

Johnson City Board of Education Special Called Meeting
February 1, 2021 5:00 PM
Central Office

1. CALL TO ORDER AND PURPOSE OF MEETING

- A. 5.100 - Personnel Goals
- B. 5.102 - Classification and Qualifications
- C. 5.106 - Application and Employment
- D. 5.108 - Supervision
- E. 5.109 - Evaluation
- F. 5.113 - In-Service and Professional Learning Opportunities
- G. 5.200 - Separation Practices for Tenured Teacher
- H. 5.201 - Separation Practices for Non-Tenured Teachers
- I. 5.202 - Separation Practices for Classified Employees
- J. 5.301 - Emergency and Legal Leave
- K. 5.305 - Family and Medical Leave
- L. 5.400 - Personnel Health Examinations/Communicable Diseases
- M. 5.604 - Overtime Pay of Non-Exempt Personnel
- N. 5.607 - Non-System Employment
- O. 5.609 - Use of School System Technology
- P. 6.100 - Student Goals and Objectives Educational Programs
- Q. 6.200 - Attendance
- R. 6.201 - Compulsory Attendance Ages

S. 6.202 - Home Schools

T. 6.203 - School Admissions

U. 6.205 - Student Assignment

V. 6.209 - Child Custody/Parental Access

W. 6.301 - Rights and Responsibilities

X. 6.302 - Procedural Due Process

Y. 6.303 - Interrogations and Searches

Z. 6.304 - Student Discrimination/Harassment Bullying, Cyber-bullying and Intimidation

AA. 6.305 - Student Concerns, Complaints and Grievances

BB. 6.306 - Disruption of School and Student Activities

CC. 6.309 - Zero Tolerance Offenses

DD. 6.310 - Dress Code

EE. 6.317 - Student Disciplinary Hearing Authority

FF. 6.402 - Physical Examinations and Immunizations

GG. 6.405 - Self Administration of Medicines

HH. 6.409 - Child Abuse and Neglect Reporting

II. 6.506 - Students from Military Families

JJ. 6.600 - Student Records

KK. 6.604 - Media Access to Students

LL. 5.203 - Recommendations and File Transfers

MM. 5.307 - Physical Assault Leave

NN. 6.505 - Students in Foster Care

OO. 6.3041 - Title IX & Sexual Harassment

2. ADJOURNMENT

Johnson City Board of Education

Monitoring: Review Annually, in February	Personnel Goals	Descriptor 5.100	Issue Date 5/5/2008
		Rescinds 5.100	Issued 7/1/2000

The Board of Education recognizes that the employment of highly qualified personnel is essential if quality education is to prevail for students of the school system. In order for the Board to provide a well-qualified staff capable of designing, implementing, and evaluating educational programs, the following goals are adopted.

1. Recruitment, selection, employment and retention of the best qualified personnel available;
2. Provision of attractive compensation and benefits as well as other provisions for staff welfare;
3. Preparation and deployment of personnel in the most effective way to achieve the goals of the Board of Education;
4. Provision of professional growth opportunities for all employees designed to contribute both to the improvement of the educational program and to career development aspirations of staff;
5. Development of a climate in which optimum staff performance, morale, and satisfaction are produced;
6. Involvement of staff in planning, decision making, and evaluation;
7. Development and updating of job descriptions by appropriate administrators; and
8. ~~Use of the state evaluation program which will contribute to the continuous improvement of staff performance and educational programs of the school system.~~

The Johnson City School System will use the state evaluation program ~~which will contribute to~~ as a means to provide for the continuous improvement of staff performance and educational programs of the school system.

Cross Reference:

School District Goals & Objectives 1.700

Johnson City Board of Education

Monitoring: Review Annually, in February	Classification and Qualifications	Descriptor 5.102	Issue Date 8/3/2015
		Rescinds 5.102	Issued 8/5/2013

ADMINISTRATIVE AND SUPERVISORY PERSONNEL

All administrative and supervisory positions in the school system are established initially by the Board, by state law, or by State Board Rules, Regulations, and Minimum Standards.

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

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

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

CERTIFIED PERSONNEL

Certified staff members are the personnel whose employment status requires certification in accordance with the rules and regulations of the State Board of Education.¹

CLASSIFIED PERSONNEL

Classified staff members are personnel whose regular employment does not require certification in accordance with rules and regulations of the State Department of Education. Classified personnel include, but are not limited to, the following employees: bookkeepers, secretaries, clerks, technology and maintenance employees, custodial employees, cafeteria employees, instructional assistants, educare employees, academic tutors and security guards.

INSTRUCTIONAL ASSISTANTS

~~Instructional Assistants must have the qualifications required by the No Child left Behind Act of 2001.²~~

Legal References:

1. TCA 49-5-501(10); TCA 49-5-606(11)
- ~~2. 20 USC 6601 et seq~~

Johnson City Board of Education

Monitoring: Review Annually, in February	Application and Employment	Descriptor 5.106	Issue Date 4/4/2019
		Rescinds 5.106	Issued 1/4/2015

APPLICATION

An individual desiring a position with the Johnson City school system shall make application to the Superintendent of Schools on forms approved by the Superintendent of Schools.¹ In a continuing effort to further ensure the safety and welfare of students and staff, the school system shall require criminal history records checks **and by** fingerprinting of applicants offered employment and of others having direct, unsupervised contact with students.

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

Any person applying for a position as a teacher or for any other position requiring proximity to students shall supply a fingerprint sample and submit to a criminal history records check conducted by the Tennessee Bureau of Investigation and agree to the release of investigative records for the purpose of verifying the accuracy of criminal violation information. The cost of such checks and investigations shall be born by the applicant.²

Disciplinary action will be taken against personnel in the event of the misuse, improper disclosure or dissimulation of criminal history records.

Certified Employees

The application 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;³
2. Who is listed on the state's abuse of vulnerable persons registry maintained by the Department of Health;⁷
3. Who has been identified by the Department of Children's Services as a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect or who poses an immediate threat to the health, safety, or welfare of children;⁷
4. Who does not receive a satisfactory background check;
5. **Who has not complied with the Immigration Reform and Control Act of 1986;**⁶

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2
3 5. Who does not present a physician's certificate showing a satisfactory health record or has
4 any contagious or communicable disease in such form that might endanger the health of school
5 children;⁴
6
7 6. Who refuses to take and subscribe to an oath to support the Constitution of the State of
8 Tennessee and of the United States of America;⁵ or
9
10 7. Who fails to make a full disclosure of any prior criminal record and any prior dismissals
11 from employment for cause.¹
12

13 *Classified Employees*

14 No person shall be employed:

- 15
16 1. Who has any contagious or communicable disease in such form that might endanger the health
17 of the children;⁴
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19 2. Who has been identified by the Department of Children's Services as a perpetrator of child abuse,
20 severe child abuse, child sexual abuse, or child neglect or who poses an immediate threat to the
21 health, safety, or welfare of children;⁷
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23 3. Who is listed on the state's abuse of vulnerable persons registry maintained by the Department of
24 Health;⁷
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26 4. Who has not complied with the Immigration Reform and Control Act of 1986;⁶
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28 5. Who does not receive a satisfactory background check;⁷ or
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31 6. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from
32 employment for cause.
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34 **EMPLOYMENT**

35 *Certified Employees*

36 After checking references and recommendations, the Superintendent of Schools shall fill positions and assign
37 qualified applicants.⁷
38

39 *Classified Employees*

40 It shall be the responsibility of the principals to select the classified employees for the school served and
41 recommend same to the Superintendent of Schools. The Superintendent of Schools is responsible for
42 employing all classified personnel.
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44 Central office, cafeteria, and maintenance and other system wide personnel shall be interviewed and employed
45 by the Superintendent of Schools or designee.
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Legal Reference:

1. TCA 49-5-406
2. TCA 49-5- 406(a); TCA 49-5-413(b)
3. TCA 49-5-403; TCA 49-5-101
4. TCA 49-5-404;TRR/MS 0520-1-3-.08(2)(f)
5. TCA 49-5-405
6. Immigration Reform and Control Act of 1986
7. TCA 49-2-301(b)(1),(J),(L)&(EE); TCA 49-2-303(b)(3)

Johnson City Board of Education

Monitoring: Review Annually, in February	Supervision	Descriptor 5.108	Issue Date 6/1/2009
		Rescinds 5.108	Issued 5/5/2003

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Supervision of administrative and supervisory personnel shall be provided by the Superintendent of Schools.

Apprentice teachers shall be assisted by supervising teachers in the development of competencies required by the Board.¹

All teachers shall be supervised by the principal of their home school or their supervising administrator.

Support personnel shall be supervised by the person designated on the approved job description.

The immediate supervisor and Superintendent of Schools' office share the responsibility for providing **desirable** orientation **experience** for newly hired employees. Periodic training sessions will be provided for employees or employee groups as deemed necessary.

The immediate supervisor has the responsibility of assigning specific duties and for giving guidance to the employee for the satisfactory performance of those duties.

The Superintendent of Schools/designee shall assign hours of work for all positions.

Legal Reference:

1. TCA 49-6-3004(c)(2)

Cross References:

Nepotism 1.108
Line and Staff Relations 5.101
Job Descriptions 5.103
Staff Positions 5.116

Johnson City Board of Education

Monitoring: Review Annually, in February	Evaluation	Descriptor 5.109	Issue Date 4/4/2019
		Rescinds 5.109	Issued 8/3/2015

1 The evaluation of performance and its effectiveness must be a cooperative and shared endeavor on the part of
2 the Superintendent of Schools and administrative and supervisory personnel.

3
4 A state-approved model shall be used for evaluating administrative and supervisory personnel. The Board
5 shall approve standard forms to be used in evaluating support personnel.

6
7 The Superintendent of Schools is responsible for ensuring that all administrative and supervisory personnel are
8 evaluated annually.

9 10 **LICENSED TEACHING PERSONNEL**

11
12 The Board adopts the TEAM evaluation model. The Superintendent shall ~~draft~~ **adopt** procedures to ensure
13 that the model is implemented throughout the school system. Additionally, the Superintendent shall provide
14 information to all licensed teaching personnel regarding the nature of the evaluation and the grievance
15 procedures prescribed by the Tennessee State Board of Education.^{1,2}

16 17 **Local Level Grievance Procedure**

18
19 The Superintendent of Schools shall develop procedures, consistent with State law, for processing evaluation
20 grievances.³

21 22 **NON-TEACHING PERSONNEL**

23
24 Newly hired non-teaching administrative/support personnel shall be evaluated once during the evaluation
25 period (the first 90 days of employment) and at least one (1) additional time following successful completion
26 of the evaluation period during the first year of employment. Classified personnel employed for more than
27 one (1) year shall be evaluated at least once a year.

28
29 Evaluations shall be used as an aid in improving an employee's job performance and as a basis for continuing
30 employment. Evaluation reports shall be discussed with the evaluated employee. Each employee shall be
31 given a copy of the evaluation and shall sign the supervisor's copy as evidence it has been discussed. A copy
32 of evaluations will be placed in each employee's personnel file.

33 34 35 36 **Legal References:**

- 37 1. TRR/MS 0520-2-.1-.01
- 38 2. TRR/MS 0520-2-.1-.02
- 39 3. Tennessee State Board of Education Teacher and Principal
40 Evaluation Policy
- 41
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Cross References:

- Job Descriptions 5.103
Orientation and Probation 5.107

Johnson City Board of Education

Monitoring: Review Annually, in February	In-Service and Professional Learning Opportunities	Descriptor 5.113	Issue Date 8/3/2015
		Rescinds 5.113	Issued 8/5/2013

IN-SERVICE EDUCATION

In-service education is a program of planned activities designed to increase the competencies needed by all personnel in the performance of their responsibilities. Competencies are defined as the knowledge, skills, and attitudes which enable personnel to perform their tasks with maximum effectiveness to increase student achievement.

Administrative and Supervisory Employees

Administrative and supervisory employees shall show evidence of continual professional growth by attendance at in-service programs and institutes, studying professional literature, meeting with other professionals for discussion, and otherwise keeping abreast of research in methodology, curriculum, and student growth and development.

Each principal and administrator shall be required to fulfill all state mandated training.¹

Professional Employees

The Superintendent and his staff shall assess system-wide needs, establish priorities, develop objectives, design activities, and evaluate the in-service program.²

In-service credit shall not be given while performing duties which are required as part of regular teaching assignments.

Support Personnel

The immediate supervisors of support personnel shall be responsible for providing in-service trainings.

~~Absences~~ Leaves to attend meetings relating to the employee's job description may be granted by the Superintendent of Schools without loss of pay to the employee.

PROFESSIONAL LEARNING PROGRAM

Professional learning programs and activities shall reflect the Standards for Professional Learning³ as listed below and shall reflect the needs identified in school improvement plans.

The Board may pay expenses of selected personnel who participate in the training sessions conducted by the State Department of Education.

The Superintendent of Schools shall involve central office personnel and other employees as needed in developing the system-wide professional learning program and shall recommend it to the Board for approval.

Standards for Professional Learning

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LEARNING COMMUNITIES: Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment.

LEADERSHIP: Professional learning that increases educator effectiveness and results for all students requires skillful leaders who develop capacity, advocate, and create support systems for professional learning.

RESOURCES: Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring, and coordinating resources for educator learning.

DATA: Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning.

LEARNING DESIGNS: Professional learning that increases educator effectiveness and results for all students integrates theories, research, and models of human learning to achieve its intended outcomes.

IMPLEMENTATION: Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long term change.

OUTCOMES: Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.

Legal References:

1. TCA 49-5-5703 (a)
2. State Department of Education Guidelines for Planning Approvable In-service Education Activities; TCA 49-1-214; TCA 49-6-3004(c)(1)
3. Tennessee State Board of Education Policy 5.200, *Professional Development*

Cross References:

- School Calendar 1.800
- Curriculum Development 4.200
- Reporting Student Progress 4.601

Johnson City Board of Education

Monitoring: Review Annually, in February	Separation Practices for Tenured Teacher	Descriptor 5.200	Issue Date 12/9/2019
		Rescinds 5.200	Issued 1/4/2018

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

SUSPENSION PENDING AN INVESTIGATION¹

The Superintendent of Schools may suspend a teacher at any time that may seem necessary, pending investigation, or final disposition of a case before the board or an appeal. If the matter under investigation is not the subject of an ongoing criminal investigation or a department of children's services investigation, and if no charges for dismissal have been made, a suspension pending investigation shall not exceed ninety (90) days in duration. Under no circumstances shall the Superintendent of Schools suspend a teacher with pay. If vindicated or reinstated, the teacher shall be paid full salary for the period of suspension.

SUSPENSION OF THREE DAYS OR LESS^{2,3}

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

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

DISMISSAL OR SUSPENSIONS GREATER THAN THREE DAYS⁴

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

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

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

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

3 The Superintendent of Schools shall, within five (5) days after receipt of request, assign a hearing officer from
4 the list maintained by the board.

5
6 The hearing officer shall notify the parties, or their attorney, of the officer's assignment and direct the parties
7 or the attorneys for the parties, or both, to appear before the hearing officer for simplification of issues and the
8 scheduling of the hearing. That hearing shall be set no later than thirty (30) days following receipt of the initial
9 request for a hearing. In the discretion of the hearing officer, all or part of any prehearing conference may be
10 conducted by telephone if each participant has an opportunity to participate, be heard, and to address proof
11 and evidentiary concerns. The hearing officer is empowered to issue appropriate orders and to regulate the
12 conduct of the proceedings.

13
14 Either party may appeal to the board an adverse ruling by giving written notice of appeal within ten (10)
15 working days of the hearing officer's delivery of the hearing officer's written findings and conclusions. The
16 Superintendent of Schools shall prepare a copy of the proceedings, including all transcripts and evidence,
17 documentary or otherwise, and transmit the same to the board within twenty (20) days of the receipt of the
18 notice of appeal.

19
20 The board shall hear the appeal on the record, and no new evidence may be submitted by either party. The
21 appealing party may appear before the board to argue why the adverse ruling should be overturned. In no
22 event should such argument last more than fifteen (15) minutes, unless the board should vote to extend
23 additional time. At the conclusion of the hearing, any member of the board may vote to sustain the decision of
24 the hearing officer, send the record back for additional evidence, revise the penalty, or reverse the decision.
25 The board shall render its decision within ten (10) working days after the conclusion of the hearing. In the
26 event that the decision of the board is appealed to the chancery court, the board shall transmit the entire record
27 prepared by the Superintendent and reviewed by the board to the chancery court for its review.

