instructional materials or publication used by representing the school or district, the building principal or director of schools, respectively, is ultimately responsible for accuracy and appropriateness of the information made available on the web site. Concern about the content of any pages(s) created by students or staff should be directed to the building principal or the director of schools' office when related to the district web site. If the concern is not resolved, persons who wish to file a formal complaint shall submit a written request for reconsideration of instructional material.

Legal Reference:

1. 20 U.S.C.A. 1232 g (a) (5) (A) (B)
Materials

Cross References:

- Reconsideration of Instructional 4.403
- Use of Copyrighted Materials 4.404
- Employee-Developed Materials 4.405

Reviewed: May 10, 2010

Reviewed: March 11, 2013

USE OF THE INTERNET

Descriptor Code: IKL

The Board supports the right of staff and students to have reasonable access to various information formats and believes it incumbent upon staff and students to use this privilege in an appropriate and responsible manner.

Employees

The Director of Schools shall develop and implement appropriate procedures to provide guidance for teacher use of the Internet. Procedures shall address the following:

1. The Network and Internet Use of Agreement.
2. Appropriate instruction of students in the responsible use of the Internet.
3. General rules and ethics of Internet access.
4. Prohibited and illegal activities, including, but not limited to:

- Sending or displaying offensive messages or pictures
- Using obscene language
- Harassing, insulting or attacking others
- Damaging computers, computer systems or computer networks
- Violation of copyright laws
- Trespassing in another's folders, work or files
- Intentional misuse of resources
- Using another's password
- Use of the network for commercial purposes
- Revealing your personal address or phone number or that of another person

5. Reporting misuse of the Internet.

Students

The Director of Schools shall develop and implement appropriate procedures to provide guidance for student use of the Internet Procedures shall address the following:

1. General rules and ethics of Internet use.
2. Prohibited and illegal activities (see item #4 above)

A written parental request shall be required prior to the student being granted independent access to electronic media involving district technological resources. The required permission/agreement form, which shall specify acceptable uses, rules of on-line behavior, access privileges and penalties for policy/procedural violations, must be signed by the parent/legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding

document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Director of Schools with a written request.

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

The Board shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate its Internet safety measures.

E-mail

Electronic mail capability among board members and district staff exists for the purpose of enhancing communication to better perform tasks associated with their positions and assignments. Therefore all staff and board members who have access to the district network shall adhere to the following guidelines when sending or receiving messages via system wide-electronic mail (e-mail):

1. Because all computer hardware and software belong to the Board, all data including e-mail communications stored or transmitted on school system computers shall be monitored. Employees/board members have no right to privacy with regard to such data. Confidentiality of e-mail communication cannot be assured. E-mail correspondence may be a public record under the public records law and may be subject to public inspection.¹
2. Messages shall pertain to legitimate board/district business; e-mail shall not be used to circumvent requirements of the Open Meetings Act.²
3. Staff/board members will be asked to sign an application for terms and conditions for *Use of the Internet*. Staff/board members shall not reveal their passwords to others in the network or to anyone outside of it. If anyone has reason to believe that a password has been lost or stolen or that e-mail has been accessed by someone without authorization, s/he shall contact the technology coordinator immediately.

4. It is the responsibility of the sender not to violate copyright laws.
5. Messages shall not be sent that contain material that may be defined by a reasonable person as obscene or that are racist, sexist or promote illegal or unethical activity.

Internet Safety Instruction⁴

Students will be given appropriate instruction in internet safety as a part of any instruction utilizing computer resources. Parents and students will be provided with material to raise awareness of the dangers posed by the internet and ways in which the internet may be used safely.

Violations

Any usage contrary to the above shall be reported immediately to the director of schools and may result in the suspension and/or revocation of system access or if deemed necessary, appropriate disciplinary action may be taken.

Legal Reference:

1. 47 U.S.C. 254; Federal-State Joint Board on Universal Service, CC Docket No. 96-45 Report and Order (March 30, 2001)
2. TCA 10-7-512
3. TCA 8-44-102
4. TCA 49-1-221

**STUDENT RECORDS
ANNUAL NOTIFICATION OF RIGHTS**

Descriptor Code: IKLM

Within the first three weeks of each school year, the school system will notify parent(s) of students and eligible students* of each student's privacy rights.¹ For students enrolling after the above period, this information will be given to the student's parent(s) or the eligible student

at the time of enrollment.² The notice will 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 such 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 will mark the appropriate student records for which directory information is to be limited, and this designation will 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 listing, photograph, date and place of birth, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and most recent educational agency or institution attended.³

*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

1. 34 CFR § 99.4
2. 34 CFR § 99.7; TCA 10-7-504
3. 34 CFR § 99.3
4. TCA 49-6-406
5. 34 CFR § 99.5

2010

11, 2013

Reviewed: May 10,

Reviewed: March

TESTING

Descriptor Code: IL

Student scores on the Tennessee Comprehensive Assessment Programs grades three through eight (3-8) shall comprise fifteen (15%) percent of the student's final grade in the spring semester in the subject areas of mathematics, reading/language arts, science and social studies.¹

Legal References:

1. Tenn. Code Ann. § 49-1-614

Adopted: January 18, 2011
Reviewed: March 11, 2013

STUDENT GOALS AND OBJECTIVES

Descriptor Code: JAA

In order to establish an environment conducive to learning for each student, the Board establishes the following goals:

1. To assure all students the same educational opportunities regardless of race, color, creed, religion, ethnic origin, sex or disabilities.
2. To protect and observe the legal rights of students;
3. To promote a learning environment which provides opportunities for all students without regard to race, creed, ethnic origin, sex or disabilities.
4. To enhance the self-image of each student by helping him/her feel respected and worthy through a learning environment which provides positive encouragement from frequent success;
5. To provide an environment of reality in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens.
6. To deal with students in matters of discipline in a fair and constructive manner;
7. To provide for the safety, health and welfare of students;
and
8. To promote faithful attendance and good work.

The Director of Schools shall establish complaint procedures for providing due process when a student believes he or she has been discriminated against.

14, 2010

2013

Reviewed: June

Reviewed: April 8,

STUDENT ATTENDANCE

Descriptor Code: JB

Attendance is a key factor in student achievement; therefore students are expected to be in school each day that school is in session.

An absence occurs when a student is in school less than three hours and sixteen minutes of any school day. Absences shall be classified as excused or unexcused as determined by the principal or his designee.

Student attendance records shall be given the same level of confidentiality as other student records. Only authorized school officials with legitimate educational purposes may have access to student information without the consent of the student or parent/guardian.¹

It is the responsibility of the parent to provide written excuse to the school following a child's absence. Parent notes may be used to excuse ten days of absence for children in kindergarten and first grade and five days of absences in grades two through eight for the following reasons:

1. personal illness;
2. dental and medical appointments;
3. death in the immediate family;
4. religious observance;²
5. educational trips arranged by parents and with prior approval of the principal; and
6. circumstances which in the judgment of the principal creates an emergency over which the student has no control.

A one-day excused absence is provided for students when their parent or custodian is deployed into active military service. A one-day excused absence is also provided for students when a parent or custodian

returns from active military service. Students shall be permitted to make up schoolwork missed during the excused absences.³

Absences beyond ten days for students in kindergarten and first grade and five days in grades two through eight will only be excused by a doctor's statement.

Students will be allowed to make up all work missed during an excused absence. It is the responsibility of the student to arrange for make-up work immediately upon returning to school.

The principal or the principal's designee shall contact the parents or guardian of a student each time he/she accumulates five days of unexcused absences. The principal shall also report this information to the office of the Director of Schools. Any student who is absent without excuse following such notification shall be referred to juvenile authorities.

Legal References:

1. TCA 10-7-504; 20 U.S.C. 1232g
2. TRR IMS 0520-1-3.03 (15); TCA 49-6-2904
3. Public Acts 2006, chapter no. 552

14, 2010
2013

Reviewed: June

Reviewed: April 8,

ATTENDANCE OF NON-RESIDENT STUDENTS

Descriptor Code: JBCB

Enrollment in the Sweetwater City Schools will be determined on the basis of home residence. Students having residence in other school districts may apply for admission based on the following conditions:

1. Approval by the Director of Schools.
2. Availability of space. A school's enrollment shall be considered full when **either** the student's grade **or** grade cluster (K – 3, 4 – 6, 7 – 8) is within one of the state standard – 19 for grades K – 3, 24 for grades 4 – 6, and 29 for grades 7 – 8.
3. Payment of \$ 200 \$_____per student, per year for out-of-county residents. 2014-15-school year, Tuition must be received in advance of the school year.
4. Application within two weeks of the first day of the school year. After two weeks prior to the first day of the school year, non-resident students wishing to transfer into the system must also have approval of the sending system.
5. Students who become residents of the district will be refunded any portion of the tuition on a pro-rata basis.
6. Tuition charges may be waived for children of employees of the Sweetwater City Schools.
7. The school system shall have the right to reject the application of any student who fails to demonstrate a satisfactory academic and attendance record and/or has an unsatisfactory discipline record. Students who are under suspension or assigned to an alternative

school in another system will not be allowed to transfer into the system. A non-resident student who in the judgment of the principal fails to maintain these standards will be removed from the Sweetwater City School System.

