

Board of Education
May 10, 2023 4:30 PM
Central Services Board Room

The Policy Committee met on Wednesday, May 10, 2023 in the Central Services Board Room where Ms. Rebecca Hamby called the meeting to order at the approximate hour of 4:30 p.m. She welcomed everyone to the meeting and appreciated everyone for attending.

BOARD MEMBERS:

Teresa Boston:	Present
Mr. Nick Davis:	Absent
Ms. Anita Hale:	Present
Mrs. Rebecca Hamby:	Present
Mr. Chris King:	Absent
Ms. Sheri Nichols:	Present
Robert Safdie:	Absent
Billy Stepp:	Present
Ms. Shannon Stout:	Present
Ms. Elizabeth Stull:	Present

OTHERS PRESENT:

Earl Patton, Board Attorney
Kim Bray, COO
Bo Magnusson, Safety and Security Supervisor
Mo Charnot, Media

1. Call to Order - Ms. Rebecca Hamby
Mrs. Rebecca Hamby called the meeting to order.
2. Moment of Silence / Pledge of Allegiance - Ms. Rebecca Hamby
Hamby led moment of silence and the Pledge of Allegiance.
3. Approval of Committee Minutes
Hamby asked for a motion to approve minutes. Stout made a motion to approve. No second.

Motion to approve XX Committee Minutes.

VOICE VOTE: (mover-yes) Stout

Yes: 7, No: 0

MOTION: Motion Carried

4. District Recommendation Policies Hamby introduced the district recommendation policies. 4.300, 5.110, 5.403, 5.701, 6.203, 6.201, 6.300, 6.308, 6.309, 6.316. Hamby introduced the first policy, 4.300 and asked if anyone had any concerns. Patton asked if level 3 volunteers are defined anywhere? Stepp said they are listed in procedures and said that it's pretty common in other counties to have non-faculty coaches without employee supervision. Patton said his concern is where is the cross reference to the policy that defines levels 1, 2, and 3. Stepp told Patton that under 4.501 procedures is where the information is given completely and in depth. Hamby asked if Patton felt comfortable. He said he thinks it's fine to reference the procedure but he's just not had enough time to look at this and the legalities of it. Patton said he would suggest putting all the levels under the school volunteer policy. He said to add the language of the procedure to the school volunteer policy. Hamby made a motion to accept the policy with the change and tasking Stepp to cross reference the policy and procedures that gave the explanation. Boston asked didn't they have to change the policy. Hamby then made the suggestion to table this until next month's policy meeting.

Policy 5.110 Compensation Guides and Contracts. Hamby told everyone the recommendation was to replace recognizing 50% job experience with 100% recognition and removing the up to 5 years portion. Stull voiced her concerns about how that would impact the budget and how many employees did that involve? Bray said this would not be retroactive. It would just be with new hires and she could not say at this point how that would affect the budget and it would start within the next school year. Hamby said her concern was if they left it wide open and it was a reoccurring expense, then they would budget themselves right out the door. Stepp said they needed to be competitive in this market. Stepp said we needed those professionals in our system and needed something if they are coming from the private sector. Hamby said the system was not and could never be a private sector. Stout said most other industries do recognize prior job experience. She worries if we don't offer that, then we won't be able to recruit and retain top talent. Stull said they do recognize some referring to the 5 years. Bray told everyone that she's had several people in various positions walk away because the 5 years is all that we were willing to offer. Boston said her concern is being able to sustain the salaries that the district is setting. She said if they are paid the top salary scale for all years of experience, there will be some that will be making more than the supervisor makes, so then the supervisor's scale has to be adjusted. She said again, the sustainability they are creating is her concern. Stout asked, doesn't this just allow us to have the flexibility? It doesn't mean we have to offer them the job. Hamby said she isn't saying not to do it, but she's concerned about it. Stepp said this isn't a thousand people. It's a few people with professional licenses. He said it addresses the issue of classified not having the same rights as the certified personnel. He's trying to level the playing field with those with professional certifications. Stout asked what kind of candidates are falling into this category? Bray said she's seeing custodians, teacher assistants, electricians, maintenance personnel and bus drivers. Stout said how many of them would we have to worry about raising the supervisor's pay so they didn't exceed their salary? Bray said mostly it is like electricians, those licensed people, and currently they have 5. Stout said that's a pretty small group of people that they would have to worry about surpassing the supervisor's scale. Nichols said if we hire less qualified people and pay them less money, then we take a greater risk of things breaking down, which costs more money in the long run. Stepp and Bray made it clear they would have

to verify that they are certified and they have the experience they say they have. Hamby made a motion to accept as presented with the understanding that they would come back and change it if needed. Nichols with the second.

All other policies passed to be sent to the board as presented with changes.

5.403 Hamby made the motion and Stout with the second.

5701 Hamby made the motion and Stull with the second.

6.203 Hamby made the motion and Stout with second.

6.201 Stout made the motion and Stull with the second.

6.300 Hamby made the motion and Stull with the second.

6.308 Hamby made the motion and Stout with the second.

6.309 Stout made the motion and Hamby with the second.

6.316 Hamby with the motion and Stout with the second.

Motion to accept changes as recommended.

VOICE VOTE: (mover-yes) Hamby

(seconder-yes) Stout

Yes: 7, No: 0

MOTION: Motion Carried

5. Review Only Policies Hamby told everyone that these policies are for review only and made the motion to send to full board under consent agenda. Stull with the second.

Motion to to send review policies on to full board.

VOICE VOTE: (mover-yes) Hamby

(seconder-yes) Stull

Yes: 7, No: 0

MOTION: Motion Carried

6. Other Discussion
7. Adjournment Stout made the motion to adjourn and Stull with the second. The meeting was adjourned at approximately 5:15 p.m.

Motion to adjourn

VOICE VOTE: (mover-yes) Stout

(seconder-yes) Stull

Yes: 7, No: 0

MOTION: Motion Carried

William Stepp
Director of Schools

Ms. Rebecca Hamby
Chairman of the Policy Committee

Diane McCartney
Executive Assistant for the Director of Schools and BOE

(* Indicates Board Approval Required)

Board of Education
April 5, 2023 4:00 PM
Central Services Board Room

The Policy Committee met on Wednesday, April 5, 2023, in the Central Services Board Room where Ms. Rebecca Hamby called the meeting to order at the approximate hour of 4:04 p.m. She welcomed everyone to the meeting and appreciated everyone for attending.

BOARD MEMBERS:

Teresa Boston:	Absent
Mr. Nick Davis:	Absent
Ms. Anita Hale:	Absent
Mrs. Rebecca Hamby:	Present
Mr. Chris King:	Absent
Ms. Sheri Nichols:	Present
Robert Safdie:	Absent
Billy Stepp:	Present
Ms. Shannon Stout:	Present
Ms. Elizabeth Stull:	Present

OTHERS PRESENT:

Earl Patton, Board Attorney
Chris King
Robert Safdie
Mo Charnot, Media

1. **Call to Order** - Ms. Rebecca Hamby
2. **Moment of Silence / Pledge of Allegiance** - Ms. Rebecca Hamby
3. **Approval of Committee Minutes**-Ms. Hamby made a motion to accept minutes from the last meeting. Stout with the second.

Motion to approve Policy Committee Minutes from last meeting.