28 **RESIGNATION**

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31 A teacher shall give the Superintendent of Schools notice of resignation at least thirty (30) days before the
32 effective date of the resignation. A teacher who fails to give such notice, in the absence of justifiable
33 extenuating circumstances, shall forfeit all tenure status. The Board may waive the thirty (30) days notice
34 requirement and permit a teacher to resign in good standing.⁵

35
36 The conditions under which it is permissible to break a contract with the Board are as follows:

- 37 1. The drafting of the teacher into military service by a selective service board;
- 38 2. The incapacity on the part of the teacher to perform the contract as evidenced by the certified
39 statement of a physician approved by the Board;
- 40 3. The release by the Board of the teacher from the contract which the teacher has entered into with
41 the Board.⁶

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

47
48 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with the
49 State Board of Education and request the suspension of a teacher's certificate. After the State Board of
50 Education has provided the teacher an opportunity for defense during a hearing, the Commissioner of

1 Education may suspend the certificate for no less than thirty (30) and no more than three hundred sixty-five
2 (365) days.⁸

3 4 **RETIREMENT**

5
6 Retirement shall mean a termination of services under conditions which will allow the teacher to draw benefits
7 from retirement plans and/or social security benefits.

8
9 Teachers eligible for retirement benefits may elect to retire at any age according to the provisions of the
10 retirement system.

11
12 Central office personnel shall assist employees in securing retirement benefits; however, it shall be the
13 responsibility of the retiring teacher to provide verification of eligibility in writing from TCRS to the central
14 office. It shall be the responsibility of the retiring teacher to file for benefits.

15
16 Teachers who retire under TCRS may be employed up to one-hundred (120) days per year without loss of
17 retirement benefits. Retired teachers may substitute teach for additional days if the Superintendent of schools
18 certifies in writing to the Board that no other qualified personnel are available to substitute teach.⁹

19
20 The Superintendent of Schools may employ teachers retired for at least one year for full-time employment as a
21 kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost or
22 suspended under certain conditions, which include but are not limited to the following:¹⁰

- 23
24 1. The Superintendent of Schools of the employing system must certify in writing that no other
25 qualified individuals are available to fill the position;
- 26 2. The Commissioner of Education must certify that the employing school system serves an area that
27 lacks qualified teachers to serve in the position to be filled;
- 28 3. The retired teacher must hold a valid license and shall not be entitled to tenure status;
- 29 4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave or
30 receive medical insurance coverage; and
- 31 5. The salary paid to the retired member shall not be less than the rate of compensation set by the
32 Board for teachers with no experience filling similar positions, nor more than eighty-five percent
33 (85%) of the rate of compensation set by Board for teachers with comparable training and years of
34 experience filling similar positions.

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42 Legal References:

- 43 1. TCA 49-5-511(a)(3)
- 44 2. TCA 49-2-301 (b)(1)(EE); 49-5-512(d)
- 45 3. TCA 49-5-511(a)(2)
- 46 4. TCA 49-5-511 through 513
- 47 5. TCA 49-5-512, 513
- 48 6. TCA 49-5-508(a)
- 49 7. TCA 49-5-706
- 50 8. TCA 49-5-411(b)
- 51 9. Public Acts of 2017, Chp. No 287
- 52 10. TCA 8-36-821

Johnson City Board of Education

Monitoring: Review Annually, in February	Separation Practices for Non-Tenured Teachers	Descriptor 5.201	Issue Date 12/9/2019
		Rescinds 5.201	Issued 4/4/2019

Under no circumstances shall the Superintendent of Schools suspend a teacher with pay. If vindicated or reinstated, the non-tenured teacher shall be paid full salary for the period of suspension.

SUSPENSION PENDING AN INVESTIGATION¹

The Superintendent of Schools may suspend a teacher at any time that may seem necessary, pending investigation, or final disposition of a case before the board or an appeal. If the matter under investigation is not the subject of an ongoing criminal investigation or a department of children's services investigation, and if no charges for dismissal have been made, a suspension pending investigation shall not exceed ninety (90) days in duration. ~~Under no circumstances shall the Superintendent of Schools suspend a teacher with pay. If vindicated or reinstated, the non-tenured teacher shall be paid full salary for the period of suspension.~~

SUSPENSION OF THREE DAYS OR LESS²

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

DISMISSAL OR SUSPENSION GREATER THAN THREE DAYS²

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

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

The board will appoint an impartial hearing officer to conduct such hearings. The hearing officer will hear the case and the teacher 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 teacher within ten (10) working days following the close of the hearing. The teacher may appeal the decision to the board within ten (10) working days of the hearing officer rendering the written decision to the

1 teacher. Written notice of appeal to the board shall be given to the Superintendent of Schools. Within twenty
 2 (20) days of receipt of notice, the Superintendent of Schools shall prepare a copy of the proceedings,
 3 transcript, documentary, and other evidence presented and provide the board a copy of the same.
 4

5 The board shall hear the appeal. No new evidence shall be introduced. The non-tenured teacher may appear in
 6 person or be represented by counsel and argue why the decision should be modified or reversed. The board
 7 shall take one of the following actions:
 8

- 9 1. sustain the decision;
- 10 2. send the record back if additional evidence is necessary; or
- 11 3. revise the penalty or reverse the decision.

12
 13 Before any decision to dismiss is made, a majority of the membership of the board shall concur in sustaining
 14 the charges. The board shall render a decision on the appeal within ten (10) working days after the conclusion
 15 of the hearing.
 16

17 The Superintendent of Schools shall also have the right to appeal any adverse ruling by the hearing officer in
 18 same manner as the non-tenured teacher.
 19

20 Within twenty (20) days after receipt of notice of the decision of the board, either party may appeal to the
 21 chancery court in the county where the school system is located. The board shall provide the entire record of
 22 the hearing to the court.
 23

24 **NONRENEWAL**

25
 26 Non-tenured teachers are subject to the same rules and regulations and are entitled to the privileges of
 27 employment enjoyed by tenured teachers except that they have no claim upon continuing employment or
 28 tenure protections.
 29

30 The principal is responsible for discussing deficiencies as part of the evaluation process with the non-tenured
 31 teacher and providing assistance for overcoming these deficiencies.
 32

33 The Superintendent of Schools is under no obligation to re-employ non-tenured teachers at the end of their
 34 contract period. If the Superintendent of Schools determines not to renew the contract of a non-tenured
 35 teacher,¹ the following action shall be taken:
 36

- 37 1. The Board shall be notified at the next regular board meeting; and
- 38 2. Written notice of non-renewal shall be hand delivered or sent to the teacher by registered mail
 39 so that it will be received by the teacher within five (5) business days following the last instructional
 40 day for the school year.³

43 **RESIGNATION**

44
 45 A teacher shall give the Superintendent of Schools notice of resignation at least thirty (30) days before the
 46 effective date of the resignation.⁴ The Board may waive the thirty (30) days notice requirement and permit a
 47 teacher to resign in good standing.
 48

49 The conditions under which it is permissible to break a contract with the Board are as follows:
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- 51 1. The drafting of the teacher into military service by a selective service board;

2. The incapacity on the part of the teacher to perform the contract as evidenced by the certified statement of a physician approved by the Board;
3. The release by the Board of the teacher from the contract which the teacher has entered into with the Board.⁶

Any teacher on leave shall notify the Superintendent of Schools in writing at least thirty (30) days prior to the date of return if the teacher does not intend to return to the position from which he/she has taken leave. Failure to render such notice may be considered a breach of contract.⁵

Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with the State Board of Education and request the suspension of a teacher's certificate. After the State Board of Education has provided the teacher an opportunity for defense during a hearing, the Commissioner of Education may suspend the certificate for no less than thirty (30) and no more than three hundred sixty-five (365) days.⁶

RETIREMENT

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

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

Teachers who retire under TCRS may be employed up to one-hundred (120) days per year without loss of retirement benefits. Retired teachers may substitute teach for additional days if the Superintendent of Schools certifies in writing to the Board that no other qualified personnel are available to substitute teach.⁷

The Superintendent of Schools may employ teachers retired for at least one year for full-time employment as a kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost or suspended under certain conditions, which include but are not limited to the following:⁸

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

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

Legal References:

Cross Reference:

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301 (b)(1)(GG); TCA 49-5-512(d)

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- 3. TCA 49-5-409
- 4. TCA 49-5-508
- 5. TCA 49-5-706
- 6. TCA 49-5-411(b)(4)
- 7. Public Acts of 2017; Chp No. 287
- 8. TCA 8-36-821

Johnson City Board of Education

Monitoring: Review Annually, in February	Separation Practices for Classified Employees	Descriptor 5.202	Issue Date 7/2/2012
		Rescinds 5.202	Issued 7/1/2000

SUSPENSION

The Superintendent of Schools/designee is authorized to suspend an employee at any time when deemed necessary.¹ Before an employee is suspended/dismissed, he shall be: (1) provided with reasons for the suspension; (2) given an opportunity to respond; and (3) given a written decision.

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

DISMISSAL

All classified employees are employed at the will of the Superintendent. The Superintendent of Schools may dismiss any classified employee during the contract year for any reason.

RESIGNATION

Classified 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 Superintendent of Schools for justifiable reason.

The immediate supervisor shall forward copies of the written notice of resignation the day received to the Superintendent of Schools' office. The payroll office will prepare final payment for the next appropriate scheduled pay day.

RETIREMENT

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

Central office personnel shall assist employees in securing retirement benefits; however, it shall be the responsibility of the retiring employee to provide verification of eligibility in writing ~~from the Tennessee Consolidated Retirement System ("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 Reference:

1. TCA 49-2-301(b) (1) (EE)(FF)

Johnson City Board of Education

Monitoring: Review Annually, in February	Emergency and Legal Leave	Descriptor 5.301	Issue Date 4/4/2019
		Rescinds 5.301	Issued 6/1/2009

EMERGENCY LEAVE

An immediate supervisor may grant an employee emergency leave during the workday for a sudden, unexpected occurrence demanding immediate attention. Leave shall be taken as personal leave,¹ sick leave or leave without pay, which requires the written approval of the Superintendent of Schools. The employee who uses emergency leave shall confirm said leave **as soon as physically possible**. ~~on appropriate forms the day after returning to work.~~

LEGAL LEAVE

Jury Duty

The following procedures shall regulate the leave for jury duty for all employees:

1. The employee shall present written evidence that he has been summoned to serve on a jury; and,
2. The employee shall be entitled to the usual compensation, less the amount paid by the court.²

Court Appearances

When an employee is required to appear in any school-related legal proceeding he shall be provided such time with no loss of pay or benefits, except where the employee is an adverse party.

If an employee appears in court because of a personal interest, whether as a plaintiff, defendant or witness or voluntarily appears in behalf of family or friends, or when an employee is required to appear in court either as a defendant or plaintiff in a civil case, personal leave or leave without pay shall be granted in accordance with the established board policies on leaves.

Legal References:

1. TCA 49-5-711 (c)(1)(2); OP Tenn. Atty. Gen. 81-5 (Jan. 9, 1981)
2. TCA 22-4-101

Johnson City Board of Education

Monitoring: Review Annually, in February	Family and Medical Leave	Descriptor 5.305	Issue Date 6/7/2010
		Rescinds 5.305	Issued 3/5/2007

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 Family Medical Leave Act ("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 and childbirth shall be granted at least four (4) months leave.)³
2. Any person requesting maternity leave must, during the period of actual physical disability, use accumulated sick leave until leave is exhausted before using FMLA leave. **All FMLA leave runs concurrently with paid leave.** A physician's statement may be required by the Superintendent of Schools when determining the period of actual physical disability.⁵
3. Up to thirty (30) days of accumulated sick leave may be used during the adoption of a child. If both adoptive parents are teachers, only one parent may request leave. Written verification of the impending adoption from agency or other entity handling the adoption is required before the leave is granted.⁴

Request for FMLA leaves and extension of FMLA leaves shall conform to state law governing all leaves of absence.

RESTRICTIONS

1. For foreseeable leave, the employee shall provide the Superintendent of Schools with written notice on Board approved forms at least thirty (30) days before the beginning of the anticipated leave.³
2. The Superintendent may require that a request for FMLA 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;

- 1
2 c. the appropriate medical facts within the knowledge of the health care provider regarding the
3 condition; and
4 d. a statement that the eligible employee is needed to care for the son, daughter, spouse or parent
5 and an estimate of the amount of time that such employee is needed.
6

7 3. If there is any reason to doubt the validity of the certification provided, the Superintendent may
8 require, at the expense of the school system, an opinion of a second health care provider.
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10 4. Once it has been established that the leave requested qualifies for FMLA, the Superintendent of
11 Schools/designee shall notify the employee within two (2) business days (absent extenuating
12 circumstances) that -
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14 Any leave taken pursuant to state leave statutes or other leave policies,
15 (personal leave, sick leave or worker's compensation) may run concurrently
16 with FMLA leave.⁶
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18 The notice may be given orally or in writing. If the notice is oral, it shall be confirmed in writing, no
19 later than the following pay day.⁷
20

21 5. Intermittent Leave - When a licensed employee requests foreseeable leave for planned medical
22 treatment and the employee would be on leave for greater than 20% of the total number of working
23 days in the period during which the leave would extend, the school may require that such employee
24 elect either to take the leave for periods of a particular duration, not to exceed the duration of the
25 planned medical treatment or to transfer temporarily to an available alternative position offered by
26 the school system for which the employee is qualified, and that has equivalent pay and benefits and
27 better accommodates recurring periods of leave.
28

29 6. Period Near the End of an Academic Term (*Certified employees*) - If leave is taken more than five
30 (5) weeks prior to the end of the term, the Superintendent of Schools may require the employee to
31 continue taking leave until the end of the term if the leave is at least three (3) weeks of duration and the
32 return of employment would occur during the three (3) week period before the end of the term.
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34 If the leave is taken five (5) weeks prior to the end of the term, the Superintendent of Schools may
35 require the employee to continue taking leave until the end of the term if the leave is greater than two
36 (2) weeks duration and the return to employment would occur during the two (2) week period before
37 the end of the term.
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39 **REQUIREMENTS OF THE BOARD**

40 **After return from Family Medical Leave**

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44 1. The employee shall be restored to the same position of employment or an equivalent position with
45 no loss of benefits, pay or other terms of employment.
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47 2. The employee shall be kept under any group health plan for **the twelve weeks of FMLA leave.** ~~the~~
48 ~~duration of the leave.~~
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50 3. The Board may recover the premium paid under the following conditions:
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- a. the employee fails to return from leave after the period of leave has expired; and
- 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)

Cross References:

- Sick Leave 5.302
- Long Term Leaves 5.304

Johnson City Board of Education

Monitoring: Review Annually, in March	Personnel Health Examinations/ Communicable Diseases	Descriptor 5.400	Issue Date 4/4/2019
		Rescinds 5.400	Issued 6/1/2009

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All employees, prior to entering service, shall present a physician’s certificate showing a satisfactory health record.¹ Any employee who contracts a contagious/communicable that may endanger the health of a student is required to inform the Superintendent of Schools.

No employee who has any communicable disease shall perform his/her duties in any location where such might endanger the health of school children. The Board shall require any employee to submit to a physical examination by a physician whenever there is reason to believe that the employee has any communicable disease.² The Board shall use the physician’s report to determine any employment limitations, the degree of communicability of the disease and the employment status of the employee.

The Superintendent of Schools shall reassign or suspend any employee who is suspected of having a communicable disease which might endanger the health of students, pending investigation and final disposition of the case before the Board.³

To assist the Board in making final disposition of the case, the Superintendent of Schools may refer the case to the County Health ~~Office~~ Department or other medical experts.

In all instances, district personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information.