8. Non-resident students will not be accepted in the pre-school program.

Revised: August 10, 2009
Reviewed: June 14, 2010
Reviewed: April 8, 2013
Revised: June 10, 2013

INTERROGATIONS AND SEARCHES

Descriptor Code: JCAB

INTERROGATIONS BY SCHOOL PERSONNEL

School personnel have a duty to report any reasonable suspicion that a student is carrying, or has carried, a weapon or is violating, or has violated, a provision of the Tennessee Drug Control Act to the principal, the principal's designee, or if the principal and the principal's designee are unavailable and the offense was committed on school property, to the appropriate authorities.

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. Questioning should be conducted discreetly and under circumstances which will avoid unnecessary embarrassment to the student being questioned. Any student answering falsely, evasively or refusing to answer a proper question may be subject to disciplinary action, including suspension.

If a student is a suspect or is 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) or legal custodians and without giving the student constitutional warnings.

INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)

If the principal has requested assistance by the police department to investigate a crime involving his/her school, the police shall have permission to interrogate a student suspect in school during school hours. The principal shall first attempt to notify the parent(s)/guardian(s) or legal custodians of the student of the intended interrogation, unless circumstances require otherwise. The interrogation may proceed without attendance of the parent(s)/guardian(s) or legal custodians. 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, inform him/her of the probable cause to investigate within the school. The principal shall make reasonable effort to notify the parent(s)/guardian(s) or legal custodians of the interrogation unless circumstances require otherwise. The interrogation may proceed without attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee shall be present during the interrogation.

SEARCHES BY SCHOOL PERSONNEL

Any principal, or his/her designee, having reasonable suspicion may search any student, place or thing on school property or in the actual or constructive possession of any student during any organized school activity off campus, including buses, vehicles of students or visitors (*Notice shall be posted in the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous weapons*), and containers or packages if he/she receives information which would cause a reasonable belief that the search will lead to the discovery of:

1. Evidence of any violation of the law;
2. Evidence of any violation of school rules or regulations or proper Standards of student or faculty conduct;

3. Any object or substance which, because of its presence, presents an Immediate danger of harm or illness to any person.

A student using a locker that is the property of the school system does not have the right of privacy in that locker or its contents. All lockers or other storage areas provided for student use on school premises remain the property of the school system and are provided for the use of students subject to inspection, access for maintenance and search. *Notice shall be posted in each school that lockers and other storage areas are school property and are subject to search.*

A student may be subject to physical search or a student's pocket, purse or other container may be required to be emptied because of the results of a locker search, or because of information received from a teacher, staff member or other student if such action is reasonable to the principal. All of the following standards of reasonableness shall be met:

1. A particular student has violated policy;
2. The search could be expected to yield evidence of the violation of School policy or disclosure of a dangerous weapon or drug;
3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;
4. The primary purpose of the search is not to collect evidence for a criminal prosecution; and
5. The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

School officials may conduct hand-held or walk-through metal detector checks of a student's person or personal effects.

USE OF ANIMALS

When necessary, dogs or other animals trained to detect drugs or dangerous weapons may be used in conducting searches, but the animals shall be used only to pinpoint areas which need to be searched and shall not be used to search the persons of students or visitors.

USE OF METAL DETECTORS

In view of the escalating presence of weapons in the schools, the Board of Education authorizes the use of hand-held or walk-through metal detectors to check a student's person or personal effects as follows:

School officials or law enforcement officers may conduct metal detector checks of groups of individuals if the checks are done in a minimally-intrusive, nondiscriminatory manner (e.g., on all students in a randomly selected class; or every third individual entering an athletic event). Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.

If a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, s/he may conduct a metal detector check of the student's person and personal effects.

A student's failure to permit a metal detector check as provided in this policy will be considered grounds for disciplinary action including possible suspension.

The Director of Schools shall develop procedures for use of metal detectors.

SEARCHES BY POLICE

If public health or safety is involved, upon request of the principal who shall be present, police officers may make a general search of students' lockers and desks, or students' or nonstudents' automobiles for drugs, weapons or items of an illegal or prohibited nature.

If the principal has received reliable information which he/she believes to be true that evidence of a crime or of stolen goods, not involving school property of members of the school staff or student body, is located on school property and that any search for such evidence or goods would be

unrelated to school discipline or to the health and safety of a student or the student body, he/she shall request police assistance; and procedures to obtain and execute a search warrant shall thereafter be followed.

Anything found in the course of the search conducted in accordance with this policy which is evidence of a violation of the law or a violation of student conduct standards may be:

1. Seized and admitted as evidence in any hearing, trial, suspension or dismissal proceeding. It should be tagged for identification at the time it is seized and kept in a secure place by the principal or the principal's designee until it is presented at the hearing. At the discretion of the principal, the items seized may be returned to the parent or guardian of a student or, if it has no significant value, the item may be destroyed, but only with the express written permission of the Director of Schools.

2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or drug as defined in TCA 49-6-4202 shall be turned over to an appropriate law enforcement official after completion of an administrative proceeding at which its presence is reasonably required.

Whenever the possibility of uncovering evidence of a criminal nature exists, the principal or his/her designee may request the assistance of a law enforcement officer to:

1. Search any area of the school premises, any student or any motor vehicle on the school premises; or
2. Identify or dispose of anything found in the course of a search conducted in accordance with this policy.

The involvement of law enforcement officials is encouraged when there is reasonable cause to suspect that criminal evidence is about to be uncovered.

Legal References:

1. TCA 49-6-4202 through TCA 49-6-4212

14, 2010

Reviewed: June

11, 2013

Reviewed: March

STUDENT DISCRIMINATION/HARASSMENT AND BULLYING/INTIMIDATION

Descriptor Code: JCAD

DISCRIMINATION/HARASSMENT (Sexual, Racial, Ethnic, Religious)

Students shall be provided a learning environment free from sexual, racial, ethnic and religious discrimination/harassment.¹ It shall be a violation of this policy for any employee or any student to discriminate against or harass a student through disparaging conduct or communication that is sexual, racial, ethnic or religious in nature. The following guidelines are set forth to protect students from discrimination/harassment.

Student discrimination/harassment will not be tolerated.²

Discrimination/harassment is defined as conduct, advances, gestures or words either written, typed, or spoken of a sexual, racial, ethnic or religious nature which:

1. Unreasonably interfere with the student's work or educational opportunities; or
2. Create an intimidating, hostile, or offensive learning environment; or
3. Imply that submission to such conduct is made an explicit or implicit term of receiving grades or credit; or
4. Imply that submission to or rejection of such conduct will be used as a basis for determining the student's grades and/or participation in a student activity.

BULLYING/INTIMIDATION/HAZING

Students shall be provided a safe learning environment. It shall be a violation of this policy for any student to bully, intimidate or create a hostile educational environment for another student. Harassment, bullying and intimidation occurs, if the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, if the act either physically harms a student or damages his/her property, or knowingly places the student in reasonable fear of such, causes emotional distress to a student or students, or creates a hostile educational environment. If the act takes place off school property or outside of a school-sponsored activity, an act of

harassment, bullying or intimidation occurs if the act is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process. These acts may also take place through electronic means.³

Hazing by students acting alone or with others is strictly prohibited.⁴ Coaches and other employees of the school system shall not encourage, permit, condone, or tolerate hazing activities as part of the athletic program. Any school club, team, or organization that permits any intimidation that goes beyond the scope of activities planned and previously approved will be suspended until reinstated by the principal.

Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher, counselor, or building administrator.⁵ Any allegations shall be fully investigated by a complaint manager (as set forth in *Student Concerns, Complaints and Grievances JCAE*).

The privacy and anonymity of all parties and witnesses to complaints will be respected. However, because an individual's need for confidentiality must be balanced with obligations to cooperate with police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough investigation or to take necessary action to resolve a complaint, the identity of parties and witnesses may be disclosed in appropriate circumstances to individuals with a need to know.

A substantiated charge against an employee shall result in disciplinary action up to and including termination. A substantiated charge against a student may result in corrective or disciplinary action up to and including suspension.