VOICE VOTE: (mover-yes) Hamby

(seconder-yes) Stout

Yes: 4, No: 0 Hamby: Yes,
Nichols: Yes, Stout: Yes, Stull:
Yes

MOTION: Motion Passed

4. **Policy 5.613 Employee Social Media-New Policy for Adoption**-Hamby introduced policy 5.613 Social Media Policy. She said she had spoken with Atty Patton and was making a motion to table this policy until it is further reviewed. Patton said he thinks a policy like this is a good idea, but he feels like more time needs to be given to it as he's only seen it for about 2 days now. Hamby said this was to be implemented in our district, since we don't currently have this policy. Stull seconded the motion to table until further review.

Motion to table this policy until further review.

VOICE VOTE: (mover-yes) Hamby

(seconder-yes) Stull

Yes:4, No: 0Hamby: Yes,
Nichols: Yes, Stout: Yes,
Stull: Yes

MOTION: Motion Passed

5. **Policy 1.1062 Non-Retaliation District Recommendation Policies**-Hamby told everyone that this policy was brought before the committee with district recommendations with minimal changes. Stout made a motion to accept district recommendations. Stull with the second.

Motion to accept district recommendations.

VOICE VOTE: (mover-yes) Stout

(seconder-yes) Stull

Yes: 4, No: 0Hamby: Yes,
Nichols: Yes, Stout: Yes,
Stull: Yes

MOTION: Motion Passed

6. **Review Only Policies**-Hamby told everyone that these were only review policies and changes were only made with supervisor name changes. Policy 6.300 did not have the proper changes made, so this

one will go back to the policy committee at the next meeting. Stull questioned if policies needed supervisor's names in them, since they can change frequently. Stepp told her that it was common to have the current names in the policies. Patton said, from a legal standpoint, there was no reason for it to be in there, but it was probably for purposes of helping anyone who needed to know who was holding that position in the district. Hamby said they could be brought back to the committee and looked at later. Hamby made a motion to approve these and send to full board to the consent agenda. Stull with the second.

Motion to send review only policies to full board on consent agenda.

VOICE VOTE: (mover-yes) Hamby

(seconder-yes) Stull

Yes: 4, No: 0 Hamby: Yes,
Nichols: Yes, Stout: Yes,
Stull: Yes

MOTION: Motion Passed

7. Other Discussion

8. **Adjournment**-The meeting was adjourned at approximately 4:17pm.

Motion to adjourn.

VOICE VOTE: (mover-yes) Stout

(seconder-yes) Stull

Yes:4, No: 0 Hamby: Yes,
Nichols: Yes, Stout: Yes,
Stull: Yes

MOTION: Motion Passed

William Stepp
Director of Schools

Ms. Rebecca Hamby
Chairman of the Policy Committee

Diane McCartney
Executive Assistant for the Director of Schools and BOE

(*) Indicates Board Approval Required

Cumberland County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Extracurricular Activities	Descriptor Code: 4.300	Issued Date: 09/22/22
		Rescinds: 4.300	Issued: 02/23/17

1 The following guidelines shall be followed in administering the student activities program:

- 2 1. The Board shall initially approve each specific extracurricular activity so that proper support
3 and supervision may be assured.
4
- 5 2. The principal, after obtaining the recommendation of the faculty and the director of schools,
6 shall determine which clubs and organizations will be permitted.
7
- 8 3. Each student activity must be under the guidance and direction of a Cumberland County
9 school employee, who must be present at all times, to include on-board student
10 transportation. [Level III approved volunteers do not have to have a school employee present.](#)
11
- 12 4. All student activities must have the approval of the principal.
13
- 14 5. Student activities occurring before or after regularly scheduled school hours must be under
15 the supervision of the principal or his/her designee.
16
- 17 6. Secret organizations shall not be operated in any school.
18
- 19 7. A student shall not be required to attend a school-sponsored student activity that is scheduled
20 at a time, which conflicts with his religious practices.¹
21
- 22 8. School-sponsored student activities during vacation periods shall be restricted to regularly
23 scheduled athletic programs and major events, which cannot be scheduled otherwise.
24
- 25 9. Student groups shall not participate in state or national activities, which are not listed as,
26 approved activities by regional accrediting associations or state and national principals'
27 associations without the approval of the director of schools.
28
- 29 10. A student on in-school or out-of-school suspension shall not be permitted to participate in
30 school-sponsored activities.
31
- 32 11. Activities, which restrict participation because of race, color, religion, sex, disabilities, or
33 national origin, are forbidden.²
34
- 35 12. Activities sponsored by outside groups or agents will be approved only if they are co-
36 sponsored by the school.

- 1
2 13. Students must have attended school at least one-half day to participate in extracurricular
3 activities on any given day.

Legal References

1. TCA 49-6-1002(c)
2. 34 CFR § 106.41

Cross References

Special Use of School Vehicles 3.402
Interscholastic Athletics 4.301
Field Trips/Excursions/Competitions 4.302
Attendance 6.200

Cumberland County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Compensation Guides & Contracts	Descriptor Code: 5.110	Issued Date: 04/27/23
		Rescinds: 5.110	Issued: 07/26/18

1 Certified personnel must enter into written contract with the Board at a fixed annual salary per month
2 before commencing their duties.¹

3 The Director of Schools shall establish the salary rating of each person employed and shall recommend
4 such salary rating to the Board for its approval.²

5 Salaries of all employees, including substitute and supplemental pay, shall be paid by the Board. No
6 payment to any employee for service performed on behalf of the school system shall be made from any
7 source other than the Board.

8 Contracts for professional personnel shall include two-hundred (200) days of responsibility, plus twenty
9 (20) days for each additional month assigned by the Board. Each contract shall provide:³

- 10 1. A minimum of one hundred and eighty (180) working days;
- 11 2. A minimum of five (5) days for in-service education;
- 12 3. Ten (10) vacation days; and
- 13 4. Five (5) days as designated by the board (teachers shall use one (1) day for parent-teacher
14 conferences).

15 The school calendar adopted by the Board each year shall become part of each employee's contract.
16 Salaries and supplements may be paid from revenue derived from sources other than taxes, provided the
17 revenue is deposited with and salaries paid through the Board. This includes donations or contributions
18 from individual, civic or other non-school related sources of funds from individual school activity funds,
19 such as gate receipts and concessions.^{1,4}

20 Non-certified personnel are at will employees and are compensated per Board approved pay scales that
21 are based on respective job description, hours worked, and days worked. These scales have pre-
22 designated incremental increases based on years of service. The employee's years of service, to the Board
23 of Education, are maintained when an employee moves between job categories. All support personnel
24 pay scales are capped at twenty-six (26) years of service.

25 The Board will recognize 100% 50% of the same job experience ~~not to exceed five (5) years~~. The burden of
26 experience rests with the individual. Verification must be submitted within 30 days of date of hire to be
27 considered for advancement on the pay scale.

28 Former employees rehired in the same position will resume at the same years' experience as when they
29 left employment.²

Legal References

1. TCA 49-2-203(a)(1); TCA 49-5-408
2. TCA 49-5-402
3. TCA 49-6-3004
4. TCA 49-6-2006(a)

Cross References

- School Calendar 1.800
- Revenues 2.400
- Payroll Procedures 2.802
- Salary Deductions 2.803

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Drug & Alcohol Testing for Employees	Descriptor Code: 5.403	Issued Date: 04/08/04
		Rescinds: 5.403	Issued: 10/03/02

REASONABLE SUSPICION DRUG TESTING

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

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

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

TESTING FOR CDL EMPLOYEES

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

The use, possession, sale, purchase or transfer of any controlled substances except medically prescribed drugs on school property, while on school business or while operating school vehicles and equipment is prohibited. Drinking alcoholic beverages during working hours, four (4) hours before reporting to work or having any measurable amount of alcohol in his/her system during working hours is prohibited, whether on or off school property. Working hours include all breaks. Off-duty use of drugs and alcohol is prohibited to the extent that it affects driver's attendance or performance and his/her ability to pass

1 required DOT alcohol and controlled substance tests. Any violation of this policy is grounds for
2 termination as employee of the Board and possible legal prosecution.