Legal References:

1. TRR/MS 0520-1-3-.08(2)(f)
2. TCA 49-2-203(b)(2);
TCA 49-5-710(a)(7); TCA 49-5-404
3. TCA 49-5-511

Cross References:

Suspension/Dismissal 5.200-202
Section 504/ADA Grievances Procedures 1.802

Johnson City Board of Education

Monitoring: Review Annually, in March	Overtime Pay of Non-Exempt Personnel	Descriptor 5.604	Issued Date 4/4/2019
		Rescinds 5.604	Issued 7/2/2012

1 The Board expects that when requested, employees will work in excess of standard hours. When work
2 in excess of standard hours is required, non-exempt employees will be compensated for the unscheduled
3 additional hours worked.

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5 Overtime is defined as hours physically worked in excess of forty (40) hours per week. When a non-exempt
6 employee is requested to work over regularly scheduled hours, the following shall apply¹:

7
8 The Superintendent of Schools and the immediate supervisor must approve hours worked over the scheduled
9 hours prior to the work being performed, except in an emergency situation.

10 Compensation for Unscheduled Additional Hours

- 11 1. All payment of overtime shall be processed through the payroll office, and must be approved in
12 advance by the **employee's immediate supervisor**, Superintendent of Schools, **and or** the Director of
13 Finance.
- 14 2. Overtime compensation (either overtime pay or compensatory time off) shall be provided for all
15 hours worked over forty (40) hours per week.
- 16 3. All hours physically worked in excess of forty (40) hours in a week shall be compensated at a rate
17 of time and one-half (1.5).

18 Compensatory Time:

- 19 1. Whenever possible, compensatory time off shall be used in preference to overtime pay.
- 20 2. If it is determined by the immediate supervisor that compensatory time cannot be granted within
21 a reasonable period or without unduly disrupting the operation of the facility, overtime pay may
22 be authorized.²
- 23 3. Compensatory time shall be provided at the rate of time and one-half for all hours worked in excess
24 of forty (40) hours in a week.

25 Payroll Provisions

- 26 1. An authorization for overtime pay must be submitted by the immediate supervisor.
- 27 2. Payment for overtime will be included in the paycheck for the period immediately following the
28 one in which it was earned, or the period immediately following the determination that compen-
29 satory time would not be possible.

30 Discipline

- 31 1. Persons who have been assigned to work overtime unscheduled hours, whether voluntary or
32 mandatory, shall be expected to report to work as scheduled.
 - 33 2. Failure to report shall subject an employee to disciplinary procedures as specified for any other
34 non-appearance for a regularly scheduled work time.
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1 3. Employees shall be released from mandatory overtime, without fear of discipline, when they can
2 provide a reasonable excuse such as the following:
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- 4 a. Personal family emergency;
- 5 b. Previously scheduled personal or family health maintenance appointments;
- 6 c. Important family function, weddings, graduations, etc **as approved**.
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8 If there is doubt concerning the employee's sincerity in offering such an excuse, the burden of proof will
9 rest with the employee.
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37 Legal References:

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- 39 1. 29 CFR § 553.20-23; TCA 5-23-101; 104
- 40 2. Fair Labor Standards Act (FSLA) 29 U.S.C. § 207 (o)(5)
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Johnson City Board of Education

Monitoring: Review Annually, in March	Non-System Employment	Descriptor 5.607	Issued Date 8/3/2015
		Rescinds 5.607	Issued 8/4/2014

PROFESSIONAL PERSONNEL

An employee will not perform any duties related to any non-system position during his regular working hours or during the additional time that the responsibilities of the position require, nor will an employee use any Board of Education facilities, equipment or materials, including the Board's technology/computer system and networks and any configuration of hardware and/or software, in performing outside work without the permission of the Superintendent of Schools or his designee. The Board's technology resources will be used only for learning, teaching and administrative purposes consistent with the Board's mission and its goals. Commercial use of the Board's resources is strictly prohibited.

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

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

1. The work in no way interferes with his work in the school system;
2. The work in no way reflects detrimentally upon the school system or its prestige;
3. **If the work is for another educational institution**, the work may not exceed fifteen (15) clock hours beyond his regular employment per week and may not exceed four hundred (400) clock hours out of any nine (9) month period.
4. If the additional part-time work is or includes teaching in an institution of higher education, such teacher shall be limited to teaching no more than two (2) courses per quarter or semester.
5. Such outside obligations do not prevent the individual from assuming duties required by the regular position; and
6. The individual does not receive remuneration for work which is customarily within his regular position.¹

CLASSIFIED PERSONNEL

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

Employees who are on leave (paid or unpaid, other than military service) from the system continue to be employed by the system and are subject to the above conditions.

Legal Reference:

1. TCA 49-5-410

Cross Reference

Staff Conflict of Interest 6.601

Johnson City Board of Education

Monitoring: Review Annually, in March	Use of School System Technology	Descriptor 5.609	Issued Date 7/2/2012
		Rescinds 5.609	Issued 6/2/2008

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

3
4 Before any employee is allowed use of the school system's network, the employee shall sign a written
5 agreement, developed by the Superintendent/designee that sets the terms and conditions of such use. Any
6 employee who accesses the district's computer system for any purpose agrees to be bound by the terms of that
7 agreement, even if no signed written agreement is on file.

8
9 Prohibited and illegal activities include but are not limited to the following:¹

- 10 1. Sending or displaying offensive messages or pictures
- 11 2. Using obscene language
- 12 3. Harassing, insulting, defaming, bullying or attacking others
- 13 4. Hacking or attempting unauthorized access to any computer or server
- 14 5. Violation of copyright laws
- 15 6. Trespassing in another's folders, work, or files
- 16 7. Using another's password or other identification (impersonation)
- 17 8. Use of the network for commercial purposes
- 18 9. Buying or selling on the Internet **for personal use**
- 19 10. Using school or system computers for personal business

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22 Additionally, employees shall not use school system technology for purposes prohibited by law or for
23 accessing sexually explicit materials. The Board retains the right to regularly monitor the on-line activities
24 conducted on school system technology.

25 26 **E-Mail**

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28 Users with network access shall not utilize school system resources to establish electronic mail accounts
29 through third-party providers or any other nonstandard electronic mail system. All data including e-mail
30 communications stored or transmitted on school system equipment shall be monitored. Employees have no
31 expectation of privacy with regard to such data. E-mail correspondence may be a public record under the
32 public record's law and may be subject to public inspection.² E-mail and attachments transmitted via the
33 school sytem's network will be archived for a minimum period of one (1) year.

34 35 36 Legal Reference:

- 37 1. TCA 39-14-602
- 38 2. TCA 10-7-512

Cross Reference:

- 39 Use of Electronic Mail (e-mail) 1.805
- 40 Web pages 4.407
- 41 Use of the Internet 4.406

Johnson City Board of Education

Monitoring: Review Annually, in April	Student Goals and Objectives <u>Educational Programs</u>	Descriptor 6.100	Issued Date 5/7/2018
		Rescinds 6.100	Issued Date 4/6/2015

In order to establish an environment conducive to learning for each student, the Board establishes the following goals for ~~students~~ the system's educational programs:

1. To assure all students the same educational opportunities and learning environment regardless of race, color, creed, religion, ethnic origin, sex, gender, sexual orientation or disabilities;¹
2. To protect and observe the legal rights of students;
3. To enhance the self-image of each student by helping him feel respected and worthy through a learning environment which provides positive encouragement for frequent success;
4. To provide an environment in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens;
5. To deal with students in matters of discipline in a fair, consistent and constructive manner;
6. To provide for the safety, health and welfare of students;
7. To promote regular attendance and excellence in work; and
8. To prepare students to be healthy, productive citizens.

Legal Reference:

1. 20 U.S.C. § 1703

Cross References:

- School District Goals & Objectives 1.700
 Instructional Goals & Objectives 4.100
 Discrimination/Harassment 6.304

Johnson City Board of Education

Monitoring:	Attendance	Descriptor 6.200	Issued Date 4/13/2020
Review: Annually, in March		Rescinds 6.200	Issued 12/9/2019

Attendance is a key factor in student achievement and therefore, students are expected to be present each day school is in session. The attendance supervisor shall oversee the entire attendance program which shall include:¹

1. Providing accounting and reporting procedures and their dissemination;
2. Providing alternative program options for students who severely fail to meet minimum attendance requirements;
3. Ensuring that all school age children attend school;
4. Providing documentation of enrollment status upon request for students applying for new or reinstatement of driver's permit or license; and
5. Notifying the Department of Safety whenever a student with a driver's permit or license drops out of school.²

Chronic absenteeism is defined as a student missing ten percent (10%) or more of the days the student is enrolled, for any reason, including excused absences and out-of-school suspensions.

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.³

Absences shall be classified as either excused or unexcused as determined by the principal or his designee. Excused absences shall include⁴:

1. Personal illness;
2. Illness of immediate family member;
3. Death in the family;
4. Extreme weather conditions;
5. Principal/designee approved absences-up to three (3) days per school year as requested by the parent/legal guardian. No student will be allowed to use these absences during standardized testing dates or during final exams;
6. Religious observances;⁵
7. Five (5) college visits;
8. Pregnancy;
9. School endorsed activities;
10. Summons, subpoena or court order; or
11. Circumstances over which, in the judgment of the principal, the student has no control.

The principal shall be responsible for ensuring that:⁶

1. Attendance is checked and reported daily for each class;
2. Daily absentee sheets contain sign in/sign out sheets and indicate students present or absent for the majority of the day;

3. All student absences are verified;
 4. Excuses are submitted for absences and tardiness;
 5. System-wide procedures for accounting and reporting are followed.
- Upon recommendation of the principal, students in grades K- 8 who are absent more than twenty (20) days will not be promoted to the next grade.

All absences, excused or unexcused, are counted in the maximum number of days that may be missed during a session or school year.

TRUANCY

Truancy is defined as an unexcused absence for an entire school day, a major portion of the school day or the major portion of any class, ~~study hall~~ or activity during the school day for which the student is scheduled.

Annually, the Superintendent of Schools/designee will provide written notice to parent(s)/guardian(s) that attendance at school is required. Students shall be present at least fifty percent (50%) of the scheduled school day in order to be counted present. Students may attend part-time days, alternating days, or for a specific amount of time as indicated in their Individualized Education Plan or 504 Plan and shall be considered present for school attendance purposes. If a student is required to participate in a remedial instruction program outside of the regular school day where there is no cost to the parent(s)/guardian(s) and the school district provides transportation, unexcused absences from these programs shall be reported in the same manner.⁷

A student who is absent five (5) days without adequate excuse shall be reported to the Superintendent of Schools/designee who will, in turn, provide written notice to the parent(s)/guardian(s) of the student's absence. If a parent/guardian does not provide documentation within adequate time excusing those absences, or request an attendance hearing, then the Superintendent of Schools shall implement the progressive truancy intervention plan described below prior to referral to juvenile court.

3-TIERED TRUANCY INTERVENTION PLAN⁸

Tier 1

Tier 1 is triggered when a student accumulates 5 unexcused absences. The school will schedule a conference with the parent to formulate a plan in hopes of avoiding any further unexcused absences. Preferably, the conference will be in person. If the parent is not reached on the first attempt, the school shall make at least 2 more documented attempts in the first 10 days of the child accumulating the 3rd unexcused absence. If the school is still unsuccessful at reaching the parent(s), the school shall meet without the parent(s). If the parent(s) does schedule the meeting and does not show, one more attempt at scheduling a conference will be made before meeting without the parent(s).

The principal or his/her designee will conduct the conference with the parent(s) and student if age appropriate. During the conference the Tier 1 Truancy Contract will be completed, and a plan will be developed and implemented for the student. The contract will expire at the end of the current school year. The principal/designee will determine what supports are available for the family, and he/she would discuss the value of education with the family. Any unused parent notes or any doctors' notes may be accepted at this time, even if it is past the allowable 5 days to turn in a note. The principal or his/her designee will inform parent(s) the next unexcused will trigger Tier 2, and with continued unexcused absences, the child is subject to further truancy interventions.

A review meeting should be set within the next 30 days or end of the semester, whichever occurs first. If the student misses another unexcused day prior to the review meeting, Tier 2 will be triggered.

1 **Tier 2**

2 If the Tier 1 Intervention Plan is unsuccessful, Tier 2 is triggered. The same procedures as stated in Tier 1
3 shall be followed regarding scheduling the conference. An administrator will need to conduct the Tier 2
4 conference. Additional measures will be added to the plan developed in Tier 1. Additional measures may
5 include conferences with the school counselor and check-in/check-out. The Tier 2 Truancy Contract must be
6 completed. A review meeting should be set within the next 30 days or end of the semester, whichever occurs
7 first. If the student misses another unexcused day prior to the review meeting, Tier 3 will be triggered.
8

9 **Tier 3**

10 Tier 3 meetings will be conducted by the Johnson City Schools Truancy Board. Meetings will be held at
11 Johnson City Juvenile Court. If a student from a school is required to attend, a representative from that school
12 should also be in attendance.

13 A parent/guardian failing to attend the Truancy Board hearing or to make other arrangements will be subject
14 to a petition to juvenile court. The attendance policies of the Johnson City Board of Education and the reasons
15 for the student's unexcused absenteeism will be discussed at this meeting. Additional resources will be added
16 to the intervention plan. If the student misses another unexcused day prior to the review meeting, a petition
17 will be filed in Juvenile Court.

18 **RELEASED TIME COURSE⁹**

19 A principal/designee may excuse a student to attend a course in religious moral instruction for up to one (1)
20 class period per school day. Students shall not be excused during any class which requires an examination for
21 state or federal accountability purposes.

22 The student shall submit a written consent form signed by the student's parent/guardian prior to participation
23 in the released time course. The principal/designee shall document the approval in writing. The student shall
24 provide documentation to the principal/designee as proof of the student's participation in the released time
25 course.

26 The district shall not be responsible for transporting students to and from the place of instruction.

27 Upon submission of the student's transcript from the entity that provided the released time course, the student
28 may be awarded one-half (1/2) unit of elective credit.

29 The Superintendent of Schools shall develop procedures with secular criteria for determining whether credit
30 shall be awarded.
31

32 **MAKE-UP WORK AND INCOMPLETES**

33 All students are expected to make up the work missed during an absence. It is the responsibility of the student
34 to meet with the teacher within two (2) days of returning to class to make arrangements for the completion of
35 work to be made up. Work that is assigned at least five (5) days prior to an absence and due during the
36 absence must be turned in the day the student returns to class. Students who are to be absent due to school
37 sponsored activities are to meet with their teachers prior to the activity to get assignments and to schedule a
38 time to take any missed test, quizzes, etc. ⁵
39

40 **STATE MANDATED TESTS/END OF COURSE EXAMS**

41 **Grades 9-12**

42 Secondary students who are absent the day of scheduled End of Course Exams and on the make-up day must
43 present a signed doctor's excuse or must have been given an excused release by the principal prior to testing to

1 receive an excused absence. Excused students will receive an incomplete in the course until they have taken
2 the state mandated test(s).

3
4 Students who have an unexcused absence on the day of the scheduled End of Course Exam and on the makeup
5 day shall receive a failing grade on the Exam which shall be averaged into their final term grade at the state
6 designated rate.

7
8 Any student who misses a scheduled End of Course Exam must take the test at the next administration in order
9 to meet their End of Course diploma requirements

10
11 **Grades 3-8**

12 Students who are absent the day of scheduled state mandated tests or on the make-up days must present a
13 signed doctor’s excuse or must have been given an excused release by the principal prior to testing to receive
14 an excused absence.

15
16 **CREDIT/PROMOTION DENIAL**

17 Credit/promotion denial determinations may include student attendance reports, however, student attendance
18 may not be the sole criterion.¹⁰ If attendance is a factor, prior to credit/promotion denial, the following shall
19 occur:

- 20 1. Parents and student shall be advised if a student is in danger of credit/promotion denial due to
- 21 excessive absenteeism.
- 22 2. Procedures in due process are available to the student when credit/promotion is denied.

23
24 **DRIVER’S LICENSE REVOCATION²**

25 More than ten (10) consecutive or fifteen (15) reported absences (unexcused) by a student during any semester
26 renders a student ineligible to retain a driver’s permit or license, or to obtain such if of age.

27
28 In order to qualify for reclaiming a driver’s permit or license, the student must make a passing grade in at least
29 three (3) full unit subjects or their equivalency at the conclusion of a subsequent grading period.