There will be no retaliation against any person who reports harassment or participates in an investigation. However, any employee who refuses to cooperate or gives false information during the course of any investigation may be subject to disciplinary action. The willful filing of a false report will itself be considered harassment and will be treated as such.

An employee disciplined for violation of this policy may appeal the decision by contacting the Federal Rights Coordinator. Any student disciplined for violation of this policy may appeal the decision in accordance with the disciplinary policies and procedures.

This policy shall be referenced in the parent/student handbook distributed annually to every student.

Building administrators are responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.

Legal References:

1. TCA 49-6-3109
Before
2. Title VII; 29 CFR §1604.11;
Davis v. Monroe Co. Board of Education, No. 97-843
(U.S. Sup. Ct. May 24, 1999)
Grievances
3. TCA 49-6-1014-1019
4. TCA 49-2-120
5. Title IX (120 U.S. C. §§ 1681-1686)

10, 2005

2010

13, 2012

2013

2013

Cross References:

Appeals to & Appearances

the Board 1.608

Staff-Student Relations 5.610

Student Complaints and

6.305

Adopted: October

Reviewed: June 14,

Revised: February

Reviewed: April 8,

Revised: May 13,

STUDENT CONCERNS, COMPLAINTS AND GRIEVANCES

Descriptor Code: JCAE

STUDENT CONCERNS AND COMPLAINTS

Decisions made by school personnel – such as aides, teachers, or assistant principals – which students believe are unfair or in violation of pertinent policies of the Board or individual school rules may be appealed to the school principal or a designated representative. To appeal, students will contact the principal's office in their school and provide their name, the issue and the reason for their appeal on a printed form available at the school office within two days. The appeal will usually be decided confidentially and promptly, preferably within 5 school days.

However, if the principal does not make a decision with 5 school days following the date of complaint, students or parents may appeal at that time by contact the director of schools/designee at the central office. The information provided should include the student's name, the school and a description of the problem.

An investigation and decision will be made within two (2) school days and communicated to the school principal and student by telephone. A written copy of the decision also will be sent to the student and the principal.

DISCRIMINATION/HARASSMENT GRIEVANCE PROCEDURES

Filing a Complaint – Any student of this school district who wishes to file a discrimination/harassment grievance against another student or an employee of the district may file a written or oral (recorded, if possible) complaint with a complaint manager.¹ Students may also report an allegation of discrimination/harassment to any teacher or other adult employed in the school who shall inform a complaint manager of the allegation. The complaint should include the following information:

Identity of the alleged victim and person accused;

Location, date, time and circumstances surrounding the alleged incident;

Description of what happened;

Identity of witnesses; and

Any other evidence available.

Investigation – Within twenty-four hours of receiving the student’s complaint, the complaint manager shall notify the complaining student’s parent/guardian and the principal who shall inform the director of schools. The parent/guardian shall be given notice of the right to attend an interview of the student in a non-intimidating environment in order to elicit full disclosure of the student’s allegations. This interview shall take place within five (5) days from the time the complaint was first made. If no parent/guardian attends the interview, another adult, mutually agreed upon by the student and the complaint manager, shall attend and may serve as the student’s advocate. After a complete investigation, if the allegations are substantiated, immediate and appropriate corrective or disciplinary action shall be initiated. The complaint and identity of the complainant will not be disclosed except (1) as required by law or this policy; or (2) as necessary to fully investigate the complaint; or (3) as authorized by the complainant. A school representative will meet with and advise the complainant regarding the findings, and whether corrective measures and/or disciplinary action were taken. The investigation and response to the complainant will be completed within thirty (30) school days. Copies of the report will be sent to the student, principal, Federal Rights Coordinator and the director of schools. One copy shall be kept in the complaint manager’s file for one (1) year beyond the student’s eighteenth (18th) birthday. The director of schools shall keep the Board informed of all complaints.

Decision and Appeal – If the complainant is not in agreement with the findings of fact as reported by the complaint manager, an appeal may be made, within five (5) work days to the director of schools. The director of schools will review the investigation, make any corrective action deemed necessary and provide a

written response to the complainant. If the complainant is not in agreement with director of schools' findings of fact, appeal may be made to the Board of Education within five (5) work days. The Board shall, within thirty (30) days from the date the appeal was received, review the investigation and the actions of the director of schools and may support, amend or overturn the actions or request additional investigation and report their decision in writing to the complainant.

APPOINTING COMPLAINT MANAGERS

The director of schools shall appoint at least two complaint managers, one of each gender for each school. The Federal Rights Coordinator may serve as a complaint manager. The names, addresses, and telephone numbers of current complaint managers are listed in the employee handbook.

Annual notification of this policy will be provided to students and parents. Building administrators are responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.

Legal References:

1. Title IX, Education Amendment of 1972, 20 U.S.C. 168, et. Seq.

2010

2013

Reviewed: June 14,

Revised: May 13,

ZERO TOLERANCE OFFENCES

Descriptor

Code: JCB

In order to ensure a safe and secure learning environment, the following offenses will not be tolerated:

FIREARMS (as defined in 18 U.S.C. & 921)¹

In accordance with state law, any student who brings or poses a firearm on school property, in a school vehicle, or at a school sponsored activity, 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.²

DRUGS

In accordance with state law, any student who unlawfully possesses any drug including any controlled substance or legend drug while on school property, in a school vehicle, or at a school sponsored activity 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.³

BATTERY

In accordance with state law, any student who commits battery 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.³

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.⁴

Legal References:

1. 18 U.S.C.921
2. 20 U.S.C. § 8921; TCA 49-6-4216(b); TCA 49-6-3401(g)
3. TCA 49-6-3401(g); TCA 49-6-4216(b)
4. TCA 49-6-4209; TCA 39-17-1312

Cross References:

Discipline Procedures 6.313
Suspension/Expulsion/Remand
6.313

Reviewed: June 14, 2010
Reviewed: April 8, 2013

SMOKING BY STUDENTS

Descriptor Code: JCBC

All uses of tobacco and tobacco products, including smokeless tobacco, are prohibited in all of the school district's buildings.¹ Smoking shall be prohibited in any public seating areas, including but not limited to, bleachers used for sporting events, or public restrooms.²

Students shall not be allowed use or be in possession of cigarettes or other tobacco products while on school property, while participating in a school-sponsored event, while on school buses to and from school or to and from school-sponsored events.

Any student who possesses tobacco products shall be issued a citation by the school principal/principal designee³ and shall be subject to additional punishment as deemed appropriate by the building principal/principal designee and which may include suspension and/or expulsion from school.

Parents and students shall be notified of this citation requirement at the beginning of each school year.

Signs will be posted throughout the district's facilities to notify students, employees and all other persons visiting the school that the use of tobacco and tobacco products is forbidden.¹ The following notice shall be prominently posted (including at each ticket booth) for elementary or secondary school sporting events: *Smoking is prohibited by law in seating areas and in restrooms.*²

Legal Reference:

1. Section 1042 of the Environmental Tobacco Smoke/Pro-Children Act of 1994
2. TCA 39-17-1604(6)(10); TCA 39-17-1605; TCA 39-17-1606
3. TCA 39-17-1505

14, 2010

8, 2013

Reviewed: June

Reviewed: April

DRUG-FREE SCHOOLS

Descriptor Code: JCBD

In order to protect the rights of students, to safeguard the learning environment, and to contribute to a “Drug Free” community, the Board’s plan for dealing with alcohol and drugs¹ shall include the following:

1. Appropriate ways for handling alcohol/drug-related medical emergencies;
2. Guidelines for reporting alcohol/drug incidents and illegal activities;
3. Guidelines for referral of students who may have an alcohol/drug problem and/or are considered “high risk” to agencies and other sources of appropriate help;
4. Effective working relationships with appropriate community agencies, such as alcohol/drug service providers, law enforcement agencies and judicial officials.

Through the use of state guidelines the director of schools shall be responsible for:

1. Development and implementing an appropriate curriculum on alcohol and drug education for students;
2. Providing adequate information and training for all staff personnel as appropriate to their responsibilities;
3. Implementing the relevant portions of the Drug-Free Youth Act;²
4. Developing administrative rules and guidelines for the school system to effectively respond to alcohol and drug situations that may occur at school or school-sponsored events; and
5. Providing notification to parents and students that compliance with this policy is mandatory.

Students will not consume, possess, use, sell, distribute or be under the influence of illegal drugs or alcoholic beverages in school buildings or on school grounds at any time, in school vehicles or buses, or at any

school-sponsored activity, whether on or off school grounds.³ This includes but is not limited to the use of inhalants.³

Disciplinary sanctions will be imposed on students who violate standards of conduct required by this policy. Such sanctions will be consistent with local, state and federal laws, up to and including suspension/expulsion as well as referral for prosecution.⁴ Completion of an appropriate rehabilitation program may also be recommended.