3 The use of any prescription drug that could affect the central nervous system or one that would impair
4 reaction time shall be reported to the Director of Schools/~~Director of~~ Transportation **Supervisor**. Notice
5 shall be given of non-prescription (over-the-counter) drugs being taken on a regular basis. The notice
6 shall include the duration of ingestion and the possible side effects.

7 **Procedures**

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

13 **Implementation**

14 The Director of Schools/~~director of~~ Transportation **Supervisor** is authorized to implement this policy and
15 procedures for the drug testing program, including a periodic review of the program to address any
16 problems, changes and/or revisions of it, maintenance of all records required by the federal regulations,
17 and determination upon Board approval of how the program will be accomplished, whether in-house,
18 contracted or by consortium.

19 **Dissemination**

20 The Director of Schools/~~director of~~ Transportation **Supervisor** shall be responsible for communicating
21 this policy and the procedures to all employees affected by this policy and shall be accountable for its
22 consistent enforcement.² The Director of Schools/~~director of~~ Transportation **Supervisor** is designated to
23 answer questions about this policy, procedures and all other matters involved in alcohol and controlled
24 substance testing of CDL drivers and the reasonable suspicion testing of all other employees.

Legal References:

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

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Substitute Teachers	Descriptor Code: 5.701	Issued Date: 09/22/22
		Rescinds: 5.701	Issued: 03/17/22

1 Substitute teachers are those teachers used to replace teachers on leave or to fill temporary vacancies until
2 a licensed teacher is available.^{1,2} Substitute teachers may be employed and paid directly by the Board or
3 by a third-party employer through an agreement between such third-party employer and the Board.

4 Substitute teachers employed by third-party entities shall be subject to the same unemployment benefit
5 eligibility conditions as substitute teachers employed directly by the Board.²

6 APPLICATION/QUALIFICATIONS

7 Criminal history record checks, fingerprinting, and pre-employment drug screen of applicants for
8 substitute teaching are required.³

9 Applicants with revoked licenses or certificates according to the Department of Education shall not be
10 hired.⁴

11 Qualifications for substitute teachers shall be determined by the Director of Schools in compliance with
12 board policy, state, laws, and State Board of Education rules and regulations.

13 A list of substitute teacher(s) will be prepared by the Human Resource Director, who will maintain file(s)
14 which may include transcripts, credentials, recommendations, and other pertinent information.

15 COMPENSATION

16 If employed directly by the district, the compensation of substitute teachers shall be determined
17 annually by the Board.

18 Retired teachers serving as substitutes who do not have an active teaching license shall be paid the
19 same as a retired substitute teacher with an active teaching license. This only applies to teachers who
20 retired after July 1, 2011, through July 1, 2016.⁵

21 CERTIFICATION

22 When substituting for a regular teacher who has been absent for twenty (20) consecutive days, a
23 substitute teacher shall possess a teaching certificate with endorsement in the discipline(s) to be taught or
24 shall be a retired teacher that held the appropriate endorsement.⁶

25 When substituting for a teacher without sick leave, the substitute shall be certified and paid according to
26 the state salary schedule.¹

1 **EMERGENCY NEEDS**

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

5 Said substitutes shall receive the proportionate equivalent salary regular substitute teachers would
6 receive under similar circumstances or their regular salary, if higher; however, they shall not receive pay
7 for both positions at the same time.

8 **TRAINING AND ORIENTATION**

9 The Director of Schools shall be responsible for ensuring that there are appropriate training and
10 development programs for substitute teachers.

11 **RESPONSIBILITIES**

12 Substitute teachers shall assume the same responsibilities as the regular teacher, including but not limited
13 to bus duty and playground supervision.

14 **RE-EMPLOYMENT/TERMINATION**

15 On an annual basis, the Director of Schools, with input from the principals, shall determine which
16 substitute teachers performed at an acceptable level. Substitute teachers who performed below an
17 acceptable level shall not be re-employed.

18 All substitutes shall be responsible for providing correct addresses and phone numbers and for notifying
19 the principal and/or third-party employer if they wish to terminate their service as substitutes.

Legal References

1. TRR/MS 0520-01-02-.04(5)
2. TCA 49-5-709
3. TCA 49-5-413(a)(2)
4. TCA 49-2-203(a)(14)
5. TCA 49-3-312(b)
6. TCA 49-3-312(a); TRR/MS 0520-01-02-.04(5)(b)

Cross References

Background Investigations 5.118
Employment of Retirees 5.119

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Compulsory Attendance Ages	Descriptor Code: 6.201	Issued Date: 05/22/14
		Rescinds: 6.201	Issued: 07/08/13

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

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

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

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

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

18 A person eighteen (18) years of age or older who applies for admission must have the application ap-
19 proved by the principal and Director of Schools when:

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

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

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

Legal References

1. TCA 49-6-3001 (c)(1)
2. TCA 49-6-3001 (c)(5)
3. TCA 49-6-3005
4. TCA 49-6-201 (b)(3); TCA 49-6-3001 (b)(1)
5. TCA 49-6-201 (8)(d)
6. 20 U.S.C. Sec 5. 1400-1485
7. TCA 49-6-3001 (c)(2)(A)-(D)

Cross References

Special Education Program 4.202
Adult Education Program 4.208
Special Education Students 6.500

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: School Admissions	Descriptor Code: 6.203	Issued Date: 04/23/20
		Rescinds: 6.203	Issued: 10/02/03

1 Any student entering school for the first time ~~must~~ **should** present:

- 2
- 3 1. A birth certificate or officially acceptable evidence of date of birth at the time of registration;¹
- 4
- 5 2. Evidence of a current medical examination.² There shall be a complete medical examination of
- 6 every student entering school for the first time. This applies to kindergarten, first grade and other
- 7 students for whom there is no health record; and
- 8
- 9 3. Evidence of state-required immunization.³

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

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

18 A student may transfer into the school system at any time during the year if his/her parent(s) or legal
19 guardian moves his/her residence into the school system.

20
21 The residence of a non-custodial parent may not be used in determining the residence of a student.

22 **ADJUCATED DELINQUENT STUDENT**

23 If a student has at any time been adjudicated delinquent for any offences listed in TCA 49-6-3051(b),
24 the parents/guardian(s) and a school administrator of any school having previously received similar
25 notice from the juvenile court or another source shall provide to the school principal/designee the
26 abstract⁵ or other similar written information when any such student;⁶

- 27 1. Initially enrolls in an LEA;
- 28 2. Resumes school attendance after suspension, expulsion, or adjudication of delinquency; or
- 29 3. Changes schools within this state.