30
31 **ATTENDANCE HEARING¹¹**

32 Students with excessive (more than 5) unexcused absences or those in danger of credit/promotion denial shall
33 have the opportunity to appeal to an attendance hearing committee appointed by the principal. If the student
34 chooses to appeal, the student or their parents shall be provided written or actual notice of the appeal hearing
35 and shall be given the opportunity to address the committee. The committee will conduct a hearing to
36 Determine if any extenuating circumstances exist or to determine if the student has met attendance
37 requirements that will allow him/her to pass the course or be promoted. Upon notification of the attendance
38 committee decision, the principal shall send written notification to the Superintendent of Schools/designee and
39 the parents of the student of any action taken regarding the excessive unexcused absences. The notification
40 shall advise parents of their right to appeal such action within two (2) school days to the
41 Superintendent/designee.

42 The appeal shall be heard no later than ten (10) school days after the request for appeal is received.

43 Within five (5) school days of the Superintendent/designee rendering a decision, the student's parents may
44 request a hearing by the Board, and the Board shall review the record. Following the review, the board may
45 affirm or overturn the decision of the Superintendent/designee. The action of the Board shall be final.

1 The Superintendent/designee shall ensure that this policy is posted in each school building and disseminated to
2 all students, parents, teachers, and administrative staff.

3
4 **TARDIES**

5 Being on time for school and class is required of all students. Each school shall adopt a plan designed to
6 reduce or eliminate tardies. This plan shall be consistent across school divisions (i.e. elementary, middle, or
7 secondary) and within individual schools.

8
9 **PRE-K PROGRAMS**

10 Pre-K programs may have alternate attendance requirements.

11
12
13

Legal References:

- 14 1. TRR/MS 0520-1-3-.08(1)(a); TCA 49-6-3006
- 15 2. TCA 49-6-3017(c)
- 16 3. 20 USC 1232g
- 17 4. TRR/MS 0520-1-3-.03(16)
- 18 5. TCA 49-6-2904(b)(5)
- 19 6. TCA 49-6-3007
- 20 7. TCA 49-6-3021
- 21 8. TCA 49-6-3007; 49-6-3009
- 22 9. TCA 49-2-130
- 23 10. TCA 49-2-203(b)(7); 49-6-3002(b)
- 24 11. TRR/MS 0520-01-02.17

13

Cross Reference:

- 14 School Calendar 1.800
- 15 Extracurricular Activities 4.300
- 16 Interscholastic Athletics 4.301
- 17 Field Trips/Excursions 4.302
- 18 Reporting Student Progress 4.601
- 19 Promotion and Retention 4.603
- 20 Recognition of Religious Beliefs 4.803
- 21 Voluntary Pre-K Attendance 6.2011
- 22 Students in Foster Care 6.505
- 23 Student Records 6.600
- 24 Students From Military Families 6.506
- 25 Student Records 6.600

Johnson City Board of Education

Monitoring: Review Annually, in April	Compulsory Attendance Ages	Descriptor 6.201	Issued Date 4/4/2019
		Rescinds 6.201	Issued 5/7/2018

Children between the ages of six (6) and seventeen (17) years, both inclusive, must attend a public or private school.¹ A parent or legal custodian who believes that his child is not ready to attend school at the designated age of mandatory attendance may make application to the principal of the public school which the child would attend for a one year deferral in required attendance. Any such deferral shall be reported to the Superintendent of Schools by the principal.² Under certain circumstances the Board may temporarily excuse students from complying with the provisions of the compulsory attendance law.³

Any child residing within the city of Johnson City, who will be five (5) years of age on or before August 15 and who makes application for admission shall be enrolled in the school designated by the Board.⁴

If a child ~~will be~~ **turns** five (5) years of age after August 15th or **on or** before September 30, such child's parent or legal guardian may request that the child be admitted into kindergarten. Upon a request, the Superintendent of Schools/designee shall administer an evaluation and examination. If the results indicate that the child is sufficiently mature emotionally and academically, then the child may be enrolled in kindergarten. The Superintendent of Schools shall develop procedures and forms to implement the provisions of this policy.

No child shall be eligible to enter first grade without having attended an approved kindergarten program or unless otherwise provided by law.⁵

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

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

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

The compulsory attendance law shall not apply to the following:³

1. A student who has received a diploma or other certificate of graduation;
2. A student who is enrolled and making satisfactory progress in a course leading to a GED; or
3. A student enrolled in a home school who has reached the age of seventeen (17).

Legal References:

1. TCA 49-6-3001(c)(1);
Covell v. State (1920), 143 Tenn. 571, 227 S.W. 41
2. TCA 49-6-3001(c)(5)
3. TCA 49-6-3005
4. TCA 49-6-3001(a); TCA 49-6-3001(b)(1)
5. TCA 49-6-201(3); TCA 49-6-201(9)(d); TRR/MS 0520-1-3-.03(10)(a)
6. 20 U.S.C. Sec. 5. 1400-1485

Cross References:

- Special Education Program 4.202
 Adult Education Program 4.208
 Special Education Students 6.500
School Admissions 6.203

Johnson City Board of Education

Monitoring: Review Annually, in April	Home Schools	Descriptor 6.202	Issued Date 5/7/2018
		Rescinds 6.202	Issued 4/6/2015

A "home school" is a school conducted or directed by parent(s) for their own children. Home schools which teach K-12 where the parents are associated with and students are enrolled in a church-related schools (*as defined by TCA §49-50-801*); which are supervised by such organization; and which administer or offer standardized achievement tests at the same time tests are given in their regular day schools are exempt from the following provisions, but must follow procedures issued by the State Department of Education.¹

A parent wishing to conduct a home school shall meet the following requirements:

1. Provide notice to the Superintendent of Schools each school year of the intent to conduct a home school;
2. Submit to the Superintendent of Schools the name, age, grade level of children involved, location of the school, curriculum to be offered, proposed hours of instruction, qualifications of the parent/teacher, and a description of the courses to be taught each year;
3. Maintain attendance records, subject to inspection of the local Superintendent of Schools;
4. Submit attendance records to the Superintendent of Schools at the end of each school year;
5. Provide instruction for at least four (4) hours per day for the same number of instructional days as are required by state law for public schools;
6. Possess a high school diploma or GED or pass a high school equivalency test in order to conduct a home school.
7. Cooperate in the administration to home school students of appropriate tests as determined by the Commissioner of Education, his designee or by a professional testing service;
8. Take action, including remediation, according to state law if home school student falls behind appropriate grade level;
9. Submit proof to the Superintendent of Schools that the home school student has been vaccinated as required by law;
10. Submit proof to the Superintendent of Schools that other health services and examinations as required by law have been received by the home school student; and
11. In the event of illness or inadequacy of the home school parent-teacher to teach a specific subject, employ a tutor having the same qualifications as required of parent/teacher.

1 If one or more of these requirements are not met, the Board authorizes the Superintendent of Schools to take
2 formal action to bring the child into compliance with the Compulsory Attendance Law (until the child
3 has reached age 17), either in the home school or in a public, private or church-related school.
4

5 Johnson City school facilities shall be available for the instruction of home school students ~~instruction~~ only
6 when *all* of the following
7 conditions exist:
8

- 9 1. Special needs courses are being taught which require services unavailable to the home school
10 student and these services cannot be provided through any means other than the public schools;
11
- 12 2. Requests for services are made known by the home school parent when notice is given to the
13 Superintendent of Schools of the intent to conduct a home school;
14
- 15 3. The Superintendent of Schools investigates the request and makes recommendations to the
16 Board;
17
- 18 4.. No overcrowding, additional expenses, including providing of transportation or other special
19 situations which interfere with the normal operation of the school system, shall be incurred; and
20
- 21 5. Approval by the Board on a case-by-case basis.
22

23 The Superintendent of Schools, through the attendance supervisor, shall have the attendance records of the
24 home school inspected at the end of each school year in order to provide assistance in implementing the
25 Compulsory Attendance Law.
26

27 If a home school student falls more than one (1) year behind his appropriate grade level in his compre-
28 hensive test score for two (2) consecutive tests, and if a certified teacher licensed to teach at the student's
29 grade level determines through appropriate means that the student is not learning disabled, the Superintendent
30 of Schools shall require the parents to enroll the child in a public, private or church-related school.
31

32 Home school students are not permitted to participate in non-athletic extracurricular programs within Johnson
33 City Schools. Students must enroll and attend schools under the supervision and control of the Johnson City
34 Schools Board of Education to be permitted to participate in student organizations/extra-curricular activities.
35 Home school students may participate in TSSAA athletic programs (pursuant to Article II, Section 25 of the
36 TSSAA Bylaws) by notifying the Superintendent of Schools by August 1 of the school and the principal by
37 August 15 of the school year.
38
39
40

41 _____
42 Legal Reference:
43

- 44 1. TCA 49-6-3050(a)(10)(2)(A); TCA 49-50-801
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Johnson City Board of Education

Monitoring: Review Annually, in April	School Admissions	Descriptor 6.203	Issued Date 5/7/2018
		Rescinds 6.203	Issued 4/7/2008

Any student entering a Johnson City school for the first time must meet the requirements of all state and federal laws applicable to school admissions.¹

Any students entering school for the first time must present:

1. A birth certificate or officially acceptable evidence of date of birth at the time of registration;
2. Evidence of a current medical examination.² There shall be a complete medical examination of every student entering school for the first time. This applies to pre-K, kindergarten, first grade and other students for whom there is no health record; and
3. Evidence of state-required immunization.³

The name used on the records of a student entering school must be the same as that shown on the birth certificate unless evidence is presented that such name has been legally changed through a court as prescribed by law. If the parent does not have or cannot obtain a birth certificate, then the name used on the records of such student will be the same as that shown on documents which are acceptable to the school principal as proof of date of birth.

A child whose care, custody and support has been assigned to a resident of the district by a properly executed and valid power of attorney or order of the court shall be enrolled in school provided appropriate documentation has been filed with the district office.⁴

A student may transfer into the school system at any time during the year if his parent(s) makes a bona fide move and change of residence into the school system.

When a student who has been judged delinquent for an offense involving murder, rape, robbery, kidnapping, aggravated assault or reckless endangerment initially enters school, or resumes attendance after suspension or expulsion, the parents, guardians, or legal custodians of such student shall notify the principal by providing the abstract of record required by law or other similar written information regarding the offense. This information shall be shared only with school employees who have responsibility for classroom instruction of the student. Such information is otherwise confidential and shall not be released to others except as required by law. The written notification shall not become a part of the student's record.⁵

Legal References:

1. McKinney-Vento Education Assistance Improvements Act of 2001 Subtitle B § 721-725; Pub L. 114-95
2. TRR/MS 0520-1-3-.08(2)(a); TCA 49-6-5004(a)
3. TCA 49-6-5001(c)
4. TCA 49-6-3001(c); TCA 37-1-131(a)(2)
5. TCA 49-6-3051

Cross Reference:

Homeless Students 6.503
Student Records 6.600

Johnson City Board of Education

Monitoring: Review Annually, in April	Student Assignment	Descriptor 6.205	Issued Date 5/7/2018
		Rescinds 6.205	Issued 4/14/2014

TO SCHOOLS

Kindergarten through grade 12 students are expected to attend the school to which they are assigned by virtue of their residence. Students will enroll in the appropriate grade at their assigned school.¹

Subject to system rules parents may apply to enroll their children in any school in the school system as provided in Board Policy #6.206.

All transfer applications must be submitted to the receiving school principal. Final approval shall reside with the Superintendent of Schools.

Pupil assignments shall be on a space available basis:

- | | |
|--------------|--|
| 1st Priority | In zone students |
| 2nd Priority | Transfer students already enrolled and in good standing |
| 3rd Priority | Siblings of enrolled transfer students |
| 4th Priority | New transfer students |
| 5th Priority | Tuition students already enrolled and in good standing |
| 6th Priority | New tuition students (Includes siblings of present students) |

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

All children of school system certified personnel will be afforded the rights of in-district priority related to applications, admissions and transfers, but will be subject to the payment of tuition when applicable.³

TO CLASSES

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

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

Legal Reference:

1. TCA 49-6-3102 through 3103
2. TCA 49-6-3201
- 3. TCA 49-6-3113**

Cross Reference:

Transfers Within the System 6.206

Johnson City Board of Education

Monitoring: Review Annually, in April	Child Custody/Parental Access	Descriptor 6.209	Issued Date 4/6/2009
		Rescinds 6.209	Issued 7/1/2000

The Board presumes that the person who enrolls a student in school is the student's custodial parent when there is no reasonable evidence to bring this presumption into question. Unless a Tennessee court specifies otherwise, the custodial parent shall be the one whom the school district holds responsible for the education and welfare of that child.

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

Unless there are specific court-imposed restrictions, the non-custodial parent, upon request, shall be given access to all of the student's educational records including but not limited to the student's cumulative file and the student's special education file, if applicable.²

No principal or teacher shall permit a change in the physical custody of a child at school unless:

1. The person seeking custody of the child presents the school official with a certified copy of a valid court order from a Tennessee court designating the person who has custody of the child; and
2. The person seeking custody shall give the school official reasonable advance notice of his intent to take custody of the child at school;³ and
3. The person seeking custody adequately identifies himself.

Legal References:

1. 20 U.S.C. § 1232g
(Family Educational Rights and Privacy Act of 1974)
2. TCA 49-6-902
3. TCA 36-6-105

Cross Reference:

Student Records 6.208

Johnson City Board of Education

Monitoring: Review Annually, in April	Rights and Responsibilities	Descriptor 6.301	Issued Date 4/14/2014
		Rescinds 6.301	Issued 7/2/2012

The Board expects all school staff, students and parents to assume the responsibility for appropriate behaviors in the school or at school-sponsored activities. Each student's parent/guardian will receive and sign for a copy of the Code of Conduct at the beginning of each school year.

Each student has the right to:

1. Have the opportunity for a free education in the most appropriate learning environment;
2. Be secure in his/her person, papers and effects against unreasonable searches and seizure;
3. Expect that the school will be a safe place;
4. Have an appropriate environment conducive to learning;
5. Not be discriminated against on the basis of sex, race, color, gender, creed, religion, national origin or disabilities¹;
6. Be fully informed of school rules and regulations;
7. Freedom of speech (including the right to pray, express religious viewpoints, distribute religious literature, etc.) and assembly; and
8. Freedom to publish.

Each student has the responsibility to know and adhere to reasonable rules and regulations established by the Board and set forth in the Student Code of Conduct, including but not limited to :²

1. Respect the human dignity and worth of every other individual;
2. Refrain from libel, slanderous remarks, and obscenity in verbal, written and electronic expression;
3. Study and maintain the best possible level of academic achievement;
4. Be punctual and present in the regular school program;
5. Dress and groom in a manner that meets reasonable standards of health, cleanliness, modesty and safety;
6. Maintain and/or improve the school environment, preserve school and private property, and exercise care while using school facilities;
7. Refrain from bullying or any other behavior which would lead to physical or emotional harm or disrupts the educational process;
8. Respect the authority of school administrators, teachers and other authorized personnel in maintaining discipline in the school and at school-sponsored activities;
9. Obey the law and school rules as to the possession or the use of alcohol, illegal drugs and other unauthorized substances or materials;
10. Possess on school grounds only those materials which are acceptable under the law and accept the consequences for articles stored in one's locker or vehicle; and
11. Know and adhere to school rules regarding the distribution of literature.

Legal References:

1. 20 U.S.C. § 1703
2. TCA 49-6-3401

Cross References:

- 6.304 Student Discrimination, Harassment, Bullying**
6.305 Student Concerns, Complaints, & Grievances
6.310 Dress Code

Johnson City Board of Education

Monitoring: Review Annually, in April	Procedural Due Process	Descriptor 6.302	Issued Date 4/4/2019
		Rescinds 6.302	Issued 4/7/2008

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Before school authorities administer disciplinary measures, reasonable inquiry shall be made to determine the truth of what happened.¹ The nature of this inquiry will vary in degree with the seriousness of the offense and the consequence attached thereto.²

For minor offenses where corrective measures are taken by the classroom teacher, no formal procedure is required. An inquiry into the incident will be made to ensure that the offender is accurately identified, that he understands the nature of the offense, and that he knows the consequences of the offense for which he is accused.