Information about drug and alcohol counseling and rehabilitation programs will be made available through the school office.

Legal References:

1. TRR/MS 0520-1-3-.08(2)(d)
2. 20 USCA § 7116; 34 CFR § 86.200.6.309
3. TCA 39-17-417; TCA 39-17-715
Suspension/Expulsion/Remand
4. TCA 49-6-4209; TCA 49-6-3401

Cross References:

Drug-Free Workplace 1.804
Zero Tolerance Offenses

6.316

Reviewed: June 14, 2010

Reviewed: April 8, 2013

WEAPONS AND DANGEROUS INSTRUMENTS

Descriptor Code: JCBE

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 purpose 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

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.³

Students who are found to have violated this policy shall be subject to suspension and/or expulsion from school. A student who possesses a firearm in a school building, on school grounds, on a school vehicle or bus, or at any school sponsored activity shall be subject to a suspension for a period of not less than one (1) calendar year. The Director of Schools shall have the authority to modify this suspension requirement on a case-by-case basis.³ Nothing in this policy shall prohibit the assignment of such students to alternative school.

Legal References:

1. TCA 39-17-1309
2. TCA 39-11-106(a)(5)(A)(B)
3. Gun Free Schools Act 1994, Section 14601 (1)(2)

14, 2010

2013

Reviewed: June

Reviewed: April 8,

USE OF PERSONAL COMMUNICATION DEVICES IN SCHOOL

Descriptor Code: JCBEA

Students may possess personal communication devices, such as pagers and cellular phones, while on school property during the regular school day. However, the personal communication device must be in the off mode, not visible, and placed in a backpack, pocketbook or a similar personal carrying device or in a location designated by the principal. The principal or principal designee may grant a student permission to use a personal communication device at the principal's or principal designee's discretion.

A "personal communication device" is a device that emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor.

Any violation of this policy shall be reported to the principal. Students who use and/or possess a device in violation of this policy shall have the device confiscated until such time as it may be released to a parent or guardian. Repeat offenders shall be subject to further disciplinary actions including suspension from school.

14, 2010

2013

Reviewed: June

Reviewed: April 8,

BUS CONDUCT

Descriptor Code: JCBF

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

As bus service is an extension of the classroom, the board expects students to conduct themselves on the bus in a manner consistent with the established standards for classroom behavior and to follow school system rules for bus transportation.

Students are under the supervision and control of the bus driver while on his bus and all reasonable directions given by him are to 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.**²

Any student who gets off the bus at any point between the pick-up point and school must present the bus driver with a note of authorization from the parent or the principal of the school that the student attends.

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

The principal of the student transported shall be informed 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 determined by the principal that his behavior is such as to cause disruption on the bus, or when he disobeys state or local rules and regulations pertaining to pupil transportation.

The suspension of a student from riding the school bus shall follow the same procedures as for any other school suspension.

Students who utilizes a school as a terminal for riding a bus to his/her own school shall abide by the discipline polices adopted by the Board and rules adopted by the staff of the terminal school.

Before departing the bus the driver will check the bus for children.

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.

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

Legal References:

1. TCA 49-6-2008
2. PC 261- 2007

INTERFERENCE/DISRUPTION OF SCHOOL ACTIVITIES

Descriptor Code: JCBG

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.^{1,2,3} 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 teacher is able to relocate a student for safety reasons.⁴

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 s/he urge other students to engage in such conduct.

Legal References:

1. TCA 49-6-4102
2. TCA 49-2-120
3. TCA 49-6-3401
4. TCA 49-6-4018

October 10, 2005

Revised:

Reviewed: July 12, 2010

Revised:

October 15, 2012

Reviewed: April 8, 2013

CARE OF SCHOOL PROPERTY

Descriptor Code: JCBH

Students are expected to help maintain the school environment, preserve school property and exercise care while using school facilities.

Students who destroy, damage, or lose school property shall be responsible for the cost of replacing or repairing such materials or equipment. School property is defined as buildings, bus, books, equipment, records, instructional materials, etc.

2010

Reviewed: July 12,

2013

Reviewed: April 8,

DETENTION

Descriptor Code: JCCB

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 will be given at least one day of notice before detention.
2. Parents will be informed before detention takes place.
3. Students in detention will be under the supervision of certificated staff members.
4. Detention will not exceed one hour after the official closing of the school day but may be administered several days in succession.
5. Teachers must follow guidelines established by the school principal when assigning a student to detention.

2010
8, 2013

Reviewed: July 12,
Reviewed: April

SUSPENSIONS/EXPULSION/REMAND

Descriptor Code: JCCC

DEFINITIONS:¹

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 may suspend/expel any student from attendance at school or any school-related activity on or off campus (out-of-school suspension) or from attendance at a specific class or classes, or 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:²

1. Willful and persistent violation of the rules of the school or truancy;
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 39-6-1701 on school property;
8. Assaulting a principal, teacher, or other school personnel with vulgar, obscene or threatening language;
9. Unlawful use or possession of barbitol or legend drugs, as defined in TCA 53-10-101;³
10. Engaging in behavior which disrupts a class or school sponsored activity or is detrimental to safety on a school bus;
11. Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device including chemical weapons on school property or at a school sponsored event;
12. Two (2) 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;
14. Any other conduct prejudicial to good order or discipline in any school.

IN-SCHOOL SUSPENSION:⁴

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.

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

PROCEDURES FOR IN-SCHOOL AND OUT-OF SCHOOL SUSPENSION:⁵

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 misconduct, questioned about it, and allowed to give an explanation.

2. Upon suspension/expulsion of any student (other than for in-school suspension of one (1) day or less), the principal shall within twenty-four (24) hours notify the parent or guardian and the director of schools or designee of:

- (a) The suspension/expulsion and cause for it; and
- (b) the conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student, and principal.

The student shall not be sent home before the end of the day unless the parent or guardian has been contacted.

3. If the suspension/expulsion is more than five (5) school days, the principal shall develop and implement a plan for correcting the behavior when the student returns to school.

4. If, at the time of the suspension/expulsion, the principal, principal-teacher or assistant principal determines that an offense has been committed which would justify a suspension/expulsion for more than ten (10) school days, such person may suspend/expel/remand a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

5. The principal, principal-teacher, or assistant 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) school days. 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.

6. The appeal from this decision shall be to a disciplinary hearing authority appointed by the Board and consisting of three to five (3 – 5) members, at least one of which must be a licensed employee of the board.

7. The hearing shall be held no later than ten (10) school days after the beginning of the suspension. The disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated above who ordered the suspension. Notice shall also be given to the local education agency employee referenced in (5) above who requests a hearing on behalf of a suspended student. The notice of the hearing shall include a statement that, unless the student's parent or guardian requests an open hearing within five (5) days of receipt of the notice, any hearing will be closed to the public.

8. After the hearing, the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension/expulsion/remand unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school⁵, or suspend the student for a specified period of time.*

9. A written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student or principal may within five (5) school days of the decision request review by the Director of Schools.

10. The Director of Schools may affirm the decision of the hearing authority or modify the decision. The student or principal may within five (5) school days of the decision request review by the Board of Education.

11. After a review of the record, the board may affirm the decision of the hearing authority, modify the decision* to a lesser penalty, or grant a hearing before the Board.

12. After the hearing, the board may affirm the decision of the hearing authority or modify the decision in any manner*, including imposing a more severe penalty than that of the hearing authority.

13. In the event the suspension/expulsion/remand occurs during the last ten (10) school 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.

***Note:** Zero-tolerance offenses set forth in statute (firearms, drug possession, and battery upon a school employee require mandatory

calendar year expulsion or assignment to alternative placement for a calendar year unless modified by the director of schools.

Legal Reference:

1. TCA 49-6-3007(g)
2. TCA 49-6-3401; TCA 39-17-1309; TCA 39-17-417.
3. TCA 49-6-4216; TCA 39-17-309;
TCA 39-17-417
4. TCA 49-6-3401
TCA 49-6-3401(4) – 66; Goss v. Lopez, IDEA of 1997 615

2010
8, 2013

Reviewed: July 12,

Reviewed: April

ADMISSION OF SUSPENDED OR EXPELLED STUDENTS

Descriptor Code: JCCD

The Board may deny admission of any student (except those in state custody) who has been expelled or suspended from another school system in Tennessee or another state even though the student has established residency in the system in which s/he seeks enrollment.

After a request for enrollment is made, the director of schools shall investigate the facts surrounding the suspension/expulsion from the former school system and make a recommendation to the Board to approve or deny the request.

The Board shall not deny enrollment beyond the length of the imposed suspension/expulsion.