30 This information shall be shared only with school employees who have responsibility for classroom
31 instruction of the student, the school counselor, social worker, or psychologist who is developing a plan

1 for the student while in the school, the clerk responsible for data entry, and the school resource officer.
2 Such information is otherwise confidential and shall not be released to others. The written notification
3 shall not become a part of the student's record.⁶

Legal References

1. TCA 49-6-3008(b)
2. TRR/MS 0520-01-03-.08(2)(a)
3. TCA 49-6-5001(c)
4. TCA 49-6-3001(c)(6)
5. TCA 37-1-153, 154
6. TCA 49-6-3051

Cross References

Admission of Suspended/Expelled Students 6.318
Homeless Students 6.503
Migrant Students 6.504
Students in Foster Care 6.505
Students from Military Families 6.506

Cumberland County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Code of Conduct and Discipline	Descriptor Code: 6.300	Issued Date: 08/25/22
		Rescinds: 6.300	Issued: 08/26/21

1 The Board delegates to the Director of Schools the responsibility of developing specific codes of
2 behavior and discipline, which are appropriate for each level of school.¹ Codes of conduct for students
3 in pre-kindergarten and kindergarten shall utilize alternative disciplinary practices such as time-out,
4 1(one) minute for each year of the student's age. Exclusionary discipline shall only be used as a
5 measure of last resort.² The development of each code shall involve principals and faculty members of
6 each level and shall be based on evidence-based behavior supports and interventions.³

7 The following levels of misbehavior and disciplinary procedures and options are standards designed to
8 protect all members of the educational community in the exercise of their rights and duties to maintain
9 a safe learning environment where orderly learning is possible and encouraged.⁴ These misbehaviors
10 apply to student conduct on school buses, on school property, and while students are on school
11 sponsored outings. Staff members have the authority to enforce the code of conduct³ and shall ensure
12 that disciplinary measures are implemented in a manner that:⁵

- 13 1. Balances accountability with an understanding of traumatic behavior;
- 14
- 15 2. Teaches school and classroom rules while reinforcing that violent or abusive behavior is not
16 allowed in school;
- 17
- 18 3. Minimizes disruptions to education with an emphasis on positive behavioral supports and
19 behavioral intervention plans;
- 20
- 21 4. Creates consistent rules and consequences; and
- 22
- 23 5. Models respectful, non-violent relationships.

24 In order to ensure that these goals are accomplished, the school district shall utilize the following
25 trauma-informed discipline practices: RTI²B, multi-tiered system of supports, or behavior intervention
26 plans. Principals shall use appropriate discipline management techniques when enforcing the code of
27 conduct.

28 **MISBEHAVIORS: Level I**

29 This level includes minor misbehavior on the part of the student which impedes orderly classroom
30 procedures or interferes with the orderly operation of the school, but which can usually be handled by
31 an individual staff member.

32 *Examples (not an exclusive listing):*

- 1 • Classroom disturbances
- 2 • School or class tardiness
- 3 • Cheating and lying
- 4 • Abusive language
- 5 • Non-defiant failure to do assignments or carry out directions
- 6 • Wearing while on the grounds of a public school during the regular school day, clothing
- 7 that exposes underwear or body parts in an indecent manner that disrupts the learning
- 8 environment⁶
- 9 • Victimization of any student (Harassment (Sexual, Racial, Ethnic, Religious), Bullying,
- 10 Cyber-bullying, and/or Hazing)

11 *Disciplinary Procedures:*

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

17 *Disciplinary Options:*

- 18 • Verbal reprimand
- 19 • Special assignment
- 20 • Restricting activities
- 21 • Assigning work details
- 22 • Counseling
- 23 • Withdrawal of privileges
- 24 • ~~Issuance of demerits which might affect citizenship or department grades~~
- 25 • Strict supervised study
- 26 • Detention
- 27 • Corporal punishment
- 28 • In-school suspension
- 29 • RTI²B, multi-tiered system of supports or behavior intervention plans

30 **MISBEHAVIORS: Level II**

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

35 *Examples* (not an exclusive listing):

- 36 • Continuation of unmodified Level I behaviors
- 37 • School or class tardiness
- 38 • Using forged notes or excuses

- 1 • Disruptive classroom behavior

2 *Disciplinary Procedures:*

- 3 • Student is referred to principal for appropriate disciplinary action.
4 • Principal meets with student and teacher.
5 • Principal hears accusation made by teacher, permits student the opportunity of
6 explaining his/her conduct.
7 • Principal takes appropriate disciplinary action and notifies teacher of action.
8 • Record of offense and disciplinary action maintained by principal.

9 *Disciplinary Options:*

- 10 • Teacher/schedule change
11 • Modified probation
12 • Behavior modification
13 • Social probation
14 • Peer counseling
15 • In-school suspension
16 • Transfer
17 • Detention
18 • Corporal punishment
19 • Suspension from school-sponsored activities or from riding school bus
20 • Out-of-school suspension (not to exceed ten (10) days).
21 • RTI²B, multi-tiered system of supports or behavior intervention plans

22 **MISBEHAVIORS: Level III**

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

25 *Examples (not an exclusive listing):*

- 26 • Continuation of unmodified Level I and II behaviors
27 • Fighting (simple)
28 • Vandalism (minor)
29 • Use, possession, sale, and/or distribution of tobacco, drugs, and/or alcohol
30 • Stealing
31 • Threats to others
32 • Victimization of any student (Harassment (Sexual, Racial, Ethnic, Religious), Bullying,
33 Cyber-bullying, and or Hazing)

34 *Disciplinary Procedures:*

- 35 • Student is referred to principal for appropriate disciplinary action.
36 • Principal meets with student and teacher.

- 1 • Principal hears accusation and allows the student the opportunity to explain his/her
- 2 conduct.
- 3 • Principal takes appropriate disciplinary action and notifies the staff member of the
- 4 action.
- 5 • Principal may refer incident to Director of Schools and make recommendations for
- 6 consequences.
- 7 • If student's program is to be changed, adequate notice shall be given to the student and
- 8 his/her parents/guardian(s) of the charges against him, his/her right to appear at a
- 9 hearing and to be represented by a person of his/her choosing.
- 10 • Any change in school assignment is appealable to the Board.
- 11 • Record of offense and disciplinary action maintained by principal or Director of
- 12 Schools.

13 *Disciplinary Options:*

- 14 • In-school suspension
- 15 • Detention
- 16 • Corporal punishment
- 17 • Restitution from loss, damage or stolen property
- 18 • Out-of-school suspension not to exceed ten (10) days
- 19 • Social adjustment classes
- 20 • Transfer
- 21 • Alternative School
- 22 • RTI²B, multi-tiered system of supports or behavior intervention plans

23 **MISBEHAVIORS: Level IV**

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

28 If a student's action poses a threat to the safety of others in the school, a teacher, principal, school
 29 employee, or school bus driver may use reasonable force when necessary to prevent bodily harm or
 30 death to another person.⁷

31 *Examples (not an exclusive listing):*

- 32 • Unmodified Level I, II and III behaviors
- 33 • Death threat (hit list)
- 34 • Extortion
- 35 • Bomb threat
- 36 • Possession/use/transfer of dangerous weapons *
- 37 • Assault that results in bodily injury upon any teacher, principal, administrator, any other
- 38 employee of the school, or a school resource officer*
- 39 • Aggravated Assault *

- 1 • Vandalism
- 2 • Theft/possession/sale of stolen property
- 3 • Arson
- 4 • Possession of unauthorized substances (i.e. any controlled substance, controlled
- 5 substance analogue, or legend drug)*
- 6 • Use, possession, sale or distribution of drug paraphernalia
- 7 • Use, sale, distribution and/or being under the influence of drugs
- 8 • Victimization of any student (Harassment (Sexual, Racial, Ethnic, Religious), Bullying,
- 9 Cyber-bullying, and/or Hazing)
- 10 • Electronic threat to cause bodily injury or death to another student or school employee*
- 11 • Unauthorized possession of a firearm*

12 *Disciplinary Procedures:*

- 13 • Principal confers with appropriate staff members and with the student.
- 14 • Principal hears accusations and permits offender opportunity to explain his/her conduct.
- 15 • Parents/guardians are notified.
- 16 • Law enforcement officials are contacted.
- 17 • Incident is reported and recommendations made to the Director of Schools.
- 18 • The principal notifies the staff members of the resolution.
- 19 • If the student's placement is to be changed, adequate notice of the charges shall be
- 20 given to the student and his/her parent(s)/guardian(s) and his/her right to appear at a
- 21 disciplinary hearing.