In cases of severe offenses where there is a possibility of suspension **or expulsion**, the student shall be advised of the nature of his misconduct, questioned about it, and allowed to give an explanation. Parents shall be notified within twenty-four (24) hours of any such offense.

If the principal determines that the offense is of such nature that the student's continued presence would be detrimental to the school or persons within the school, the principal shall decide on the appropriate suspension based on the criteria listed in the Student Code of Conduct and individual circumstances.

If a student or parent/guardian disagrees with the decision of the principal, that decision may be appealed in writing to the Disciplinary Hearing Authority through the office of the Superintendent of Schools.³

Legal References:

1. *Ingraham v. Wright*, 430 U.S. 651 (1977)
2. *Goss v. Lopez*, 410 U.S. 565, (1975)
3. TCA 49-6-3401

Cross References:

Interrogations and Searches 6.303
 Methods of Discipline 6.313
 Disciplinary Hearing Authority 6.317
Title IX & Sexual Harassment 6.3041

Johnson City Board of Education

Monitoring: Review Annually, in April	Interrogations and Searches	Descriptor 6.303	Issued Date 4/14/2014
		Rescinds 6.303	Issued 4/6/2009

1 **INTERROGATIONS BY SCHOOL PERSONNEL**

2

3 Students may be questioned by teachers and/or principals about any matter pertaining to the operation
4 of the school and/or the enforcement of its rules. Questioning must be conducted discreetly and under
5 circumstances which will avoid unnecessary embarrassment to the student being questioned. Any
6 student answering falsely, evasively or refusing to answer appropriate and pertinent questions may be
7 subject to disciplinary action, including suspension.

8

9 If a student is suspected or accused of misconduct or infraction of the Student Code of Conduct, the
10 principal may interrogate the student, without the presence of parent(s)/guardian(s) or legal custodians
11 and without giving the student constitutional warnings.

12

13 School personnel have a duty to report any reasonable suspicion that a student is carrying, or has
14 carried, a weapon or is violation, or has violated, a provision of the Tennessee Drug Control Act to the
15 principal/designee or the appropriate authorities.¹

16

17 **INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)**

18

19 If the principal has requested assistance by the police department to investigate a crime involving his
20 school, the police shall have permission to interrogate a student suspect in school during school hours.
21 The principal shall first attempt to notify the parent(s)/guardian(s) or legal custodians of the student of
22 the intended interrogation, unless circumstances require otherwise. The interrogation may proceed
23 without attendance of the parent(s)/guardian(s) or legal custodians. The principal or his designee shall
24 be present during the interrogation. Parent(s) shall be notified within 24 hours following any
25 interrogation, unless
26 circumstances require otherwise.

27

28 ~~Whenever possible, the interrogation of students will be performed by police officers and staff~~
29 ~~members that are of the same sex as the student being questioned.~~

30

31 **POLICE-INITIATED INTERROGATIONS**

32

33 If the police deem circumstances of sufficient urgency to interrogate students at school for crimes
34 committed outside of school hours, the police department shall first contact the principal regarding the
35 planned interrogation and inform him of the probable cause to investigate within the school. The
36 principal shall make reasonable effort to notify the parent(s)/guardian(s) or legal custodians of the
37 interrogation,

1 unless circumstances require otherwise. The interrogation may proceed without attendance of the
 2 parent(s)/guardian(s) or legal custodians, The principal or his designee shall be present during the
 3 interrogation.

4 SEARCHES BY SCHOOL PERSONNEL

5 **In order to ensure a safe and secure learning environment, the Superintendent of Schools shall**
 6 **develop procedures regarding the searching of students, lockers, vehicles, and containers which**
 7 **are consistent with state law. The Superintendent shall develop additional procedures to ensure**
 8 **compliance with all of the provisions of the School Security Act of 1981.**^{1,2}

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

16 ~~—1.— Evidence of any violation of the law;~~

17 ~~—2.— Evidence of any violation of school rules or regulations or proper standards of student or~~
 18 ~~faculty—————conduct; or~~

19 ~~—3.— Any object or substance which, because of its presence, presents an immediate danger of~~
 20 ~~harm or————illness to any person.~~

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

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

30 ~~—1.— A particular student is believed to have violated policy;~~

31 ~~—2.— The search could be expected to yield evidence of the violation of school policy or~~
 32 ~~disclosure of a————dangerous weapon or drug;~~

33 ~~—3.— The search is in pursuit of legitimate interests of the school in maintaining order,~~
 34 ~~discipline, safety,——supervision and education of students;~~

35 ~~—4.— The primary purpose of the search is not to collect evidence for a criminal prosecution;~~
 36 ~~and~~

37 ~~—5.— The search shall be reasonably related to the objectives of the search and not excessively~~

1 ~~_____intrusive in light of the age and sex of the student, as well as the nature of the infraction~~
2 ~~alleged to~~
3 ~~_____have been committed.~~

4
5 ~~When any principal or his designee conducts a search of individual student(s), the principal shall~~
6 ~~attempt to~~
7 ~~contact the parent by phone at the time of the search. If such notification is not successful, the~~
8 ~~principal~~
9 ~~or his designee shall send a letter to the parents' last known address within 24 hours.~~

10 11 **USE OF METAL DETECTORS**

12
13 ~~The Board of Education authorizes the use of hand-held or walk-through metal detectors to~~
14 ~~check a student's person or personal effects. School officials or law enforcement officers may~~
15 ~~conduct random metal detector checks of groups of individuals if the checks are done in a~~
16 ~~minimally-intrusive, non-discriminatory manner. Metal detector checks of groups of individuals~~
17 ~~may not be used to single out a particular individual or category of individuals.~~

18
19 ~~If a school official or law enforcement officer has reasonable suspicion to believe that a~~
20 ~~particular student is in possession of an illegal or unauthorized metal-containing object or~~
21 ~~weapon, he may conduct a metal detector check of the student's person or personal effects.~~

22
23 ~~A student's failure to permit a metal detector check as provided in this policy will be considered~~
24 ~~grounds for disciplinary action including possible suspension.~~

25
26 ~~The Superintendent of Schools shall develop procedures for the use of metal detectors.~~

27 28 **USE OF ANIMALS**

29
30 ~~When necessary, dogs or other animals trained to detect drugs or dangerous weapons may be~~
31 ~~used in~~
32 ~~conducting searches, but the animals shall be used only to pinpoint areas which need to be~~
33 ~~searched and~~
34 ~~shall not be used to search the persons of students or visitors.~~

35 36 **SEARCHES BY POLICE**

37
38 ~~If public health or safety is involved, upon request of the principal who shall be present, police~~
39 ~~officers may make a general search of students' lockers and desks, or students' or nonstudents'~~
40 ~~automobiles for drugs, weapons or items of an illegal or prohibited nature.~~

41
42 ~~If the principal has received reliable information which he/she believes to be true that evidence~~
43 ~~of a crime or of stolen goods, not involving school property or property of members of the school~~
44 ~~staff or student body, is located on school property and that any search for such evidence or~~
45 ~~goods would be unrelated to school discipline or to the health and safety of a student or the~~

~~student body, he 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 Superintendent 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 any administrative proceeding at which its presence is needed or required.~~

~~Whenever the possibility of uncovering evidence of a criminal nature exists, the principal or his 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 or a crime has or will be committed.~~

Legal References:

Cross References:

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

~~Procedural Due Process 6.302
Child Abuse and Neglect 6.409~~

Legal References

- 1. TCA 49-6-4203(b)
- 2. TCA 49-6-4201 *et seq.*; Tenn. Op. Att’y Gen. No. 14-21 (February 24, 2014)

- Traffic and Parking Controls 3.403
- Procedural Due Process 6.302
- Reporting Child Abuse 6.409

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Johnson City Board of Education

Monitoring: Review Annually, in April	Student Discrimination/Harassment Bullying, Cyber-bullying and Intimidation	Descriptor 6.304	Issued Date 5/7/2018
		Rescinds 6.304	Issued 4/3/2017

The Johnson City Board of Education has determined that a safe, civil, and supportive environment in school is necessary for students to learn and achieve high academic standards. In order to maintain that environment, acts of bullying, cyber-bullying, discrimination, harassment, hazing or any other victimization of students, based on any actual or perceived traits or characteristics, are prohibited.¹

This policy shall be disseminated annually to all school staff, students, and parents. This policy shall cover employees, employees' behaviors, students and students' behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop. If the act takes place off school property or outside of a school-sponsored activity, this policy is in effect **only** if the conduct 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.

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

DEFINITIONS

Bullying is when someone repeatedly and on purpose says or does mean or hurtful things to another person who has a hard time defending himself.

Bullying/Intimidation/Harassment – **can take the form of an** act that substantially interferes with a student's educational benefits, opportunities, or performance, and the act has the effect of:

- Physically harming a student or damaging a student's property;
- Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;
- Causing emotional distress to a student or students; or
- Creating a hostile educational environment.

Bullying, intimidation, or harassment may also be unwelcome conduct based on a protected class (race, nationality, origin, color, gender, age, disability, religion) that is severe, pervasive, or persistent and creates a hostile environment.

Cyber-bullying - A form of bullying undertaken through the use of electronic devices. Electronic devices include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, text messaging, emails, social networking sites, instant messaging, videos, web sites or fake profiles.

Hazing - An intentional or reckless act by a student or group of students that is directed against any other student(s) that endangers the mental or physical health or safety of the student(s) or that induces or coerces a

1 student to endanger his/her mental or physical health or safety. Coaches and other employees of the school
2 district shall not encourage, permit, condone or tolerate hazing activities.³

3 “Hazing” does not include customary athletic events or similar contest or competitions and is limited to those
4 actions taken and situations created in connection with initiation into or affiliation with any organization.

5 **COMPLAINTS AND INVESTIGATIONS**

6 Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher,
7 counselor or building administrator.² All school employees are required to report alleged violations of this
8 policy to the principal/designee. All other members of the school community, including students, parents,
9 volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

10 While reports may be made anonymously, an individual's need for confidentiality must be balanced with
11 obligations to cooperate with police investigations or legal proceedings, to provide due process to the accused,
12 to conduct a thorough investigation or to take necessary actions to resolve a complaint, and the identity of
13 parties and witnesses may be disclosed in appropriate circumstances to individuals with a need to know.

14 The principal/designee at each school shall be responsible for investigating and resolving complaints. Once a
15 complaint is received, the principal/designee shall initiate an investigation within forty-eight (48) hours of
16 receipt of the report.⁴ If a report is not initiated within forty-eight (48) hours, the principal/designee shall
17 provide the Superintendent of Schools with appropriate documentation detailing the reasons why the
18 investigation was not initiated within the required timeframe.⁴

19
20 The principal/designee shall notify the parent/legal guardian when a student is involved in an act of
21 discrimination, harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall provide
22 information on district counseling and support services. Students involved in an act of discrimination,
23 harassment, intimidation, bullying, or cyber-bullying shall be referred to the appropriate school counselor by
24 the principal/designee when deemed necessary.^{1,4}

25 The principal/designee is responsible for determining whether an alleged act constitutes a violation of this
26 policy, and such act shall be held to violate this policy when it meets one of the following conditions:

- 27 • It places the student in reasonable fear or harm for the student’s person or property;
- 28
- 29 • It has a substantially detrimental effect on the student’s physical or mental health;
- 30
- 31 • It has the effect of substantially interfering with the student’s academic performance; or
- 32
- 33 • It has the effect of substantially interfering with the student’s ability to participate in or benefit from
34 the services, activities, or privileges provided by a school.

35 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and complete
36 investigation of each alleged incident. All investigations shall be completed and appropriate intervention
37 taken within twenty (20) calendar days from the receipt of the initial report.⁴ If the investigation is not
38 complete or intervention has not taken place within twenty (20) calendar days, the principal/designee shall
39 provide the Superintendent of Schools with appropriate documentation detailing the reasons why the
40 investigation has not been completed or the appropriate intervention has not taken place.⁴ Within the
41 parameters of the federal Family Educational Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g, a written
42 report on the investigation will be delivered to the parents of the complainant, parents of the accused students
43 and to the Superintendent of Schools.

RESPONSE AND PREVENTION

School administrators shall consider the nature and circumstances of the incident, the age of the violator, the degree of harm, previous incidences or patterns of behavior, or any other factors, as appropriate to properly respond to each situation.

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/expulsion.

An employee disciplined for violation of this policy may appeal the decision by contacting a System Complaint Manager. Any student disciplined for violation of this policy may appeal the decision in accordance with disciplinary policies and procedures.

REPORTS

When a complaint is filed alleging a violation of this policy where there is physical harm or the threat of physical harm to a student or a student's property, the principal/designee of each school shall report the findings and any disciplinary actions taken to the Superintendent of Schools and the chair of the board of education and other members of the board of education if it is determined they have a need to know.

By July 1 of each year, the Superintendent of Schools/designee shall prepare a report of all of the bullying cases brought to the attention of school officials during the prior academic year. The report shall also indicate how the cases were resolved and/or the reasons they are still pending. This report shall be presented to the board of education at either its July or August meeting, and it shall be submitted to the state department of education by August 1.

The Superintendent of Schools shall develop forms and procedures to ensure compliance with the requirements of this policy and TCA 49-6-4503.

RETALIATION AND FALSE ACCUSATIONS

Retaliation against any person who reports or assists in any investigation of an act alleged in this policy is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

False accusations accusing another person of having committed an act prohibited under this policy are prohibited. The consequences and appropriate remedial action for a person found to have falsely accused another may range from positive behavioral interventions up to and including suspension and expulsion.

Legal References:

Cross References:

- 1. TCA 49-6-4503
- 2. 20 USCS §§ 1681 to 1686
- 3. TCA 49-2-120
- 4. Public Acts of 2016, Chp. No. 783

Appeals to and Appearances Before the Board 1.608	36
Staff-Student Relations 5.610	37
Student Complaints and Grievances 6.305	38
Discipline Procedures 6.313	39
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Johnson City Board of Education

Monitoring: Review Annually, in April	Student Concerns, Complaints and Grievances	Descriptor 6.305	Issued Date 5/7/2018
		Rescinds 6.305	Issued 4/14/2014

STUDENT CONCERNS AND COMPLAINTS

Decisions made by school personnel - such as teacher assistants, 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 orally or in writing to the school principal or a designated representative. To appeal, students or parents/guardians, must contact the principal's office in their school within two (2) days of the decision and provide their name, the issue and the reason for their appeal. The appeal will be investigated and a decision reached, preferably within five (5) school days, but no later than ten (10) school days.

If **the princial does not make a decision within ten (10) school days or if** the student or parent is unsatisfied with the decision of the principal, the student or parent may appeal by contacting the Superintendent of Schools or his designee. The appeal may be made in writing or orally and shall include the student's name, the school and a description of the problem and shall be filed within five (5) days of receipt of the decision of the principal.

The Superintendent of Schools shall use due diligence in the investigation, and his decision shall be 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 orally recorded complaint with a designated 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 the 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 and the principal who shall inform the Superintendent of Schools. The complaint manager shall conduct an interview of the student in a non-intimidating environment in order to obtain information in regard to the student's allegations. The parent shall be given notice of the right to attend the interview. This interview shall take place within five (5) school days from the time the written complaint was received by the complaint manager. If no parent 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~~

1 disclosed except (1) as required by law or this policy; or (2) as necessary to fully investigate the complaint; or
 2 (3) as authorized by the complainant. A school representative will meet with and advise the complainant
 3 regarding the findings, and whether corrective measures and/or disciplinary action were taken. The
 4 investigation and response to the complainant will be completed within thirty (30) school days. Copies of the
 5 report will be sent to the student, principal, Federal Rights Coordinator and the Superintendent of Schools.
 6 One copy shall be kept in the complaint manager's file for one (1) year beyond the student's eighteenth (18th)
 7 birthday. The Superintendent of Schools shall keep the Board informed of all complaints.

8
 9 *Decision and Appeal*—If the complainant is not in agreement with the findings of fact as reported by the
 10 complaint manager, an appeal may be made, within five (5) school days to the Superintendent of Schools. The
 11 Superintendent of Schools will review the investigation, make any corrective action deemed necessary and
 12 provide a written response to the complainant. If the complainant is not in agreement with the Superintendent
 13 of Schools' findings of fact, appeal may be made to the Board of Education within five (5) school days. The
 14 Board shall, within thirty (30) days from the date the appeal was received, review the investigation and the
 15 actions of the Superintendent of Schools and may support, amend or overturn the actions based upon review.
 16 The Board's decision shall be reported in writing to the complainant.