If the action of the Board is to deny admission, the Director of Schools shall, on behalf of the Board of Education, notify the Commissioner of Education of their decision.

Any school system that accepts enrollment of a student from another school system may dismiss the student if it is determined subsequent to the enrollment that the student has been suspended or expelled from the former school system.¹

Legal Reference:

1. TCA 49-6-3401 (f); 20 U.S.C. A § 1232G(b)(4)(h)

Cross References:

School Admissions 6.203

Student Records 6.600-604

Reviewed: July 12, 2010

Reviewed: April 8, 2013

**REQUEST FOR ADMISSION OF SUSPENDED/EXPELLED
STUDENT**

Student Name _____ Age _____ Grade

Parent(s) Name

Address

Phone Number (h) _____
(w) _____

School from which student was suspended or
expelled _____

Reason for
suspension/expulsion _____

Ending Date of
suspension/expulsion _____

Additional
Comments

I am the custodial parent of the child for whom this application is made, and I reside in the Sweetwater school district. I understand that the Director of Schools will contact my child's previous school to investigate the facts surrounding my child's suspension/expulsion and will make a recommendation to the Board of Education to approve or deny this request for admission.

Parent Signature

Date

DRESS CODE POLICY

Descriptor Code: JCDB

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.

The following standards will be observed by all students:

1. Pants, shorts, and skirts must be worn at the natural waistline and securely fastened. No “sagging” is allowed.
2. Head apparel and sunglasses, except for religious or medical purposes, must not be worn inside the building. This includes hoods on sweatshirts, shirts, or jackets.
3. Earrings and/or studs may be worn in the ears only. No chains hooked to pants or other garments will be allowed.
4. No clothing, accessories, or other items displaying offensive or provocative language or images or making references to products which students may not legally buy will not be allowed
5. No clothing, accessories, or other items associated with gang affiliation is allowed.

Students in grades three through eight must abide by the following additional standards:

1. Shorts, skirts, and dresses must not be shorter than the student’s fingertips when the arm is fully extended downward. If leggings are worn, the length of the top must not be shorter than the student’s fingertips when the arm is fully extended downward.

2. Shirts, blouses, and dresses must completely cover the abdomen, back, and shoulders at all times. Midriff should not be exposed.

No other apparel, dress, or grooming which may become potentially disruptive will be allowed. Each school will provide school specific requirements and clarification in the school student handbook.

The principal of each school shall take the necessary action to inform parents, teachers, and students of this policy and is charged with the responsibility of enforcing this policy.

Legal Reference
1. TCA 49-6-40

Reviewed: July 12, 2010
Reviewed: April 8, 2013
Revised July, 8 2013

CHILD ABUSE AND NEGLECT

Descriptor Code: JCEA

REPORTING

All personnel shall be alert for any evidence of child abuse or neglect.

Child abuse is defined as any wound, injury, disability, or physical or mental condition which is of such nature as to reasonably indicate that it has been caused by brutality, abuse, or neglect or which on the basis of available information reasonably appears to have been caused by such.

Staff members having knowledge or suspicion of any child who is suffering from abuse or neglect shall report such harm immediately.^{1,2}

The report shall be made to the judge having juvenile jurisdiction or to the county office of the Department of Human Services or to the office of the chief law-enforcement official where the child resides.¹

The report shall include:

1. The name, address and age of the child;
2. The name and address of the parents or persons having custody of the child;
3. The nature and extent of the abuse or neglect; and
4. Any evidence to the cause or any other information that may relate to the cause or extent of the abuse or neglect.¹

The person reporting shall be immune from liability³ and his identify shall remain confidential except when the juvenile court determines otherwise.⁴

If there is reason to believe that the abuse occurred on school grounds or while the child was under the supervision or care of the school, then the principal or other person designated by the school shall verbally notify the parent or legal guardian of the child that a report has been made and shall provide other information relevant to the future well being of the child while under the supervision or care of the school. The verbal notice shall be made in coordination with the department of children's services to the parent or legal guardian within twenty four hours from the time the school

personnel reports the abuse. The notice shall not be given to any parent or legal guardian if there is reasonable cause to believe that the parent or legal guardian may be the perpetrator or in any way responsible for the abuse.

Once notice is given pursuant to this section, the principal or other designated person shall provide to the parent or legal guardian all information and records relevant to the alleged abuse, if requested by the parent or legal guardian; provided, that the information is edited to protect the confidentiality of the identity of the person who made the report, any other person whose life or safety may be endangered by the disclosure and any information made confidential pursuant to law.

The superintendent shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all school personnel.⁵

INVESTIGATIONS

School administrators and employees have a duty to cooperate, provide assistance and information in child abuse investigations⁶ including permitting child abuse review teams to conduct interviews while the child is at school; the principal may control the time, place and circumstances of the interview, but may not insist that a school employee be present even if the suspected abuser is a school employee or another student. The principal is not in violation of any laws by failing to inform parents that the child is to be interviewed even if the suspected abuser is not a member of the child's household.⁷

Legal References:

- 1.TCA 37-1-403
- 2.TCA 37-1-412
- 3.TCA 37-1-409
- 4.TCA 37-1-408
- 5.TRR/MS 0520-1-3-.08(2)(e)
- 6.TCA 37-1-611(b)
- 7.Tenn. Op. Atty. Gen. No. 87-101 (June 9, 1987)

Revised: August 10, 2009
Reviewed: April 8, 2013

Discipline Code

Descriptor

Code: JCEB

The Director of Schools shall be responsible for the overall implementation and supervision of the Board's policies of behavior and discipline and shall ensure that students at all schools are subject to a uniform and fair application of the policies.

The principal of each school shall be responsible for implementation and administration in his/her school and shall apply the policies uniformly and fairly to each student at the school without partiality and discrimination. General policies and procedures will be included in the handbooks and distributed to all students.

School rules shall contain the type of behavior expected from each student, the consequences of failure to obey such standards and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each code shall address the topics of language used by students, respect for all school employees, fighting, threats, weapons on school property or at school functions, damage to the property or person of others, misuse or destruction of school property, drug or alcohol abuse, the sale or distribution of drugs or alcohol, student conduct on school property, conduct in classes and such other subjects as the local school shall choose to include. Each code shall prohibit a student from wearing, while on the grounds of school during the regular school day, clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment.¹ All such rules shall be uniform to the extent of maximum consideration for the safety and well being of students and employees.

Legal References:

1. TCA 49-6-40

CORPORAL PUNISHMENT POLICY

Descriptor Code: JDA

1. The type of corporal punishment that may be administered shall be limited to spanking or paddling the student, and such discipline shall be administered only in accordance with the guidelines that follow.
2. Corporal punishment shall be administered only after less stringent measures such as counseling, parental conferences, and other forms of discipline have failed to produce the desired results unless the conduct of a student is of such an extreme nature that corporal punishment is the only reasonable form of punishment under the circumstances.
3. Corporal punishment may be administered by the school principal, assistant principal, or by a teacher.
4. The instrument to be used in administering corporal punishment shall be approved by the Board of Education.*
5. When corporal punishment is administered, it shall be done in the presence of another professional employee and shall take place in the principal's office or other place as is out of view of other students.
6. A record of any corporal punishment administered shall be completed by the employee involved and shall be filed in the principal's office.

*Action taken December of 1977.

Reviewed: July 12, 2010
Reviewed: April 8, 2013

PROBATION SYSTEM AND WORK PROGRAM POLICY

Descriptor Code: JDC

WORK PROGRAM

In lieu of suspension, students may be assigned to a work program at the discretion of the building principal.

Work in this alternative program may include such tasks as cleaning windows, washing lockers, and walls, dusting, cleaning desk tops, and yard work.

A work contract will be developed for a period of time to be determined by the staff and the administrator. The contract should stipulate how supervision of the project would be provided.

During the period of time provided for in the work program, a student may attend classes, but may not participate in or attend any school functions or activities.

Students who do not fulfill their contracts in the designated time will be suspended from school. Work to be completed under this alternative is to be done outside of school and on weekends.

Reviewed: July 12, 2010

Reviewed: April 8, 2013

EXPULSON

Descriptor Code: JDE

See TCA 49-6-3401, 49-2-203.

Reviewed: July 12, 2010
Reviewed: April 8, 2013

STUDENT GUIDANCE PROGRAM

Descriptor Code: JE

Each school shall provide a guidance program for all students. The program will be designed and regularly evaluated by the principal, psychologist, counselor, and teachers. A student's teacher is recognized as a powerful mentor for pupils and the primary person to deliver student guidance.