22 *Disciplinary Options*

- 23 • Expulsion
- 24 • Alternative schools
- 25 • RTI²B, multi-tiered system of supports or behavior intervention plans

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

28 **ADDITIONAL GUIDELINES:**

- 29 • A student shall not be suspended solely because charges are pending against him/her in
- 30 juvenile or other court.
- 31 • A principal shall not impose successive short term suspensions that cumulatively
- 32 exceed ten (10) days for the same offense.³
- 33 • A teacher or other school official shall not reduce or authorize the reduction of a
- 34 student's grade because of discipline problems ~~except in department or citizenship.~~
- 35 • A student shall not be denied the passing of a course or grade promotion solely on the
- 36 basis of absences except as provided by board policy.
- 37 • A student shall not be denied the passing of a course or grade promotion solely on the
- 38 basis of failure to:
- 39 ○ pay any activity fee;

- 1 ○ pay a library or other school fine; or
- 2 ○ make restitution for lost or damaged school property.

* Zero tolerance offences

Legal References

1. TCA 49-6-4005
2. TCA 49-6-3024
3. TCA 49-6-2801
4. TCA 49-6-4002
5. TCA 49-6-4109
6. TCA 49-6-4009
7. TCA 49-6-4008

Cross References

Traffic and Parking Controls 3.403
Procedural Due Process 6.302
Student Discrimination, Harassment, Bullying,
Cyber-bullying, and Intimidation 6.304
Title IX & Sexual Harassment 6.3041
Interference/Disruption of School Activities 6.306
Bus Safety and Conduct 6.308
Zero Tolerance Offenses 6.309
Dress Code 6.310
Corporal Punishment 6.314
Detention 6.315
Suspension 6.316
Safe Relocation of Students 6.4081

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Bus Conduct	Descriptor Code: 6.308	Issued Date: 09/26/19
		Rescinds: 6.308	Issued: 06/26/08

1 In order to maintain conditions and atmosphere suitable for learning, no person shall enter onto a school
2 bus except students assigned to that bus, ~~or parents of students~~, or other persons with lawful and valid
3 business on the bus.¹ A driver may remove a student in the event that the driver finds it necessary for the
4 safety of the other student passengers or the driver, provided that the driver secures the safety of the
5 ejected student for the uncompleted trip. A driver shall report to school authorities as soon as possible,
6 but no later than the end of the route, any student refusing to obey the driver or exiting the bus without
7 the driver's permission at a point other than the student's destination for that trip.²

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

10 Students are under the supervision and control of the bus driver while on his/her bus, and all reasonable
11 directions given by him/her shall be followed.

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

16 The suspension of a student from riding the school bus shall follow the same procedures as for any other
17 school suspension.

18 Any student who gets off the bus at any point between the pick-up point and school must present the bus
19 driver with a note of authorization from the parent or the principal of the school that the student attends.

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

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

24 Use of Video Cameras

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

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

1 Photographs and video footage shall be used only to promote the order, safety and security of students,
2 staff and property.

3 The district shall comply with all applicable state and federal laws related to photographs and video
4 footage.³ These materials shall be maintained for a minimum of 60 days. Parent(s)/guardian(s) may
5 submit a written request to view photographs and video footage to the Director of Schools/designee, and
6 a time shall be arranged for viewing at the central office within 7 days after the request is made. The
7 Director of Schools/designee shall be present when parent(s)/guardian(s) are provided the opportunity
8 to review photographs and video footage.⁴

9 The Director of Schools shall develop procedures governing the use of cameras and video cameras in
10 accordance with the provisions of state and federal law and established board policies.

Legal References

1. TCA 49-6-2008
2. TCA 49-6-2118(d)
3. TCA 10-7-504; 20 USCA §1232g
4. Public Acts of 2019, Chapter No. 256

Cross References

Student Transportation Management 3.400
Scheduling and Routing 3.401
Code of Conduct 6.300
Student Records 6.600
Annual Notification of Rights 6.601
Inspection and Correction Procedure 6.602

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Zero Tolerance Offenses	Descriptor Code: 6.309	Issued Date: 10/22/20
		Rescinds: 6.309	Issued: 08/23/18

1 In order to ensure a safe and secure learning environment, the following offenses shall not be
2 tolerated:¹

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

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

14 When it is determined that a student has violated this policy, the principal of the school shall notify the
15 student's parent or guardian and the criminal justice or juvenile delinquency system as required by
16 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
- Student Disciplinary Hearing Authority 6.317
- Alternative Education 6.319
- Drug-Free Schools 6.307
- Suspension/Expulsion/Remand 6.316

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Suspension/Expulsion/Remand	Descriptor Code: 6.316	Issued Date: 12/03/20
		Rescinds: 6.316	Issued: 02/23/17

1 Any principal, principal-teacher or assistant principal (herein called principal) may suspend/~~expel~~ any
 2 student from attendance at school. Based on the severity of the offense, a principal may suspend a student
 3 from attendance at school and any school activities.

4 Students may be suspended for good and sufficient reasons including, but not limited to:¹

- 5 1. Willful and persistent violation of the rules of the school;
- 6
- 7 2. Immoral or disreputable conduct, including vulgar or profane language;
- 8
- 9 3. Violence or threatened violence against the person of any personnel attending or assigned to
- 10 any school;
- 11
- 12 4. Willful or malicious damage to real or personal property of the school, or the property of any
- 13 person attending or assigned to the school;
- 14
- 15 5. Inciting, advising or counseling of others to engage in any of the actions that would justify
- 16 suspension;
- 17
- 18 6. Marking, defacing or destroying property;
- 19
- 20 7. Possession of a pistol, gun or firearm on school property;²
- 21
- 22 8. Possession of a knife, or other weapons, as defined in state law, on school property;³
- 23
- 24 9. Assaulting a principal, teacher, school bus driver or other school personnel with vulgar obscene
- 25 or threatening language;
- 26
- 27 10. Unlawful use or possession of barbitol or legend drugs, as defined in state law.⁴
- 28
- 29 11. Engaging in behavior, which disrupts a class or school-sponsored activity;
- 30
- 31 12. Making a threat, including a false report, to use a bomb, dynamite, or any other deadly
- 32 explosive or destructive device including chemical weapons on school property or at a school
- 33 sponsored event;
- 34
- 35 13. One (1) or more students initiating a physical attack on an individual student on school
- 36 property or at a school activity, including travel to and from school;
- 37

1 14. Off-campus criminal behavior resulting in felony charges;

2
3 15. When behavior poses a danger to persons or property and disrupts the educational process; or

4
5 16. Any other conduct prejudicial to good order or discipline in any school.

6 Except in emergency, a principal shall not suspend any student until that student has been advised of
7 the nature of his/her misconduct, questioned about it and allowed to give an explanation.