17
 18 **APPOINTING COMPLAINT MANAGERS**

19
 20 The Superintendent of Schools shall appoint at least two complaint managers, one of each gender. The
 21 Federal Rights Coordinator may serve as a complaint manager. The Superintendent of Schools shall insert
 22 into this policy the names, addresses and telephone numbers of current complaint managers and shall make
 23 changes to the names addresses and telephone numbers, as needed.

24
 25 This policy shall be published in the parent/student handbook distributed annually to every student. Building
 26 administrators are responsible for educating and training their respective staff and students as to the definition
 27 and recognition of discrimination/harassment.

- 28
 29 _____ 1. Dr. Robbie Anderson _____ 2. Dr. Roger Walk
 30 _____ P.O. Box 1517 _____ P.O. Box 1517
 31 _____ Johnson City, TN 37605-1517 _____ Johnson City, TN 37605-1517
 32 _____ (423) 434-5200 _____ (423) 434-5200

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 42 Cross References:

- 43 Appeals To & Appearances Before the Board 1.404
 44 Grievances & the Americans w/ Disabilities Act 1.802
 45 Discrimination/Harassment of Students 6.304
 46 **Title IX & Sexual Harassment 6.3041**
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Johnson City Board of Education

Monitoring: Review Annually, in April	Disruption of School and Student Activities	Descriptor 6.306	Issued Date 7/2/2012
		Rescinds 6.306	Issued 4/6/2009

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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, during virtual instruction, in school vehicles or buses, or at any school-sponsored activity, function or event, whether on or off campus. Neither shall he urge others ~~students~~ to engage in such conduct.

Harassment, intimidation, and other conduct that may be considered “bullying” will not be tolerated. Students shall not engage in conduct that has the effect of unreasonably interfering with another student’s academic development or that creates a hostile or offensive learning environment.

The staff is authorized to take reasonable measures to establish appropriate school behavior. Any employee shall have the authority to control the conduct of any student while under the supervision of the school system.¹ This authority shall extend to all activities of the school, including all games and public performances of athletic teams and other school groups, trips, excursions and all other activities under school sponsorship and direction.

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

A student found guilty of misbehavior may receive punishment ranging from verbal reprimand to suspension or expulsion dependent on the severity of the offense and the offender's prior record.²

Legal References:

1. TCA 49-6-4102
2. TCA 49-6-3401

Cross References:

Student Discrimination/Harassment and
Bullying/Intimidation 6.304

Johnson City Board of Education

Monitoring: Review Annually, in April	Zero Tolerance Offenses	Descriptor 6.309	Issued Date 4/3/2017
		Rescinds 6.309	Issued 4/6/2009

In order to ensure a safe and secure learning environment, the following offenses will not be tolerated and will subject offenders to criminal prosecution¹:

1. Bringing to school or being in unauthorized possession of a firearm on school property;²
2. Unlawful possession of any drug, including any controlled substance, controlled substance analogue, or legend drug on school grounds or at a school-sponsored event;³
3. Aggravated assault;⁴ or
4. Assault that results in bodily injury⁵ upon any teacher, principal, administrator, any other employee of the school, or school resource officer.

Committing any of these offenses shall result in a student being expelled from the regular school program for at least one (1) calendar year unless modified by the Director of Schools. Modification of the length of time shall be granted on a case-by-case basis. Students that commit zero tolerance offenses may be assigned to an alternative school or program at the discretion of the Director of Schools.⁶

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

Legal References

1. TCA 49-6-3401(g)
2. 18 USCA § 921(a)(3); 20 USCA § 7961
3. TCA 39-17-454; TCA 53-10-101
4. TCA 39-13-102
5. TCA 39-13-101(a)(1)
6. TCA 49-6-3401(g)(2); TCA 49-6-3402; Public Acts of 2020, Chapter No. 603
7. TCA 49-6-4209; TCA 39-17-1312; 20 USCA § 7961(h)(1)

Cross References

- Code of Conduct 6.300
- Drug-Free Schools 6.307
- Suspension 6.316
- Student Disciplinary Hearing Authority 6.317
- Alternative Education 6.319
- Safe Relocation of Students 6.4081

~~WEAPONS & DANGEROUS INSTRUMENTS~~

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

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

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

~~FIREARMS (AS DEFINED IN 18 U.S.C. § 921)³~~

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

~~DRUGS~~

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

~~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 Superintendent of Schools shall have the authority to modify this expulsion requirement on a case-by-case basis.⁵~~

~~ASSAULT~~

~~In accordance with state law, any student who commits aggravated assault as defined in § 39-13-102 upon any teacher, principal administrator, any other employee of the school or school resource officer shall be expelled for a period of not less than one (1) calendar year. The Superintendent of Schools shall have the authority to modify this expulsion requirement on a case-by-case basis.⁴~~

~~ELECTRONIC THREATS~~

~~In accordance with state law, any student who transmits by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention shall be expelled for a period of not less than one (1) calendar year. The Superintendent of Schools shall have the authority to modify this expulsion requirement on a case-by-case basis.⁵~~

~~NOTIFICATION~~

~~When it is determined that a student has violated this policy, the principal of the school shall notify the student's parent and the criminal justice or juvenile delinquency system as required by law.⁶~~

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Legal References:	Cross References:
1. TCA 39-17-1309	Discipline Procedures 6.313
2. TCA 39-11-106(a)(5)(A)(B)	Suspension/Expulsion/Remand 6.316
3. 18 U.S.C. 921	
4. TCA 49-6-4216(b); TCA 49-6-3401(g)	
5. TCA 49-6-4216(a)(2)(C)	
6. TCA 49-6-4209; TCA 39-17-1312	

Johnson City Board of Education

Monitoring: Review Annually, in April	Dress Code	Descriptor 6.310	Issued Date 4/6/2009
		Rescinds 6.310	Issued 5/7/2007

1 Students shall be well groomed and dress in a clean, neat and modest manner so as not to distract **from** or
2 interfere with the operation of the school.

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4 More specific guidelines appropriate for each school may be developed and published in the student
5 handbook.¹

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7 When a student is attired in a manner which is likely to cause disruption or interference with the operation of
8 the school, the principal shall take appropriate action, which may include suspension.
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31 Legal Reference:

32 1. TCA 49-6-4215
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31 Cross References:

32 Methods of Discipline 6.313

Johnson City Board of Education

Monitoring: Review Annually, in April	Student Disciplinary Hearing Authority	Descriptor 6.317	Issued Date 5/7/2018
		Rescinds 6.317	Issued 4/6/2015

The Board shall establish a Disciplinary Hearing Authority (DHA)¹ to conduct hearings for students who have been suspended/expelled/remanded for more than ten (10) school days. The Board shall appoint members to the DHA which shall consist of 3 to 5 members, at least two (2) of which shall be licensed employees of the Board, appointed to one (1) year terms and subject to reappointment. Board members shall not serve on the DHA. If a hearing before the DHA is requested, it shall be scheduled no later than six (6) school days after notification and shall be held no later than ten (10) school days after the beginning of any suspension/expulsion/remand. Each hearing shall be conducted by at least three (3) members of the DHA, one of which must be a principal or assistant principal, but not from the home school of the suspended student.

The Superintendent of Schools or his designee shall serve as chairman of the DHA and shall perform the following duties:

1. Identify the members of the DHA assigned to hear each individual case;
2. Prepare and disseminate the minutes of each meeting;
3. Set the time, place and date for each hearing;
4. Notify appropriate persons of each meeting within forty-eight (48) hours of receiving notification of the appeal; and
5. Sign copy of minutes of meeting.

The student and his parent/guardian shall be notified of the DHA's decision by certified letter within five (5) school days following the hearing. Notification of the decision shall include a statement of the right of any party to request a review by the Superintendent of Schools and the Board of Education.

A written record of the proceedings including a summary of the facts and the reason supporting the decision shall be made by the DHA.

The DHA may take the following disciplinary actions:

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

An interested party may within five (5) days of the decision request a review by the Superintendent of Schools. The Superintendent shall set a date for a review hearing within six (6) school days and notify all interested parties by certified letter of the time and place of the hearing. The appeal to the Superintendent shall be solely on the record of the hearing before the DHA, except for the new evidence which has come to light and may affect the outcome of the appeal. The Superintendent shall notify the student, his parent/guardian and principal of his/her decision within five (5) school days. Such notice shall be by certified mail. In the absence of a request for review, the decision of the DHA will be final.

1 Appeal to the Board of Education

2 If an interested party wishes to appeal the decision of the Superintendent of Schools, the appeal shall be ~~by a~~
 3 ~~letter~~ directed to the Board of Education within five (5) school days of receipt of the decision of the
 4 Superintendent. The Board of Education, meeting in regular or special session, and based upon a review of
 5 the record, may grant or deny a request for a Board hearing, and may affirm or overturn the decision of the
 6 DHA without a hearing, provided the Board may not impose a more severe penalty than that imposed by the
 7 DHA without first providing an opportunity for a hearing before the Board. If a hearing is granted, the
 8 Chairman of the Board of Education or his designee shall, within six (6) school days of the decision to grant a
 9 hearing, set a date for a hearing before the Board of Education and shall notify the student, his parent/guardian
 10 and the principal of the date, place, and time that such hearing will be held. Such notice to the student and his
 11 parent/guardian shall be by certified mail. The notice shall include a statement that, unless the student's
 12 parent/guardian requests an open hearing in writing within five (5) days of receipt of the notice, any hearing
 13 will be closed to the public. The hearing shall be held within twenty (20) school days from the date of the
 14 decision to grant a hearing unless circumstances in the discretion of the Board require a later date. The
 15 hearing will be based on the entire file and record in the matter and such new or additional material evidence
 16 as the staff and/or the student and/or their representatives may wish to introduce.

17
 18 Complete steps for implementation of this policy are contained in the Student Code of Conduct.
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23 ***Zero-tolerance offenses set forth in statute (weapons, drug possession, aggravated assault, assault and
 24 battery upon a school employee) require mandatory calendar year suspension or assignment to
 25 alternative placement for a calendar year unless modified by the Superintendent of Schools.**
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31 Legal Reference:

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 33 1. TCA 49-6-3401(c)(4)
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Cross References:

Procedural Due Process 6.302
 Student Code of Conduct 6.300

Johnson City Board of Education

Monitoring: Review Annually, in May	Physical Examinations and Immunizations	Descriptor 6.402	Issued Date 5/7/2018
		Rescinds 6.402	Issued 4/5/2016

PHYSICAL EXAMINATIONS¹

The principal shall ensure that there is a complete physical examination of each student prior to:

1. Entering school for the first time² ~~This applies to preschool, kindergarten, first grade and other students for whom there is no health record.⁴ Students entering kindergarten or any pre-school program must have a physical examination done no earlier than August 1 of the year preceding the year of enrollment. This must be presented by the time of entrance.~~
~~All other new students and transfer students will have thirty (30) days to present the record of a physical examination by a physician or other health provider. The physical examination contained in the records from the student's previous school will be acceptable; and~~
2. Participation as a member of any athletic team.³

Cost of the examination shall be borne by the parent of the student. These records shall be on file in a secure location.

Students who do not provide proof of a complete, physical examination shall be denied admission to school until appropriate documentation is presented subject to the requirements of statute.

Screening tests as required by the Tennessee Department of Education and the Department of Health will be conducted for vision, hearing, scoliosis, body mass index "BMI" (which includes blood pressure screening) and lice will be conducted in accordance with state guidelines. Parents/Guardians will receive written notice of ~~vision, hearing, scoliosis and blood pressure~~ screening results that indicate 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.⁴

IMMUNIZATIONS

~~No student, including preschool, kindergarten or first grade, those from out of state and those from nonpublic schools, will be permitted to enroll and/or attend school without proof of immunization, as defined by the Commissioner of Public Health¹ except as allowed by the McKinney/Vento Homeless Education Assistance Improvements Act of 2001.⁴ It is the responsibility of the parents or guardians to have their child(ren) immunized and to provide proof of immunization to the principal of the school which the student is to attend.⁴~~

~~In the absence of an epidemic or immediate threat thereof, exceptions will be granted to any student whose parent shall file with school authorities a signed, written statement that immunizations conflict with his religious tenets and practices; or to any student due to medical reasons, if such student has a written statement from his doctor excusing him from such immunization.⁵~~

~~Exceptions may only be granted by the Superintendent in writing and filed in the same manner as other immunization records except as subject to the requirements of statute.~~

~~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.~~

~~All requirements contained in this policy shall be subject to all laws regarding school admission and attendance. All students must have all required immunizations and provide evidence of such upon request.~~

Students will not be permitted to attend school without proof of immunization as determined by the Commissioner of Health unless circumstances outlined in state or federal law prevent a student from producing such records.^{2,5} It is the responsibility of the parent(s)/guardian(s) to have their children immunized and to provide such proof to the principal of the school which the student is to attend.⁵

Exceptions will be granted to any student whose parent/guardian files with school authorities a signed, written statement that such measures conflict with the one of the following:

1. His/her religious tenets and practices if in the absence of an epidemic or immediate threat of an epidemic;⁶ or
2. Due to medical reasons if the student has a written statement from his/her doctor excusing him/her from the immunization.⁷

The Director of Schools shall ensure that appropriate immunization records are maintained for each student.

Legal References:

1. 20 USCA§ 1232h(c) TCA 49-6-5004(a)
2. TRR/MS 0520-1-3-.08(2)(a);
3. TRR/MS 0520-1-3-.08(2)(b)
4. Tennessee School Health Screening Guidelines,
https://www.tn.gov/content/dam/tn/education/csh/csh_school_health_screening_guidelines.pdf
5. TCA 49-6-5001(a)-(c)
6. TCA 49-6-5001(b)(2)
7. TCA 49-6-5001(c)(2)

Cross Reference:

Homeless Students 6.503
School Admissions 6.2034

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Johnson City Board of Education

Monitoring: Review Annually, in May	Self Administration of Medicines	Descriptor 6.405	Issued Date 5/7/2018
		Rescinds 6.405	Issued 4/14/2014

Self Administration of Non-Prescription and Prescription Medication

~~When parents are unable to administer either prescription or non-prescription medication to their child during school hours, employees who have been trained by school nursing staff may assist the student in the self-administration of such medication in compliance with the following regulations:¹~~

- ~~1. The student must be competent to self-administer medication with assistance of staff.~~
- ~~2. Written instructions signed by the parent for non prescription medication and by both the parent and physician for prescription medication will be required and will include:
 - ~~a. Child's name;~~
 - ~~b. Name of medication;~~
 - ~~c. Name of physician;~~
 - ~~d. Time to be self-administered;~~
 - ~~e. Dosage and directions for self-administration. Non-prescription medication must be presented in the original unopened container/bottle;~~
 - ~~f. Possible side effects, if known; and~~
 - ~~g. Termination date for self-administration of the medication.~~~~
- ~~3. The medication must be delivered to the school's office by the parent of the student. Prescription medication must have a written order from a physician. School Administration/staff must give prior approval before a student can possess any medication at school—prescription or non-prescription. If a student uses this medication in a manner other than prescribed, the student may be subject to disciplinary action under the school codes.~~
- ~~4. The on-site nurse or a trained volunteer shall be permitted to administer non-prescription and prescription medications. Volunteer personnel, trained by a registered nurse, may also administer glucagon, diastat acudail or epinephrine in emergency situations to a student based on that students Individual Health Plan (IHP) or 504 Plan.~~
- ~~5. These requirements shall apply to all overnight field trips provided that a school nurse or the staff person in charge of such field trip has written permission from the parent or physician to administer such medication and shall keep all such medication in his possession.~~
- ~~6. The parent is responsible for informing the principal/designee of any change in the student's health or change in medication.~~
- ~~7. A copy of this policy shall be provided to a parent upon request.~~

Documentation of Medication Forms and Medication Logs

The principal /designee will:

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

Diabetes (Glucose Checks — Insulin)

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

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

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

Legal References:	Cross Reference:
1. TCA 49-5-415	Student Health Services 6.401

If under exceptional circumstances a student is required to take non-prescription or prescription medication during school hours and the parent/guardian cannot be at school to administer the medication, only the principal/designee will assist in self-administration of the medication if the student is competent to self-administer medicine with assistance in compliance with the following guidelines.¹

Written instructions signed by the parent/guardian are required and shall include:

- 1. **Child’s name;**
- 2. **Name of medication;**
- 3. **Name of physician;**
- 4. **Time to be self-administered;**

5. Dosage and directions for self-administration (non-prescription medicines shall have label directions);
6. Possible side effects, if known; and
7. Termination date for self-administration of the medication.