Guidance services will include such services as:

1. Support for teachers in meeting the individual guidance needs of their pupils.
2. Support for parents and students through a formal orientation to the school program and to the programs that follow our school programs.
3. Technical support for the principal directed referral of students and families with special needs to appropriate community agencies including service organizations, mental health, human services, and juvenile court.
4. Coordination and interpretative assistance with student and school assessment systems.
5. Referring and scheduling students in special courses.
6. Assisting the principal in developing programs to support positive school climate and good citizenship including student councils, mentoring, peer mediation, and behavioral management systems.
7. Assisting individuals and small groups in developing good problem solving strategies.

Reviewed: July 12, 2010
Reviewed: April 8, 2013
Revised: May 13, 2013

STUDENT WELLNESS

Descriptor Code: JF

The Board recognizes the link between nutrition, physical activity and learning. In order to implement overall wellness for students, the plan below shall be followed by all schools in the district.¹

Based upon passage of The Coordinated School Health Improvement Act of 2000, chapter 554 and the subsequent 2006 Public Chapter 1001, CSH was created and funded with state budget dollars to implement Coordinated School Health to all school systems in Tennessee. Funds support the development of a local infrastructure to promote health and wellness for all students and staff and thereby decrease barriers that prevent students from achieving full academic potential. The commissioner of education, in consultation with the department of health and in accordance with its duties under title 68, chapter 1, part 12, shall develop guidelines based on the federal centers for disease control and prevention model for the implementation of a coordinated school health program. Components of a coordinated school health program shall include but are not limited to: health services, physical education, healthy school environment, school counseling, school psychological and social services, nutrition, staff health and wellness, and family and community involvement to enhance student health. ⁴ Local school systems will initiate and develop the eight component model of Coordinated School Health and ensure compliance of the following:

- Requirements regarding the Family Life Curriculum
- Requirements regarding the administration of medications and health care professionals and the secure storage of medications, record keeping and the orientation and training of all school personnel that handle medications by a school health nurse or licensed health care professional.
- Requirements regarding the employment or contracting for school health nurses at the ratio of at least one full time school health nurse per school system and additional positions as provided through the Basic Education Program (BEP) funding formula.
- Requirements regarding the professional practices of nurses, including the supervision of school health nurses by a Registered Nurse, Certified Nurse Practitioner, and/or physician.

- Requirements with regard to school counseling programs regarding the employment of licensed school counselors and the professional practice of school counselors.
- That all individuals employed, contracted and/or otherwise engaged in providing professional services in any of the components of Coordinated School Health are qualified and licensed according to state law and regulations.

SCHOOL HEALTH ADVISORY COUNCIL

An advisory council shall be established to serve as a resource to school sites for implementing policies. The council shall consist of individuals representing the school and community, including parents, students, teachers, school administrators, school board members, health professionals, school food service representatives, and members of the public. The primary responsibilities of the council include but are not limited to:

1. Developing, implementing, monitoring, reviewing and as necessary, making recommendations as to physical activity and nutrition policies;
2. Ensuring that all schools within the district create and implement an action plan related to all modules from the School Health Index;
3. Ensuring that the results of the action plan are annually reported to the council; and
4. Ensuring that school level results include measures of progress on each indicator of the School Health Index.

The State Board of Education's Physical Education Policy shall be used as guidance by the Council to make recommendations. The Board may

consider recommendations of the Council in making policy changes or revisions. ^{1,2}

COMMITMENT TO NUTRITION

All schools shall offer school meal and snack programs with menus that meet the patterns and nutrition standards established by the U.S. Department of Agriculture and State Board of Education's Minimum Nutritional Standards For Individual Food Items Sold Or Offered For Sale To Pupils In Pre-K Through Eight. The coordinated school health counselor shall be responsible for overseeing the school district's compliance with the State Board of Education Rules and Regulations for sale of food items in the school district and that this Wellness Policy is being fulfilled by all schools in the district. He/she shall register with the State Department of Education. ³ Students will be given adequate time to enjoy healthy meals and relax in a pleasant environment. Good nutritional habits shall be encouraged.

The state board of education, in consultation and cooperation with the department of education and the department of health, shall promulgate rules to establish minimum nutritional standards for individual food items sold or offered for sale to pupils in pre-kindergarten through grade eight (PK-8) through vending machine or other sources, including school nutrition programs. All food and beverages outside the reimbursable school meal program that are provided for sale 45 minutes before school, during the day, and after school will follow state guidelines. ⁵

EVALUATION OF EFFECTIVENESS OF NUTRITIONAL PROGRAM

The Board shall monitor the effectiveness of the school nutritional program within a wide-range of student constituency groups. Factors to be considered shall include, but are not limited to:

1. Participation rates in school meal programs;

2. Student satisfaction surveys to monitor the effects of consumption of healthy snacks on children's health, behavior, and school performance and to monitor satisfaction with snack choices;

3. Parent satisfaction surveys to monitor the effects of consumption of healthy snacks on children's health, behavior, and school performance and to monitor satisfaction with snack choices;

4. Frequency and types of health problems noted on school nurse logs;

5. Frequency and types of mental health and behavioral problems noted on counselor logs;

6. Incidence of student behavior infractions;

7. Teacher surveys of student's classroom behavior, attention span, and memory; and

8. Test scores. ³

Student breakfasts will provide ¼ of the RDA for calories, protein, calcium, iron, and Vitamins A and C. Student lunches will provide 1/3 of the RDA for calories, protein, calcium, iron, and vitamins A and C. The average weekly fat content of school meals will not exceed 30% of total fat and 10% saturated fat.

PHYSICAL ACTIVITY

The Board recognizes that physical activity is extremely important to the overall health of a child. Schools shall support and promote physical

activity. Physical activity may be integrated into any areas of the school program. Physical Education classes shall be offered with moderate to vigorous physical activity being an integral part of the class. Students shall be encouraged by staff whenever possible to be physically active.

Supervised recess or physical education classes should be offered daily to all elementary school children. ²

It shall be the duty of Sweetwater City Schools to integrate a minimum of ninety (90) minutes of physical activity per week into the instructional school day for elementary school and secondary school students. Opportunities to engage in physical activity may include walking, running, or other forms of physical fitness that promote fitness and well-being. ⁶

CURRICULUM

All applicable courses of study should be based on Lifetime Wellness Curriculum Standards the K-8 Healthful Living Curriculum Standards, and the K-12 Physical Education Curriculum Standards. ²

SCHOOL HEALTH INDEX

Beginning July 1, 2006, each school will begin implementation of the School Health Index. The State Board of Education Policy on Implementation of School Health Index shall be followed by each school within the district. (*See*, Tenn. State Board of Ed. Physical Activity Policy, Aug. 18, 2005). ²

Legal References:

1. Section 204 of Public Law 108-265; June 30, 2004 Child Nutrition and WIC Reauthorization Act of 2004
2. State Board of Education, Policy 4.206, Physical Activity, August 18, 2005
3. TRR/MS 0520-1-6
4. TCA 49-1-1002
5. TCA 49-6-2307
6. TCA49-6-1021

Adopted May 8, 2006
Revised: May 13, 2013

PHYSICAL EXAMINATIONS AND IMMUNIZATIONS

Descriptor Code: JGCA

PHYSICAL EXAMINATIONS

The principal shall ensure that there is a complete physical examination of each student prior to:

1. Entering school for the first time. This applies to kindergarten, first grade and other students for whom there is no health record;¹ and
2. Participation as a member of any athletic team or in any other strenuous physical activity program.²

Cost of the examination shall be borne by the parent or guardian of the student. These records shall be on file in the principal's office.⁴

Screening tests for vision, hearing, and lice will be conducted. Parents/Guardians will receive notice of any screening results that indicates a condition that might interfere or tend to interfere with a student's progress.

In general, the school district will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question.

IMMUNIZATIONS

No students entering school, including those entering kindergarten or first grade, those from out-of-state and those from nonpublic schools will be permitted to enroll (or attend) without proof of immunizations as determined by the Commissioner of Public Health.^{1,3} It is the responsibility of the parents or guardians to have their children immunized and to provide such proof to the principal of the school which the student is to attend.⁴

Exceptions, in the absence of an epidemic or immediate threat thereof, will be granted to any child whose parent or guardian shall file with school authorities a signed, written statement that such measures conflict with his/her religious tenets and practices; or due to medical reasons if such child has a written statement from his/her doctor excusing him from such immunization.⁵

Proof of exceptions will be in writing and filed in the same manner as other immunization records.

A list of transfer students shall be kept at each school throughout the school year in order that their records can be monitored by the Department of Health and Environment.