8 If, as a result of an investigation, a principal/designee finds that a student acted in self-defense under a
9 reasonable belief that the student, or another to whom the student was coming to the defense of, may
10 have been facing the threat of imminent danger of death or serious bodily injury, then the student may
11 not face any disciplinary action.⁵

12 When a student is suspended, the principal shall notify the parents/guardians and the Director of
13 Schools/designee of the following:

14 1. Student's suspension

15 2. Cause for the suspension; and

16 3. Any conditions for readmission which may include a meeting of the parents/guardians, student
17 and the principal.

18 If a student is suspended during the last ten (10) days of any term or semester, he/she shall be
19 permitted to take such final examination or submit such required work as necessary to complete the
20 course of instruction for that semester, subject to conditions prescribed by the principal.⁶

21 **IN-SCHOOL SUSPENSION:⁷**

22 In-school suspension shall be offered to students as an alternative program (if applicable) to complete
23 academic assignments and receive credit for work completed.

24 Students given an in-school suspension in excess of one (1) day from classes shall attend either special
25 classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for
26 study. Personnel responsible for in-school suspension shall ensure that each student is supervised at all
27 times and has textbooks and classwork assignments from his/her regular teachers.

28 **SUSPENSIONS LONGER THAN FIVE DAYS⁸**

29 If a suspension is longer than five (5) days, the principal shall develop and implement a plan for
30 improving the student's behavior.

31 **SUSPENSIONS LONGER THAN TEN DAYS⁹**

32 If the principal suspends a student for longer than ten (10) days, he/she shall immediately give written
33 notice to the parents/guardians and the student of the right to appeal the decision. All appeals shall be
34 filed within five (5) days of receipt of notice. These appeals may be filed by the parents/guardians, the
35 student, or any person holding a teaching license who is employed by the school district if requested by
36 the student.

- 1 The appeal from this decision shall be to the Disciplinary Hearing Authority appointed by the Board. If
- 2 a Disciplinary Hearing Authority has not been appointed, then the appeal shall be to the Board.

Legal References

1. TCA 49-2-203(a)(7);
TCA 49-6-3401(a)
2. TCA 39-17-1309(b)
3. TCA 39-17-1309
4. TCA 53-10-101; TCA 39-17-454
5. TCA 49-6-3401(i)
6. TCA 49-6-3401(d)
7. TCA 49-6-3401(b)(1)
8. TCA 49-6-3401(c)(3)
9. TCA 49-6-3401(a)-(c); *Goss v. Lopez*, 419 U.S. 565 (1975); 20 USCS § 1415;

Cross References

Traffic and Parking Controls 3.403.
Code of Conduct 6.300
Procedural Due Process 6.302
Interference/Disruption of School Activities 6.306
Drug Free Schools 6.307
Bus Conduct 6.308
Zero Tolerance Offenses 6.309
Dress Codes 6.310
Alternative Education 6.319
Disciplinary Hearing Authority 6.317

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Board Funding of Student Competitions	Descriptor Code: 2.9001	Issued Date: 07/23/20
		Rescinds: 2.9001	Issued: 06/22/17

1 The Board may provide funding to aid and assist students to compete in national sponsored competition
2 based on the following criteria:

- 3 1. School-sponsored activity;
- 4
- 5 2. Funding in the amount of twenty-five percent (25%) up to a maximum of \$1,500 per request;
- 6
- 7 3. Receipts or invoices shall be required; and
- 8
- 9 4. Recommendation of the Director of Schools.

10 Prior to final approval the following documents and/or requests must be completed and approved by
11 the Director of Schools and Board of Education.

- 12 1. Submit an overnight and/or out of county trip request letter.
- 13
- 14 2. Complete the Administrative Procedure 2.9001 – Board Funding of Student Competitions Form

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Buildings and Grounds Management	Descriptor Code: 3.200	Issued Date: 06/22/17
		Rescinds: 3.200	Issued: 02/23/12

1 All school properties shall be maintained in good physical condition: safe, clean, sanitary, and as
2 comfortable and convenient as the facilities will permit or the use requires.

3 The Director will develop and implement a continuing program of maintenance of all district-
4 owned buildings and grounds.

5 The following are the responsibilities of the maintenance supervisor:

- 6
- 7 1. Improvement and maintenance of school buildings and grounds;
- 8
- 9 2. Repairs, including repairs of equipment, and painting; and
- 10
- 11 3. Disposal of obsolete equipment.

12 The following are responsibilities of building principals:

- 13 1. To implement adequate custodial programs;
- 14
- 15 2. To oversee the operation of the school plant and require that personnel assigned to the
16 building keep it in a safe, clean, healthy, and pleasant condition;
- 17
- 18 3. To make continuing checks for hazardous conditions, including safety and operation of
19 equipment, and prevention of hazardous situations caused by carelessness; and
- 20
- 21 4. To request, on a timely basis, appropriate maintenance and repairs through appropriate
22 channels.

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Safety	Descriptor Code: 3.201	Issued Date: 01/24/19
		Rescinds: 3.201	Issued: 09/28/17

1 SCHOOL SYSTEM EMPLOYEES

2 Each employee shall take every reasonable precaution for the safety of themselves, students, visitors
3 and all others having business with all stakeholders within the school system.¹ Each employee shall
4 follow all safety policies and guidelines set forth by the school system.²

5 SYSTEM SAFETY COORDINATOR

6 The responsibility for developing the total safety program shall be delegated by the Director of
7 Schools to a staff person. This designee, the system safety coordinator, shall be provided with
8 support, time, budget, and authority commensurate with the task. The system safety coordinator,
9 acting in an advisory capacity to all heads of major units within the system, shall be responsible for
10 the promotion and development of an aggressive loss prevention and safety education program for
11 employees and students of the school system. The supervisor of buildings and grounds is assigned
12 the duties and responsibilities of system safety coordinator.

13 Other responsibilities include but are not limited to:

- 14 Personal Protective Equipment program (PPE)
- 15 Employee safety training and safety incentive program
- 16 Chairman of safety advisory committee
- 17 Implement a system safety manual

18 SAFETY ADVISORY COMMITTEE

19 The principal of each school, the school nutrition, career and technical education, transportation,
20 and maintenance supervisor(s) shall serve on the system safety advisory committee.

21 The safety committee shall review issues, student accident reports, and research and develop programs
22 related to safety. The committee shall assist the system safety coordinator in disseminating safety and
23 loss prevention information throughout the school system. The committee shall meet on an annual
24 basis.

25 EMPLOYEE REPORTING

26 It shall be the responsibility of each employee to report any accident, incident, or unsafe condition
27 immediately to his/her supervisor.

1 The report shall be filled out by the employee and may include suggestions for corrective action. The
2 report shall be given to the employee's supervisor who shall take the corrective action as necessary if
3 the action is in the scope of his/her authority or forward the report to the system safety coordinator for
4 corrective action.

5 **SUPERVISOR REPORTING**

6 The injured employee's supervisor or designee (nurse) shall complete in its entirety, First Report of
7 Work Injury to the Tennessee Risk Management Trust web site within one (1) working day after
8 knowledge of such accident. Copies are forwarded to Human Resources. After the employee
9 completes the Medical Authorization Form, the supervisor shall then also provide additional employee
10 information to the supporting insurance company(ies) to facilitate prompt handling of workers'
11 compensation claims. This information shall include the employee's home and work telephone
12 numbers.

13 **SAFETY INSPECTIONS**

14 Each school principal or department supervisor shall conduct or ensure that others conduct a safety
15 assessment of buildings, equipment, grounds, and protective equipment under his/her supervision at
16 least twice a year, no later than October 15 and February 28.