Students with asthma shall be permitted to self-administer prescribed, metered dosage asthma-reliever inhalers if the additional information is provided by a parent/guardian:

1. Written statement from the prescribing health care practitioner that the student suffers from asthma and has been instructed in self-administration; and
2. Purpose of the medication.

The medication shall be delivered to the principal's office in person by the parent/guardian of the student unless the medication shall be retained by the student for immediate self-administration.

The principal/designee will:

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

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

A copy of this policy shall be provided to a parent/guardian upon receipt of a request for long-term administration of medication.

BLOOD GLUCOSE SELF-CHECKS²

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

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

Use and disposal of sharps shall be in compliance with the guidelines set forth by the Tennessee Occupational Safety and Health Administration (TOSHA).³

STUDENTS WITH PANCREATIC INSUFFICIENCY OR CYSTIC FIBROSIS⁴

Students diagnosed with pancreatic insufficiency or cystic fibrosis shall be permitted to self-manage their prescribed medication in a manner directed by a licensed health care provider without additional assistance or direction. The Director of Schools shall develop procedures for the development of an IHP for every student that wishes to self-administer.

STUDENTS WITH ADRENAL INSUFFICIENCY⁵

The parent/guardian of a student diagnosed with adrenal insufficiency shall notify the school district of the student's diagnosis. Once notified, the district shall observe the following guidelines:

1. **The district shall train school personnel who will be responsible for administering the medication for the treatment of adrenal insufficiency and any who volunteer to administer the medication;**
2. **The district shall maintain a record of all school personnel who have completed this training; and**
3. **If a student is suffering from an adrenal crisis, a school nurse or other licensed health care professional may administer the prescribed medication to the student. If a school nurse or other licensed health care professional is not immediately available, trained school personnel may administer the prescribed medication.**

The Director of Schools shall develop procedures on the administration of medications that treat adrenal insufficiency, including the treatment of an adrenal crisis while on school transportation and during activities such as field trips, and recordkeeping per state law.

Legal References

1. **TCA 49-50-1602 et seq.; TRR/MS 0520-01-13-.03**
2. **TCA 49-50-1602(d)(7)**
3. **State Board of Education Policy 4.205; TRR/MS 0800-01-10**
4. **TCA 49-50-1601**
5. **TRR/MS 0520-01-13; State Board of Education Policy 4.205**

Cross References

- Promoting Student Welfare 6.400**
Emergency Allergy Response Plan 6.412

Johnson City Board of Education

Monitoring: Review Annually, in May	Child Abuse and Neglect Reporting	Descriptor 6.409	Issued Date 1/4/2018
		Rescinds 6.409	Issued 1/2/2006

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, to the office of the chief law enforcement official where the child resides, to the sheriff of the county where the child resides or to the county office of the Department of Children's Services.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 identity shall remain confidential except when the juvenile court determines otherwise.⁴~~

~~The Superintendent of Schools shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all school personnel.⁵ However, nothing in the reporting procedures shall eliminate the staff member's legal responsibility to directly make a report to the authorities stated above.⁶~~

INVESTIGATIONS

~~School administrators and employees have a duty to cooperate and provide assistance and information in child abuse investigations⁷ 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.⁸~~

Legal References:

Cross Reference:

1. TCA 37-1-403(a)

Interrogations and Searches - 6.303

2. TCA 37-1-412

3. TCA 37-1-409

4. TCA 37-1-408

5. TRR/MS 0520-13-08(2)(e)

6. TCA 37-1-403(h)

7. TCA 37-1-611(b)

8. Tenn. Op. Atty. Gen. No.87-101 (June 9, 1987)

General

The Director of Schools shall:¹

1. **Designate one employee as the Child Abuse Coordinator (the Coordinator) and an additional employee to serve as the Alternate Child Abuse Coordinator (the Alternate) for each school;**
2. **Require that the Coordinator and the Alternate receive appropriate training;**
3. **Supply the Coordinator with all necessary resources;**
4. **Ensure that all school personnel annually complete the child abuse training program required by state law.²**

The Coordinator shall assist any employee with appropriately reporting and responding to instances of child abuse or child sexual abuse.

REPORTING

All personnel shall be alert for any evidence of child abuse, sexual abuse, or neglect.³ If personnel know or have reasonable cause to suspect child abuse, sexual abuse, or neglect, a report shall be filed immediately with the Coordinator, the Department of Children's Services (DCS), and law enforcement.⁴

The report shall include, to the extent known by the reporter:⁵

1. **The name, address, telephone number, and age of the child;**
2. **The name, telephone number, 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.**

The Director of Schools/designee shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all school personnel.

CONFIDENTIALITY

District employees shall keep all information regarding any child abuse confidential in accordance with state law.

INVESTIGATIONS

School administrators and employees have a duty to cooperate, provide assistance, and information in child abuse investigations⁶ including permitting DCS 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.

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The principal is not in violation of any laws by failing to inform parent(s)/guardian(s) 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. **Public Acts of 2020, Chapter No. 708**
2. **TCA 37-1-408**
3. **TCA 37-1-403(a)(1); TCA 37-1-412; TCA 37-1-602; TCA 37-1-605(a)(4)**
4. **TCA 37-1-403(a)(2); Public Acts of 2020, Chapter No. 708**
5. **TCA 37-1-403(b)**
6. **TCA 37-1-611(b)**
7. **Tenn. Op. Attv. Gen. No. 87-101 (June 9, 1987)**

Cross References

- Recommendations and File Transfers 5.203**
- Staff-Student Relations 5.610**
- Interrogations and Searches 6.303**
- Student Discrimination, Harassment, Bullying, Cyberbullying, and Intimidation 6.304**
- Title IX & Sexual Harassment 6.3041**
- Promoting Student Welfare 6.400**

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Johnson City Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: <h2 style="text-align: center;">Students from Military Families</h2>	Descriptor Code: <h3 style="text-align: center;">6.506</h3>	Issued Date:
		Rescinds:	Issued:

1 *General*

2 The Director of Schools shall develop the necessary administrative procedures to ensure that students
 3 with parent(s)/guardian(s) in the armed services are identified and that appropriate and available
 4 services are provided for these students.¹

5 **RELOCATION OF MILITARY SERVICE MEMBER²**

6 A student who does not currently reside within the school district shall be allowed to enroll if he/she is
 7 a dependent child of a service member who is being relocated to Tennessee on military orders. To be
 8 eligible for enrollment, the student will need to provide documentation that he/she will be a resident of
 9 the school district on relocation.

10 Within twenty (20) days of enrollment, the parent(s)/guardian(s) of the student shall provide proof of
 11 residency within the school district.

12 **ABSENCES**

13 Principals shall provide students with a one (1) day excused absence prior to the deployment of and a
 14 one (1) day excused absence upon the return of a parent/guardian serving active military service.

15 Principals shall also allow up to ten (10) excused cumulative absences per year for students to visit a
 16 parent/guardian during a deployment cycle. The student shall provide documentation to the school as
 17 proof of his/her parent's/guardian's deployment. Students shall be permitted to make up school work
 18 missed during these absences.³

Legal References

1. State Board of Education Policy 2.103
2. Public Acts of 2019, Chapter No. 138
3. TCA 49-6-3019

Cross References

- Attendance 6.200
 School Admissions 6.203

Johnson City Board of Education

Monitoring: Review Annually, in May	Student Records	Descriptor 6.600	Issued Date 4/3/2017
		Rescinds 6.600	Issued 4/1/2013

1 A cumulative record shall be kept for each student enrolled in school. The cumulative record shall contain
2 a health record, attendance record, a home language survey and scholarship record; shall be kept current; and
3 shall accompany the student through his school career.¹
4

5 The name used on the record of the student entering the school system must be the same as that shown
6 on the birth certificate, unless evidence is presented that such name has been legally changed. If the parent
7 does not have, or cannot obtain a birth certificate, then the name used on the records of such student will
8 be as shown on documents which are acceptable to the system as proof of date of birth.
9

10 The name used on the records of a student entering the system from another school must be the same as that
11 shown on records from the school previously attended unless evidence is presented that such name
12 has been legally changed as prescribed by law.
13

14 When a student transfers and his records are requested from another school in the system, the school shall
15 send the original records to the transfer school.
16

17 When a student transfers and his records are requested from a school outside of the system, the school
18 shall keep the original records and send copies to the transfer school.

19 All records shall be remitted in accordance with the Family Education Rights and Privacy Act (FERPA).

20 ACCESS TO STUDENT RECORDS

21 Student records shall be confidential. Authorized school officials shall have access to and permit access to
22 student education records for legitimate educational purposes.² A “legitimate educational interest” is the
23 official’s need to know information in order to:

- 24 1. Perform required administrative tasks;
- 25 2. Perform a supervisory or instructional task directly related to the student’s education; and
- 26 3. Perform a service or benefit for the student or the student’s family such as health care, counseling,
27 student job placement, or student financial aid.

28 Authorized school officials may release information from or permit access to a student’s education record
29 without the parent(s) or eligible student’s* prior written consent in the following instances:

- 30 1. To comply with a judicial order or lawfully issued subpoena. The school system will make a
31 reasonable effort to notify the student’s parent(s) or the eligible student before making a disclosure;
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- 33 2. If the disclosure is an item of directory information;
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- 3. To comply with the requirements of child abuse reports to the extent known by the school officials including the name, address, and age of the child; the name and address of the person responsible for the care of the child, and the facts requiring the report;³
- 4. When certain federal and state officials need information in order to audit or enforce legal conditions related to federally-supported education programs in the school system;
- 5. When the school system has entered into a contract or written agreement for an organization to conduct scientific research on the system’s behalf to develop tests or improve instruction, provided that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purpose for which the study was conducted;
- 6. To appropriate officials if the parent(s) claim the student as a dependent as defined by the Internal Revenue Code;
- 7. To accrediting organizations to carry out their accrediting functions;
- 8. When a student seeks or intends to enroll in another school district or a post-secondary school. Parent(s) of students or eligible students have a right to obtain copies of records transferred under this provision;⁴
- 9. To financial institutions or government agencies that provide or may provide financial aid to a student in order to establish eligibility, to determine the amount of financial aid, to establish conditions for the receipt of financial aid, and to enforce financial aid agreements;
- 10. To make the needed disclosure in a health or safety emergency when warranted by the seriousness of the threat to the student or other persons, when the information is necessary and needed to meet the emergency, when time is an important and limiting factor, and when the persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency;
- 11. To the Attorney General or his designee for official purposes related to the investigation or prosecution of an act of domestic or international terrorism. An educational agency that, in good faith, produces education records in accordance with an order issued under this Act shall not be liable to any person for that production;⁵
- 12. To any agency caseworker or other representative of a state or local child welfare agency or tribal organization authorized to access the student's educational records when such agencies or organizations are legally responsible for the care and protection of the student;⁶

Authorized school officials may release information from a student’s education record if the student’s parent(s) or the eligible student gives written consent for the disclosure. The written consent must include:

- 1. A specification of the records to be released;
- 2. The reasons for the disclosure;
- 3. The person, organization, or class of persons or organizations to whom the disclosure is to be made;
- 4. The signature of the parent(s) or eligible student;
- 5. The date of the consent and, if appropriate, a date when the consent is to be terminated. The student’s parent(s) or the eligible student* may obtain a copy of any records disclosed under this provision.

1 The school system will maintain an accurate record of all requests to disclose information from or to permit
2 access to a student’s education records. The system will maintain an accurate record of information it
3 discloses and access it permits. The system will maintain this record as long as it maintains the student’s
4 education record.

5 The record will include at least:

- 6 1. The name of the person or agency that makes the request;
- 7 2. The interest the person or agency has in the information;
- 8 3. The date the person or agency makes the request; and
- 9 4. Whether the request is granted and, if it is, the date access is permitted or the disclosure is made.

10 * *The student becomes an "eligible student" when he/she reaches age 18 or enrolls in a post-secondary*
11 *school, at which time all of the above rights become the student's right.*

Legal References

- 1. USCS 20-1232g; TCA 10-7-503, 504
- 2. TCA 10-7-504(a)(4); 20 USCS 1232g
- 3. TCA 37-1-403
- 4. TRR/MS 0520-01-03-.03(11)(e)
- 5. 20 USCS § 1232g(j); USA Patriot Act of 2001 § 507
- 6. USCS 20-1232g
- 7. TCA 49-6-3001(c)(1)

Cross References

- School Board Records 1.407
- Promotion and Retention 4.603
- Attendance 6.200
- Child Custody/Parental Access 6.209
- Student Records Use of Records 6.603**
- Disciplinary Hearing Authority 6.317
- AIDS 6.404

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Johnson City Board of Education

Monitoring: Review Annually, in May	Media Access to Students	Descriptor 6.604	Issued Date 5/7/2018
		Rescinds 6.604	Issued 6/3/2002

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School administrators shall be authorized to grant permission and set parameters for media access to students in their respective schools. Media representatives shall be required to report to the administration for prior approval before accessing students involved in instructional programs and activities not attended by the general public. With parental approval, the media may interview and photograph students involved in instructional programs and school activities including athletic events. Such media access shall not be unduly disruptive and shall comply with Board policies.

Each year parents will be given the option to withhold permission for public news media interviews or photographs of their child at school.

Specific parental permission must be obtained if the story or photograph covers topics of a sensitive nature.

If any student is to be filmed or videotaped and will be identified or be a primary subject of the filming or videotaping **which will be used outside of the school**, prior written consent/release/waiver will be obtained from the student's parent.

District employees may release student information to the media only in accordance with applicable provisions of the education records law and Board policies governing directory information and personally identifiable information.¹

Parents will be advised of the Board's media access to students policy at the time of the student's registration and the beginning of each school year in the student/parent handbook.

Legal Reference:

1. USCA 20-1232g; TRR/MS 0520-1-9.14(7)(h)

Cross Reference:

News Releases, News Conferences & Interviews 1.503
Student Records 6.601
Student Surveys 6.4001

Johnson City Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Recommendations and File Transfers	Descriptor Code: 5.203	Issued Date:
		Rescinds:	Issued:

1 Other than the routine transmission of administrative and personnel files, district employees are
2 prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual
3 knows, or has probable cause to believe, that the person seeking a job change engaged in sexual
4 misconduct regarding a minor or student in violation of the law.¹

5 These requirements shall not apply if:

6 1. The information giving rise to probable cause has been properly reported to the appropriate law
7 enforcement agency; and

8
9 2. The matter has been officially closed in one of the following ways:

- 10
11 a. The prosecutor or police have investigated the allegations and notified school officials
12 that there is insufficient information to establish probable cause;
- 13
14 b. The employee, contractor, or agent has been charged and either acquitted or exonerated;
15 or
- 16
17 c. The case remains open, and there have been no charges or indictment filed within four
18 (4) years of the date the information was reported to the law enforcement agency.

19 Neither the district nor the Board shall enter into, or require a current or former employee to enter into,
20 a non-disclosure agreement during a settlement for any act of sexual misconduct.¹

21 The Director of Schools shall develop administrative procedures to enforce this policy and comply
22 with federal and state law.