Legal References:

1. TRR/MS 0520-1-3-.08(2)(a); TCA 49-6-5004(a)
2. TRR/MS 0520-1-3-.08(2)(b)
3. TCA 49-6-5001(b)(1)
4. P.L. 107-110Part F § 1061 (1)(D); (2)(B) & (4)(B)
5. TCA 49-6-5001(a)
6. TCA 49-6-5001(b)(2)

Reviewed: August 9, 2010
Revised: May 13, 2013

**ACQUIRED IMMUNE
DEFICIENCY SYNDROME**

Descriptor Code JGCCC

LIABILITY AND NON-DISCRIMINATION

Students infected with HIV shall not be denied enrollment in school. The Board shall not prevent an HIV infected student from participating in the continuation of his/her education on the basis of HIV infection. Further, the student shall be subject to the same rules for class assignment, privileges and participation in any school-sponsored activities as all other students.

Mandatory screening for communicable diseases not spread by casual everyday contact, such as HIV infection, shall not be a condition for school entry or attendance. A student who is HIV positive may not be denied the opportunity to participate in school athletic programs based solely on his/her HIV status. All reasonable accommodations shall be made to allow students with HIV to participate in school-sponsored physical activities.¹

ADMINISTRATIVE RESPONSIBILITIES

If a student's parents/guardians choose to disclose the child's HIV status, all matters pertaining to that student will be under the direct supervision of the superintendent.

The superintendent shall be responsible for requesting medical records from the parent/guardian and a statement from the student's physician regarding health status of the student reported to have HIV/AIDS. In addition, the superintendent will gather information regarding the student's cumulative school record.

CONFIDENTIALITY

No information concerning an HIV infected student shall be divulged, directly or indirectly, to any other individual or group without the written consent of the parent/guardian. All medical information and written documentation of discussions, telephone conversations, proceedings and meetings shall be kept by the superintendent in a locked file. If the HIV infected student is under the age of eighteen (18), access to this file will be

granted only to those persons who have the written consent of the infected student's parent/ guardians.

Under no circumstances shall information identifying a student with AIDS be released to the public.^{2,3}

APPROPRIATE ALTERNATIVE EDUCATION PROGRAMS

In determining the educational placement of a student known to be infected with HIV, school authorities shall follow established policies and procedures for students with disabilities. School authorities shall reassess placement if there is a change in the student's need for accommodations or services.

HIV PREVENTION EDUCATION/CURRICULUM

The state AIDS curriculum and related objectives will be used in grades K-8. Students shall further be taught universal precautions through the K-8 Healthful Living and Lifetime Wellness curricula.

INFECTION CONTROL

The director of schools shall develop an Occupational Safety and Health Administration (OSHA)-based infection control plan in which each school will provide for: 1) well-maintained and easily accessible materials necessary to follow universal precautions, and 2) designate first responders responsible for implementing infection control guidelines, including investigating, correcting, and reporting on instances of exposure. All schools shall further follow the most current Centers for Disease Control and Prevention (CDC) Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Blood borne Pathogens in Health Care Settings and the OSHA blood borne pathogens standard.⁴

Legal References:

1. TRR/MS 0502-1-3-.08 (2) (g)
2. TCA 68-10-113
3. 20 USC 1232 (g); 34 CFR 300.571-2
4. TRR/MS 0520-1-3-.05 (1) (c)

Reviewed: August 9, 2010
Reviewed: March 11, 2013

APPENDIX B:

**MODEL AUTHORIZATION FOR RELEASE OF CONFIDENTIAL
HIV-RELATED INFORMATION**

**(This form may be signed by the students over age 18,
parents/guardians)**

Confidential HIV – related information is any information indicating a person has tested positive for HIV or has AIDS. Confidential HIV-related information may only be given to those listed on this form and for the reason(s) listed.

Persons whose HIV-related information will be released:

Name, address and relationship of person signing this form if other than above:

Name, address of person(s) to be provided HIV-related information:

Reason for release of HIV-related information:

Dates release is authorized:

From _____
To: _____

My questions about this form have been answered. I understand I am not required to release HIV-related information and I may withdraw my permission at a later date.

(Signature)

(Date)

MEDICINES

Descriptor Code: JGCD

No school official or teacher will routinely dispense medication to students except in unique situations in which a child's health is dependent upon medical aid. If a child is required to take oral medication during school hours and the parent cannot be at school to administer the medication, only the school nurse, principal or the principal's designee will administer the medication in compliance with the following regulations:¹

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

1. Child's name;
2. Name of medication;
3. Name of physician – (long-term prescriptions);
4. Time to be administered;
5. Dosage and directions for administration;
6. Possible side effects, if known; and
7. Termination date for administering the medication.

The medication, in its original bottle, 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 administration. (i.e. students with asthma)

Nonprescription medication may be administered only with the written request and permission of a parent or guardian. The medication will be administered in accordance with label directions or written instructions from the student's physician.

The school nurse or administrator/designee will:

1. Inform appropriate school personnel of the medication being administered;
2. Keep an accurate record of the administration of the medication in accordance
with Tennessee health guidelines;
3. Keep all medication in a locked cabinet except medication retained by a
student per physician's order; and
4. Return unused prescription to the parent or guardian only.

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

Legal References:

1. TCA 49-54-5-415

Reviewed: August 9, 2010
Reviewed: March 11, 2013

STUDENT PSYCHOLGOICAL SERVICES

Descriptor Code: JGD

The Director of Schools will develop a program for making psychological services available to all students.¹ This program shall cooperate with other agencies in consultative screening and assessment services.

School counselors shall respect the right of privacy of the students they counsel. Confidentiality shall be maintained by the counselor except:

1. Where there is a clear and present danger to the student or other persons;
2. To consult with another psychologist when it is in the best interests of the
student; or
3. When the student and/or parent waives this privilege in writing.

When a counselor is in doubt about what information to release in a judicial proceeding; the counselor shall consult with the board attorney.

Legal References:

1. TRR/MS 0520-1-3-.08(1)(c)

Reviewed: August 9, 2010
Reviewed: March 11, 2013

STUDENT SOCIAL SERVICES

Descriptor Code: JGE

Each school shall provide a social service program for all students through the cooperative efforts of the principal, teachers, and guidance counselor.¹

The principal shall develop a program of social services which shall include such services and activities as:

1. Orientation of parents and students to the school program;
2. Student referral and/or welfare provisions;
3. Collection and maintenance of student data and record systems;
4. Educational information for use by students, parents and teachers;
5. Conflict resolution techniques; and
6. Referral information and/or outlets for referral for drug abuse counseling, pregnancy counseling, and psychological services.

The classroom teacher, because of close contacts with the student shall be a key person

in the social services program.

School administrators are authorized to work with recognized groups who may furnish special services to students.

Legal References:

1. TRR/MS 0520-1-3-.08(1)(d)

Reviewed: August 9, 2010
Reviewed: March 11, 2013

STUDENT SOLICITATIONS/FUNDRAISING ACTIVITIES

Descriptor Code: JHA

All fundraising activities must be approved in writing by the director of schools. In granting approval for a fundraising activity the director of schools shall determine whether or not the activity will benefit the school, contribute to the welfare of the student body and be in addition to the funds necessary to fulfill the board's required contributions. The authorization request shall contain the following information:¹

1. A list of the proposed fundraising activities;
2. Purpose of the fundraising activity;
3. Amount needed and proposed uses;
4. Present balance of affected fund and/or accounts;
5. Expected student involvement in fundraising activity (school-wide or individual class or club);
6. Anticipated beginning and ending dates; and
7. Division of receipts and how it is to be paid to the school.

Schools shall execute a written agreement with vendors for all fundraisers.² The agreement shall include, but not be limited to, the following information:

1. The division of receipts that result from the activity;
2. Payment of sales tax;

3. Delivery dates(s);
4. Package prices or other charges; and
5. Scheduled dates of service.

Fundraisers which require student involvement in the selling of products or services is prohibited. Students will not be excused from a regular class to participate in a fundraising activity. No grade in a subject or course will be affected by a student's participation in a fundraising activity, nor will students otherwise be punished or discriminated against for not participating in fundraising activities.

Student clubs and activities, parent teacher associations, and other organizations affiliated with the school shall be permitted to use school facilities for fundraising activities without charge upon receiving permission from the school principals.

School employees who knowingly authorize and/or allow unapproved fundraising activities will be subject to disciplinary action.

Legal Reference:

1. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-26
2. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-27

Reviewed: August 9, 2010
Reviewed: March 11, 2013

SCHOOL - COMMUNITY RELATIONS

Descriptor Code: JKA

Selling, Charities, or Fund-Raising

No individual or group from outside the school shall be allowed to approach teachers or students in the school situation for the purpose of selling merchandise, soliciting for charities, or raising funds for any purpose, with the exception of individuals or groups from other schools or organizations which might offer tickets or admission to events acceptable or desirable for student participation. Such access would be granted only by permission of the principal or the Director of Schools.