17 Copies of this assessment shall be submitted to the system safety coordinator. The system safety
18 coordinator shall retain the copies of the safety assessment and make them available to the Director of
19 Schools upon request.

20 **ACCIDENT INVESTIGATIONS**

21 It shall be the responsibility of each supervisor of employees injured on the job to investigate all
22 accidents immediately after the injured employee(s) have received proper emergency medical
23 attention.

24 The supervisor shall submit the appropriate accident investigation form to the system safety
25 coordinator and Human Resources. The supervisor shall take the corrective action necessary if the
26 action is in the scope of his/her authority or forward the report to the system safety coordinator for
27 corrective action.

Legal References

1. TCA 49-6-2008
2. TCA 49-6-1003

Cross References

- Visitors to the School 1.501
Care of School Property 6.311

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Security	Descriptor Code: 3.205	Issued Date: 07/22/21
		Rescinds: 3.205	Issued: 02/28/19

1 **General¹**

2 The Director of Schools shall establish procedures to protect school property, which shall include, but
3 not limited to:

- 4 1. Closing and securing teacher work areas when left unattended or at the end of the day;
5
6 2. Denying students permission to use the classrooms, laboratories, gymnasiums or other
7 school facilities or equipment without appropriate faculty supervision;
8
9 3. Controlling the issuance of building keys, master keys, security codes; and
10
11 4. Developing programs which contribute to the proper care and use of school facilities and
12 equipment.
13
14 5. Ensuring that equipment purchased with federal funds as directed by federal and state law.²

15 The principal shall call law enforcement officials in cases involving illegal entry, theft, or vandalism.
16 The principal shall notify the Director of Schools as soon as practical, but no longer than twenty-four
17 (24) hours, after a case of vandalism, theft, building damage, and/or illegal entry.

18 The Director of Schools/designee is authorized to sign a criminal complaint and to press charges. The
19 Director of Schools shall report all signing of such complaints to the Board.

20 **LAW ENFORCEMENT SERVICES¹**

21
22 The Board may enter into collaborative partnerships with appropriate law enforcement
23 agencies. Partnerships may include, but not limited to, education and recreational programs,
24 delinquency prevention and mentoring initiatives.

25 The Board may enter into a memorandum of understanding with a chief of a law enforcement
26 agency to provide school policing. Any memorandum of understanding shall address, at a minimum,
27 the following issues:

- 28 1. Any School Resource Officer (SRO) assigned under a memorandum must be in compliance
29 with all laws, regulations and rules of the Peace Officer Standards and Training Commission

- 1 at the time of assignment and remain compliant throughout his or her assignment.
- 2 2. As a condition of assignment, any SRO must participate in forty (40) hours of basic training
3 in school policing within twelve (12) months of assignment. Every year thereafter the SRO
4 shall participate in a minimum of sixteen (16) hours of training specific to school policing. All
5 training programs shall be approved by the Peace Officers Standards and Training
6 Commission.³
- 7 3. Any SRO assigned under the memorandum remains an employee of the law enforcement
8 agency, subject to that agency's direction, control, supervision and discipline.
- 9 4. No SRO shall be assigned to a school, or continue in such an assignment, without the consent
10 of the Director of Schools.
- 11 5. In the event that more than one SRO is assigned to a school district, the law enforcement
12 agency shall designate one of the SROs as the senior SRO. The duties of the senior SRO,
13 however designated, shall include, but not be limited to, the following:
- 14 a. To represent and carry out the policies of the law enforcement agency assigning the
15 SROs.
- 16 b. To supervise the SROs in the performance of their duties;
- 17 c. To consult with the Director regarding the best use of the available resources for
18 school policing; and
- 19 d. To resolve disputes between the SROs and students or faculty members.
- 20 6. The memorandum may be effective for any length of time, including continuing until
21 terminated by the parties, and may contain any reasonable notice requirement for the
22 termination of the memorandum. However, the memorandum shall contain a provision
23 allowing the Director of Schools to suspend the active participation of any SROs in the event
24 that the Director of Schools determines that the health, safety or well being of the students or
25 faculty members require the immediate suspension.

26 **CYBERSECURITY⁴**

- 27 The Director of Schools/designee shall develop an administrative procedure regarding the district's
28 cybersecurity plan to identify cybersecurity risks, implement mitigation planning, and protect
29 cyberinfrastructure against cyberattacks and other cybersecurity threats and incidents.

Legal References

1. TCA 49-6-805(3)
2. 2 CFR § 200.313
3. TCA 49-6-4217
4. Public Acts of 2021, Chapter No. 335

Cross References

- Visitors to the Schools 1.501
Inventories 2.702
Care of School Property 6.311

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Waivers of Statutes, Rules and Regulations	Descriptor Code: 4.607	Issued Date: 10/05/06
		Rescinds:	Issued:

1 If the Board determines that it is in the best interest of the school district, application may be made to
2 the Commissioner of Education for a waiver of any state board rule or regulation that inhibits or hinders
3 the Board's ability to implement programs designed to improve student achievement.¹ However, the
4 Board will not seek a waiver from those rules and regulations that are specifically excluded by state law.

5 Further, the Board may request from the Commissioner of Education a waiver of state law, rule or
6 regulation from maximum class sizes in the event a natural disaster has caused displaced students to
7 become enrolled in the school district.²

Legal References:

1. Public Acts, 2006, Public Chapter 727
2. Public Acts, 2006, Public Chapter 579

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Personnel Goals and Objectives	Descriptor Code: 5.100	Issued Date: 04/22/21
		Rescinds: 5.100	Issued: 04/28/11

1 The Board's personnel goals are as follows:

- 2
- 3 1. To ensure that the Director of Schools recruits and employs the best qualified individuals to
- 4 staff the school district;
- 5
- 6 2. To provide compensation, benefits and working environment sufficient to attract and retain
- 7 qualified employees;
- 8
- 9 3. To set goals for educator diversity that take into consideration the diversity of the student
- 10 population;¹
- 11
- 12 4. To provide an in-service training program for all employees to improve their performance;
- 13 and
- 14
- 15 5. To conduct an evaluation program that will contribute to the continuous improvement of staff
- performance.

Legal References

1. State Board of Education Policy 5.700;
TCA 49-1-302(g)

Cross Reference

- School District Goals & Objectives 1.700

Cumberland County Board of Education

Last Reviewed 04/08/04	Descriptor Term: Line and Staff Relations	Descriptor Code: 5.101	Issued Date: 10/08/02
		Rescinds:	Issued:

- 1 The Director of Schools shall establish lines of authority which shall be approved by the Board and
2 shown on the system organization chart.
- 3 All personnel are expected to keep the person to whom they are immediately responsible informed of
4 their activities and shall refer matters requiring administrative action to the administrator to whom they
5 are responsible. That administrator shall refer such matters to the next higher administrative authority
6 when necessary.
- 7 All personnel shall have the right to appeal any decision made by an administrative officer through
8 grievance procedures established through board policy.
- 9 Lines of authority do not restrict the cooperative, sensible working together of all staff members at all
10 levels. The established lines of authority represent direction of authority and responsibility and avenues
11 for a two-way flow of ideas to improve the program and operations of the school system

Cross References

Assignment/Transfer 5.115
Complaints and Grievances 5.501

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Job Descriptions	Descriptor Code: 5.103	Issued Date: 03/04/04
		Rescinds: 5.103	Issued: 02/06/97

- 1 The Board will approve the broad purpose and function of the position in accord with state laws and
2 state regulations, approve a statement of duties as recommended by the Director of Schools, and delegate
3 to the Director of Schools the task of writing, or causing to be written, a job description for the position.
- 4 A copy of each job description shall be provided to the employee and the immediate supervisor and be
5 included in the employee's personnel record. A copy of all job descriptions shall be maintained in the
6 Director of Schools' office. Job descriptions shall be used as guides in annual employee evaluations.
- 7 The Director of Schools shall maintain a comprehensive, coordinated set of job descriptions for all such
8 positions so as to promote efficiency and economy in the staff's operations.