Legal References

1. 20 USCA § 7926; TCA 49-2-131

Cross References

Application and Employment 5.106
Separation Practices for Tenured Teachers 5.200
Separation Practices for Non-Tenured Teachers 5.201
Separation Practices for Non-Certified Employees 5.202
Reporting Child Abuse 6.409

Johnson City Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: <h2 style="text-align: center;">Physical Assault Leave</h2>	Descriptor Code: <h3 style="text-align: center;">5.307</h3>	Issued Date:
		Rescinds:	Issued:

1 A teacher who is absent from assigned duties as a result of personal injury caused by physical assault or
 2 other violent criminal acts committed in the course of the teacher's employment duties shall receive
 3 workers' compensation or comparable benefits without loss of accumulated or granted sick, personal, or
 4 professional leave.¹

5 The school district shall continue to pay the teacher's full benefits including, but not limited to, health
 6 insurance benefits until the earlier of the date on which the teacher is released by the teacher's physician
 7 to return to work or the date on which the teacher is determined by the teacher's physician to be
 8 permanently disabled from returning to work.²

9 A signed statement listing the cause of the absence shall be provided by the employee on forms
 10 furnished by the Director of Schools and shall promptly be given to the immediate supervisor in
 11 support of all claims. A certificate from the physician on forms furnished by the Director of Schools
 12 may also be required to verify the extent of the injury.³

Legal References

1. TCA 49-5-714(a)
2. TCA 49-5-714(b)
3. TRR/MS 0520-01-02-.04(4)(b)

Cross References

- Worker's Compensation 3.602
 Sick Leave 5.302
 Long Term Leaves of Absence 5.304

Johnson City Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Students in Foster Care	Descriptor Code: 6.505	Issued Date: Click here to enter a date.
		Rescinds:	Issued:

1 The Johnson City School System shall provide all students in foster care, including those awaiting
2 foster care placement, with a free and appropriate public education.

3 **ENROLLMENT**

4 Students in foster care, including those awaiting foster care placement, shall be immediately enrolled
5 even if the student is unable to produce records normally required for enrollment (e.g. academic records,
6 immunization records, health records, proof of residency) or missed the school district's application or
7 enrollment deadlines.¹

8 **PLACEMENT**

9 The school district and the child welfare agency shall determine whether placement in a particular school
10 is in a student's best interest. Other parties, including the student, foster parents, and biological parents
11 (if appropriate), shall be consulted. If the child has an Individualized Education Program (IEP) or a
12 Section 504 plan, then the relevant staff members shall participate in the best interest decision process.
13 This determination shall be made as quickly as possible to prevent educational disruption.

14 Placement shall be determined based on the student's best interest. At all times, a strong presumption
15 that keeping the student in the school of origin is in the student's best interest shall be maintained.² For
16 the purposes of this policy, school of origin shall mean the school in which the student was enrolled,
17 including a preschool/pre-k program, at the time of placement in foster care or at the time of a placement
18 change if the student is already placed in foster care.³

19 When determining placement, student-centered factors including, but not limited to, the following shall
20 be considered:

- 21 1. Preferences of the student;
- 22
- 23 2. Preferences of the student's parent(s) or education decision maker(s);
- 24
- 25 3. The student's attachment to the school, including meaningful relationships with staff and peers;
- 26
- 27 4. Placement of the student's siblings;
- 28
- 29 5. Influence of the school climate on the student, including safety;
- 30
- 31 6. Availability and quality of the services in the school to meet the student's educational needs;

- 1 7. History of school transfers and how they have impacted the student;
 - 2
 - 3 8. How the length of the commute would impact the student;
 - 4
 - 5 9. Whether the student is receiving special education and related services, and if so, the availability
 - 6 of those required services in a school other than the school of origin; and
 - 7
 - 8 10. Whether the student is an English learner and is receiving language services, and if so, the
 - 9 availability of those required services in a school other than the school of origin.
- 10 Transportation costs should not be considered when determining a student's best interest.

11 If it is not in the student's best interest to attend the school of origin, the Director of Schools/designee
12 shall provide a written explanation of the reasons for the determination. The written explanation shall
13 include a statement regarding the right to appeal the placement decision. If the placement decision is
14 appealed, the school district shall refer the student to the district coordinator for children in foster care
15 who shall carry out the dispute resolution process as expeditiously as possible and in accordance with
16 the law.² Until the dispute is resolved to the extent feasible, the student shall remain in his/her school of
17 origin.²

18 **TRANSPORTATION**^{3,4}

19 The school district shall collaborate with the local child welfare agency to develop and implement
20 clear and written procedures governing how transportation to a student's school of origin shall be
21 provided, arranged, and funded. This transportation will be provided for the duration of the student's
22 time in foster care.

23 The Director of Schools shall develop administrative procedures to provide for transportation of
24 students in foster care.⁵ These procedures shall ensure that:

- 25 1. Students in foster care needing transportation to their schools of origin will promptly receive
26 that transportation in a cost-effective manner and in accordance with federal law; and
27
- 28 2. If there are additional costs incurred in providing transportation to the school of origin, the
29 school district will provide such transportation if:
 - 30 a. The local child welfare agency agrees to reimburse the school district for the cost of
31 such transportation;
 - 32 b. The school district agrees to pay for the cost; or
 - 33 c. The school district and local child welfare agency agree to share the cost.⁴
- 34
- 35
- 36

37 The school district will ensure that a student in foster care, including a student awaiting foster care
38 placement, remains in his/her school of origin while any disputes regarding transportation costs are
39 being resolved.

Legal References

1. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95) § 1111(g)(1)(E)(ii)-(iii); State Board of Education Policy 2.103
2. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1111 (g)(1)(E)(i)-(iv)
3. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1111 (g)(1)(E)
4. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1112 (c)(5); § 475(4)(A) of the Social Security Act, 42 U.S.C. § 675(4)(A)
5. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1112 (c)(5)(B)(i)

Cross References

Attendance 6.200
School Admissions 6.203
Student Assignments 6.205
Transfers Within the System 6.206

Johnson City Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Title IX & Sexual Harassment	Descriptor Code: 6.3041	Issued Date:
		Rescinds:	Issued:

1 *General*

2 In order to maintain a safe, civil, and supportive learning environment, all forms of sexual harassment
3 and discrimination on the basis of sex are prohibited.¹ This policy shall cover employees, employees'
4 behaviors, students, and students' behaviors while on school property, at any school-sponsored activity,
5 on school-provided equipment or transportation, or at any official school bus stop in accordance with
6 federal law. This policy shall be disseminated annually to all school staff, students, and
7 parent(s)/guardian(s).² The Title IX Coordinator as well as any personnel chosen to facilitate the
8 grievance process shall not have a conflict of interest against any party of the complaint.³ These
9 individuals shall receive training as to how to promptly and equitably resolve student and employee
10 complaints.³

11 All employees shall receive training on complying with this policy and federal law.⁴

12 **TITLE IX COORDINATOR⁵**

13 The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of
14 sexual harassment. He/she shall be kept informed by school-level personnel of all investigations and
15 shall provide input on an ongoing basis as appropriate.

16 Any individual may contact the Title IX Coordinator at any time using the information below:

17 Title: Dr. Robbie Anderson

18 Mailing address: P.O. Box 1517, Johnson City, Tennessee 37605

19 Phone number: 423-434-5200

20 Email: andersonr@jcschools.org

21 **DEFINITIONS⁴**

22 “Complainant” is an individual who is alleged to be the victim of conduct that could constitute sexual
23 harassment.

24 “Respondent” is an individual who is reported to be the perpetrator of conduct that could constitute
25 sexual harassment.

26 “Sexual harassment” is conduct on the basis of sex that satisfies one or more of the following:³

1. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
3. Sexual assault,⁶ dating violence,⁷ domestic violence,⁸ or stalking⁹ as defined in state and federal law.

Behaviors that constitute sexual harassment may include, but are not limited to:

1. Sexually suggestive remarks;
2. Verbal harassment or abuse;
3. Sexually suggestive pictures;
4. Sexually suggestive gesturing;
5. Harassing or sexually suggestive or offensive messages that are written or electronic;
6. Subtle or direct propositions for sexual favors; and
7. Touching of a sexual nature.

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

"Supportive measures" are non-disciplinary, non-punitive, individualized services and shall be offered to the complainant and the respondent, as appropriate. These measures may include, but are not limited to, the following:

1. Counseling;
2. Course modifications;
3. Schedule changes; and
4. Increased monitoring or supervision.

The measures offered to the complainant and the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the school district to provide the supportive measures.

GRIEVANCE PROCESS

1 Upon learning of an instance of alleged sexual harassment, even if no formal complaint is filed, the
2 Title IX Coordinator shall:

- 3 1. Promptly contact the complainant to discuss the availability of supportive measures;
- 4
- 5 2. Consider the complainant's wishes with respect to supportive measures;
- 6
- 7 3. Inform the complainant of the availability of supportive measures; and
- 8
- 9 4. Explain the process for filing a formal complaint.¹⁰

10 While the school district will respect the confidentiality of the complainant and the respondent as much
11 as possible, some information may need to be disclosed to appropriate individuals. All disclosures shall
12 be consistent with the school district's legal obligations and the necessity to investigate allegations of
13 harassment and take disciplinary action.

14 Disciplinary consequences or sanctions shall not be initiated against the respondent until the grievance
15 process has been completed. Unless there is an immediate threat to the physical health or safety of any
16 student arising from the allegation of sexual harassment that justifies removal, the respondent's
17 placement shall not be changed.¹¹ If the respondent is an employee, he/she may be placed on
18 administrative leave during the pendency of the grievance process.¹² The Title IX Coordinator shall
19 keep the Director of Schools informed of any employee respondents so that he/she can make any
20 necessary reports to the State Board of Education in compliance with state law.¹³

21 **Complaints**

22 Any individual who has knowledge of behaviors that may constitute a violation of this policy shall
23 immediately report such information to the Title IX Coordinator, however, nothing in this policy requires
24 a complainant to either report or file a formal complaint within a certain timeframe. If the complaint
25 involves the Title IX Coordinator, the complaint shall be filed with the Director of Schools.

26 If a complaint involves allegations of child abuse, including child abuse on school grounds, appropriate
27 notification shall be made per the board policy on reporting child abuse.

28 Upon receipt of a formal complaint, the Title IX Coordinator shall promptly:¹⁴

- 29 1. Provide written notice of the allegations, and the grievance process to all known parties to give
30 the respondent time to prepare a response before an initial interview;
- 31
- 32 2. Inform the parties of the prohibition against making false statement or knowingly submitting
33 false information;
- 34
- 35 3. Inform the parties that they may have an advisor present during any subsequent meetings; and
- 36
- 37 4. Offer supportive measures in an equitable manner to both parties.

1 If the Title IX Coordinator dismisses a complaint, written notice, including the reasons for dismissal,
2 shall be provided to both parties simultaneously.¹⁵

3 **Investigations**¹⁶

4 The Title IX Coordinator shall serve as the investigator and be responsible for investigating complaints
5 in an equitable manner that involves an objective evaluation of all relevant evidence. The burden for
6 obtaining evidence sufficient to reach a determination regarding responsibility rests on the school district
7 and not the complainant or respondent.

8 Once a complaint is received, the investigator shall initiate an investigation within forty-eight (48) hours
9 of receipt of the complaint. If an investigation is not initiated within forty-eight (48) hours, the
10 investigator shall provide the Title IX Coordinator with appropriate documentation detailing the reasons
11 why the investigation was not initiated within the required timeframe.

12 All investigations shall be completed within twenty (20) calendar days from the receipt of the initial
13 complaint. If the investigation is not complete within twenty (20) calendar days, the investigator shall
14 provide the Title IX Coordinator with appropriate documentation detailing the reasons why the
15 investigation has not been completed.

16 All investigations shall:

- 17 1. Provide an equal opportunity for the parties to present witnesses and evidence;
- 18
- 19 2. Not restrict the ability of either party to discuss the allegations under investigation or gather
20 and present relevant evidence;
- 21
- 22 3. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that
23 seek disclosure of information protected under a legally recognized privilege unless such
24 privilege has been waived;¹⁷
- 25
- 26 4. Provide the parties with the same opportunities to have others present during any grievance
27 proceeding;
- 28
- 29 5. Provide to parties whose participation is requested written notice of the date, time, location,
30 participants, and purpose of all investigative interviews, or other meetings, with sufficient time
31 for the party to prepare to participate;
- 32
- 33 6. Provide both parties an equal opportunity to inspect and review any evidence directly related to
34 the allegations in the formal complaint; and
- 35
- 36 7. Result in the creation of an investigative report that fairly summarizes relevant evidence.
37
- 38 a. Prior to the completion of the investigative report, the investigator shall send to each
39 party the evidence subject to inspection and review. All parties shall have at least ten
40 (10) days to submit a written response which shall be taken into consideration in
41 creating the final report.

1 Within the parameters of the federal Family Educational Rights and Privacy Act,¹⁸ the Title IX
2 Coordinator shall keep the complainant and the respondent informed of the status of the investigation
3 process. At the close of the investigation, a written final report on the investigation will be delivered to
4 the parent(s)/guardian(s) of the complainant, parent(s)/guardian(s) of the respondent, and to the
5 Director of Schools.

6 **Determination of Responsibility**¹⁹

7 The respondent is presumed not responsible for the alleged conduct until a determination regarding
8 responsibility is made at the conclusion of the grievance process.²⁰ The preponderance of the evidence
9 standard shall be used in making this determination.²¹

10 The Title IX Coordinator shall act as the decision-maker. He/she shall receive the final report of the
11 investigation and allow each party the opportunity to submit written questions that he/she wants asked
12 of any party or witness prior to the determining responsibility.

13 The decision-maker shall make a determination regarding responsibility and provide the written
14 determination to the parties simultaneously along with information about how to file an appeal.

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

18 After a determination of responsibility is made, the Title IX Coordinator shall work with the complainant
19 to determine if further supportive measures are necessary. The Title IX Coordinator shall also determine
20 whether any other actions are necessary to prevent reoccurrence of the harassment.

21 **APPEALS**²²

22 Either party may appeal from a determination of responsibility based on a procedural irregularity that
23 affected the outcome, new evidence that was not reasonably available at the time of the determination
24 that could affect the outcome, or an alleged conflict of interest on the part of the Title IX Coordinator or
25 any personnel chosen to facilitate the grievance process. Appeals shall be submitted to the Title IX
26 Coordinator within ten (10) days of a determination of responsibility.

27 Upon receipt of an appeal, the Title IX Coordinator shall:

- 28 1. Assign an impartial hearing officer within five (5) days of receipt of the appeal; and
- 29 2. Notify the parties in writing.

31 During the appeal process, the parties shall have a reasonable, equal opportunity to submit written
32 statements. Within ten (10) calendar days, the hearing officer shall issue a written decision describing
33 the result of the appeal and the rationale for the result. The written decision shall be provided
34 simultaneously to both parties.

35 **RETALIATION**²³

- 1 Retaliation against any person who makes a report or complaint or assists, participates, or refuses to
- 2 participate in any investigation of an act alleged in this policy is prohibited.

Legal References

1. 34 CFR § 106.1
2. 34 CFR § 106.8(b),(c)
3. 34 CFR § 106.45(b)(1)(iii); 34 CFR § 106.45(b)(10)(D)
4. 34 CFR § 106.30(a)
5. 34 CFR § 106.8(a)
6. 20 USCA 1092(f)(6)(A)(v); TCA 36-3-601(10); TCA 71-6-302
7. 34 USCA 12291(a)(10)
8. 34 USCA 12291(a)(8); TCA 40-14-109
9. 34 USCA 12291(a)(30); TCA 39-17-315; TCA 36-3-601(11)
10. 34 CFR § 106.44(a)
11. 34 CFR § 106.44(c)
12. 34 CFR § 106.44(d)
13. TRR/MS 0520-02-03-.09(2); TCA 49-5-417(c)
14. 34 CFR § 106.45(b)(2)
15. 34 CFR § 106.45(b)(3)
16. 34 CFR § 106.45(b)(5); 34 CFR § 106.45(b)(1)(v)
17. 34 CFR § 106.45(b)(1)(x)
18. 20 USCA § 1232g
19. 34 CFR § 106.45(b)(7)
20. 34 CFR § 106.45(b)(1)(iv)
21. 34 CFR § 106.45(b)(1)(vii)
22. 34 CFR § 106.45(b)(8)
23. 34 CFR § 106.71

Cross References

- Section 504 and ADA Grievance Procedures 1.802
Discrimination/Harassment of Employees (Sexual, Racial,
Ethnic, Religious) 5.500
Complaints and Grievances 5.501
Staff-Student Relations 5.610
Code of Conduct 6.300
Student Discrimination, Harassment, Bullying, Cyber-
bullying, and Intimidation 6.304
Student Concerns 6.305
Reporting Child Abuse 6.409