Reviewed: August 9, 2010
Reviewed: March 11, 2013

GRADING SYSTEM

Descriptor Code: JLA

The Board believes that the issuance of grades serves to promote continuous evaluation of student performance, to inform the student and parent of his or her progress, and to provide a basis for bringing about change in student performance, if such change is necessary.

The basic grading system for subject area grade is to be expressed in numerical values. The minimum standards for passing shall be 70% based on subject matter presented.

Conduct grades are based on behavior and should not be deducted from scholastic grades.

Attendance records will be used in determining promotion or retention of students.

Corrections which must be made on a grade card must be initiated by the teacher making the correction.

Grades given at the end of each six-week period will be determined from daily work, oral and written assignments, and tests. The teacher will weigh the value of grades given for various assignments within the six-week period in computing the grade. This procedure will enable the teacher to allow for individual student differences in the grading process.

Final grades will be determined by averaging the six-week averages.

The student shall be responsible for making up work. The work of a student whose grades are withheld because of failure to complete the required work shall be reported as incomplete (I). If the incomplete is not removed within one six-week period, it then will become an "F".

STUDENT FEES

Descriptor Code: JS

FEES

School fees are defined as follows:²

1. Fees for activities that occur during regular school hours, including field trips;
2. Fees for activities and supplies required to participate in all courses offered for credit or grades;
3. Equipment and supplies required to participate in interscholastic athletics and marching band, if taken for credit;
4. Fees or tuition for courses taken for credit or grade during summer school;
5. Fees required for graduation ceremonies;
6. Fees for a copy of the student's records; and
7. Refundable deposits for locks or other security devices required for protection of school property when used in conjunction with courses taken for credit or a grade.

School fees are not:²

1. Fines for overdue library books;
2. Fines for the abuse of school parking privileges and other school rules developed for the safe and efficient operation of the school;
3. Charges for lost, damaged, or destroyed textbooks, library books, workbooks, or
other school property;
4. Charges for debts owed the school;

5. Refundable deposits for locks or other security devices required for protection of

school property when used in not-for-credit extracurricular activities;

6. Costs to participate in not-for-credit extracurricular activities, including athletics; and

7. Tuition for non-resident students.

No fee will be charged any student as a condition to attending school¹ but students shall be responsible for normal school supplies, such as pencils and paper.

If school fees as defined in this policy are assessed, the fees shall be waived for students who are eligible to receive free or reduced-price lunches.² The application for determining eligibility for free or reduced-priced lunches or a form supplied by the State Department of Education shall be used to verify student eligibility for fee waivers.

At the beginning of the school year, each principal shall be responsible for providing to all students and their parents or guardians written notice of the required student fees and the process for fee waiver for students who receive free or reduced price lunches. The parent or guardian of an eligible student must sign the appropriate application for free or reduced-price lunches and the waiver of school fees, but may pay for all or a portion of the school fees.

Written notice of approval or denial of request for fee waivers shall be provided to all parents or guardians. Any denial shall contain specific grounds for denial and an opportunity for the parent or guardian to meet with appropriate school personnel.

Persons collecting fees shall be provided a list containing only the names of those students eligible for waivers and for whom they are responsible for collecting fees. Any records related to this program which identify particular students shall be maintained in strictest confidence.

Prior to the beginning of school each year, the Board, upon the recommendation of the principals and director of schools, shall approve all student fees for the upcoming school year. Additional fees may be approved during the year as needed.

Legal References:

1. TCA 49-6-300;TCA 49-2-1100 (c).
2. Chapter 535 of the Public Acts of 1992, Section 55.

Reviewed: August 9, 2010

Reviewed: March 11, 2013

SURVEY OF STUDENTS

Descriptor Code: JT

Surveys for research purposes shall be allowed by the Board when the project is viewed as contributory to greater understanding of the teaching-learning process, the project does not violate the goals of the Board and the disruption of the regular school program is minimal. The director of schools shall develop administrative procedures for approving requests for conducting surveys by agencies, organizations, or individuals. The requests shall outline what is to be done, who is to be involved and how the results will be used and distributed.¹

Parents shall have the right to inspect all instructional material that will be used for a survey, analysis or evaluation as part of a federal program. No student may, without parental consent, take part in a survey, analysis, or evaluation that reveals information covering:²

1. Political affiliations or beliefs of the student or the student's parent;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;

4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally privileged relationships;
7. Religious practices affiliations or beliefs of the student, the student's parent; and
8. Income.

COLLECTING, DISCLOSING OR USING INFORMATION FOR MARKETING³

In general, the district will not collect, disclose or use personal student information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

If any collected information is to be marketed or sold, parents will be directly notified at least annually at the beginning of the school year of the specific or approximate dates when such information will be collected. Parents, upon request, may inspect any instrument used to collect personal information for the purpose of marketing or selling that information before the instrument is administered or distributed to the student. All parents and students of appropriate age may decline to provide the information requested.

This portion of the policy does not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products and services for or to students or educational institutions to the extent allowed by law, such as the following:⁴

- College or other postsecondary education recruitment or military recruitment.
- Book clubs, magazines, and programs providing access to low-cost literary products.
- Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students (or to generate

other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.

- The sale by students of products or services to raise funds for school-related or education-related activities.
- Student recognition programs.

Legal Reference:

1. TCA 49-2-211
2. 20 USCA § 1232h
3. P.L. 107-110 Part F § 1061 (E)(F) & (2)
4. P.L. 107-110 Part F 1061 (4)(a)

Reviewed: August 9, 2010
Reviewed: March 11, 2013

MIGRANT STUDENTS

Descriptor Code: JVA

The Board directs the administration to identify migratory students in the district, as required by law, and to ensure that migrant students receive services for which they are eligible. In developing and implementing a program to address the needs of migratory students the district will:¹

1. Identify migratory students and assess the educational and related health and social needs of each student.
2. Provide a full range of services to migrant students including applicable Title 1 programs, special education, gifted education, vocational education, language programs, counseling programs, elective classes, fine arts classes, etc.

3. Provide migratory children with the opportunity to meet the statewide assessment standards that all students are expected to meet.
4. To the extent feasible, provide advocacy and outreach programs to migratory students and their families and professional development for district staff.
5. Provide parents an opportunity for meaningful participation in the program.

If a migrant student is identified by the district, the director of schools or designee will notify the Tennessee Department of Education and request assistance if needed.

Legal References:

1. P.L. 107-110 Part C §§ 1301-1309

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HOMELESS STUDENTS

Descriptor Code: JVB

In order to ensure that homeless students have equal access to the same free appropriate public education as provided to other students, the following shall apply:¹

Homeless students are individuals who lack a fixed, regular, and adequate nighttime residence and include the following:

1. Students who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
2. Students who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.
3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
4. Migratory students who meet one of the above described circumstances.

ENROLLMENT

The school shall immediately enroll any homeless student even if the student is unable to produce records normally required for enrollment, such as previous academic records, immunization records, proof of residency or other documentation. However, the district may require a parent or guardian of the student to submit contact information.

SERVICES

Each homeless student shall be provided services comparable to services offered to other students in the district including, but not limited to, transportation services; educational services for which the student meets eligibility criteria, such as educational programs for disadvantaged students, students with disabilities and gifted and talented students; vocational programs and technical education; meals programs; preschool programs; before-and after-school programs and programs for students with limited English proficiency. Homeless students will not be segregated in a separate school or separate program within a school based on the student's status as homeless.

RECORDS

Any records ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records and evaluations for special services or programs of each homeless child or youth shall be maintained so that appropriate services may be given the student, necessary referrals can be made and records may be transferred in a timely fashion when a homeless student enters a new school district. Copies of records shall be made available upon request to students or parents in accordance with the Family Education Rights and Privacy act.

COORDINATOR

The Director of Schools shall designate a district homeless coordinator.

The district shall inform school personnel, service providers and advocates working with homeless families of the duties of the homeless coordinator. The homeless coordinator shall ensure that:

1. Homeless students are identified by school personnel and through coordination activities with other entities and agencies.
2. Homeless students enroll in, and have a full and equal opportunity to succeed, in schools in the Sweetwater School System.
3. Homeless families and students receive educational services for which such families and students are eligible, including Head Start, Even Start and preschool programs administered by the district and referrals to health care services, dental services, mental health services, and other appropriate services.
4. The parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Enrollment disputes are mediated in accordance with law.
6. The parent or guardian of a homeless student and any unaccompanied youth, is fully informed of all transportation services, and is assisted in accessing transportation to school.
7. Students who need to obtain immunizations, or immunization or medical records, will receive assistance.

Legal Reference:

1. McKinney-Vento Education Assistance Improvements Act of 2001 Subtitle B §§ 721

Reviewed: August 9, 2010
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