Cross References:

Evaluation 5.109

Qualifications/Duties of the Director of Schools 5.802

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Application and Employment	Descriptor Code: 5.106	Issued Date: 07/22/21
		Rescinds: 5.106	Issued: 01/24/19

1 APPLICATION

2 An individual desiring a position with the Cumberland County School District shall make application
3 to the Director of Schools on forms approved by the Board. The district shall require criminal history
4 background checks, fingerprinting, physical, and 10-panel drug screen of all applicants during a post
5 offer phase of employment.¹ If applying for a teaching position, the Director of Schools shall also
6 check the applicant's license status in the State Board of Education's database to determine if there is a
7 hold on that applicant's license, and if so, the reasoning behind the hold.²

8 Knowingly falsifying information shall be sufficient grounds for termination of employment and shall
9 also constitute a Class A misdemeanor which must be reported to the District Attorney General for
10 prosecution.³

11 Any costs incurred to perform these background checks and fingerprinting shall be paid by the
12 applicant. The Board may reimburse the applicant if a position is offered and accepted.⁴

13 *Professional Employees*

14 The application must include a transcript of credits earned at the colleges or universities attended along
15 with reference information from persons such as previous employers, college professors, and
16 supervisors of student teachers. Other information shall include whether such applicant has been
17 dismissed for cause from a school system.⁵ If previously employed by a local board of education, the
18 applicant shall provide evidence of acceptable resignation.

19 No person shall be employed who:

- 20 1. Does not hold a valid license to teach or a temporary permit to teach from the State Board of
21 Education;⁶
- 22 2. Has been identified by the Department of Children's Services as a perpetrator of child abuse,
23 severe child abuse, child sexual abuse, or child neglect, or who poses an immediate threat to the
24 health, safety, or welfare of children.⁷
- 25 3. Is listed on the state's abuse of vulnerable persons registry maintained by the Department of
26 Health.⁷
- 27 4. Does not present a physician's certificate showing a satisfactory health record or who has any
28 contagious or communicable disease in such form that might endanger the health of school
29 children;⁸

- 1 5. Refuses to take and subscribe to an oath to support the Constitution of the State of Tennessee
2 and of the United States of America;⁹
- 3 6. Fails to make a full disclosure of any prior criminal record and any prior dismissals from
4 employment for cause;
- 5 7. Does not receive a satisfactory background check.¹⁰

6 *Support Employees*

7 No person shall be employed who:

- 8 1. Has any contagious or communicable disease in such form that might endanger the health of
9 the children;⁸
- 10 2. Has been identified by the Department of Children's Services as a perpetrator of child abuse,
11 severe child abuse, child sexual abuse, or child neglect, or who poses an immediate threat to the
12 health, safety or welfare of children.⁷
- 13 3. Is listed on the state's abuse of vulnerable persons registry maintained by the Department of
14 Health.⁷
- 15 4. Has not complied with the Immigration Reform and Control Act of 1986;¹¹
- 16 5. Fails to make a full disclosure of any prior criminal record and any prior dismissals from
17 employment for cause; or
- 18 6. Does not receive a satisfactory background check.¹⁰

19 **EMPLOYMENT**

20 After checking references and receiving written recommendations, the Director of Schools may hire
21 and assign qualified applicants.

22 *Initial Employment for Professional Employees*

23 Upon initial employment, the Director of Schools shall notify such person, in writing, of the offer and
24 conditions of employment. Upon receipt of employment notification, such person shall respond within
25 the timeline established by state law.¹² From the date of the written acceptance, such person is
26 considered to be under employment with the district and is subject to all rights, privileges and duties.

27 *School Bus Drivers Additional Requirements¹³*

28 All new school bus drivers must meet the following requirements:

- 29 1. Be at least 25 years old;
- 30 2. Possess at least five consecutive years of "unrestricted" driving experience; and
- 31 3. Possess "good character, competency and fitness."

32 The new law applies only to persons who receive an "initial school bus endorsement" after January 1,
33 2018. It does not apply to persons who already possess a school bus endorsement on January 1, 2018.
34 Also, it does not apply to persons who renew or reinstate a license issued prior to January 1, 2018, that
35 included a school bus endorsement.

Legal References

1. TCA 49-5-406
2. State Board of Education Policy 5.501
3. TCA 49-5-406(a)(2)(A)
4. TCA 49-5-413(c)
5. TCA 49-2-131
6. TCA 49-5-403; TCA 49-5-101; Public Acts of 2021, Chapter No. 211
7. TCA 49-5-413(e)
8. TCA 49-5-404
9. TCA 49-5-405
10. TCA 49-5-413(a), (f)
11. Immigration Reform and Control Act of 1986; Pub. L. No. 99-603, 100 Stat. 3359, 8 USCA § 1101 *et seq.*
12. TCA 49-5-406(b)
13. TCA 55-50-302

Cross References

Orientation and Probation 5.107
Compensation Guides & Contracts 5.110
Background Investigations 5.118
Recommendations and File Transfers 5.203
Interim Employees 5.700
Qualifications and Duties of the Director of Schools 5.802

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Personnel Records	Descriptor Code: 5.114	Issued Date: 05/24/18
		Rescinds: 5.114	Issued: 04/27/17

1 The Director of Schools/designee(s) shall be authorized to maintain personnel records and to permit
2 inspection of the same. The following records shall be maintained for all employees as appropriate in
3 the office of the Director of Schools:

- 4 1. Employee applications and contracts;
- 5 2. Professional certificates and other documents required by state and federal laws and
6 regulations;¹
- 7 3. Cumulative information files:
 - 8 a. Date and place of birth
 - 9 b. Work history
 - 10 c. Qualifications
 - 11 d. Physical exams
 - 12 e. Evaluations (non-teachers)
 - 13 f. Military Service
 - 14 g. Criminal history record information

15 All employment will be contingent upon all required documentation (ex. pre-employment physical,
16 drug test, background check, parapro test completion, etc.) being satisfactorily completed before his or
17 her first day of employment.

18 The following guidelines regarding records and files shall be followed:

- 19 1. Information contained in personnel records shall be limited to job-related matters;
- 20
- 21 2. The Director of Schools shall be responsible for notifying all employees of the types of
22 information kept and its uses;
- 23
- 24 3. Employees shall be granted an opportunity to respond in writing to material placed in records;
- 25
- 26 4. Employee records are public records, except for medical records and matters deemed
27 confidential by law, and shall be open for inspection during regular business hours;²
- 28
- 29 5. In accordance with federal law, the district shall release information regarding the professional
30 qualifications and degrees of teachers and the qualifications of paraprofessionals to parents
31 upon request for any teacher or paraprofessional who is employed by a school receiving Title I
32 funds and who provides instruction to their child at that school;³
- 33

- 34 6. Members of the public may not obtain the home telephone number, personal cell phone
35 number, bank account information, social security number, residential street address, driver
36 license information (except where driving or operating a vehicle is considered to be a part of
37 the employee's duties), of an employee or of the immediate family members or household
38 members of an employee, unless release of this information is expressly authorized by the
39 employee;⁴
40
- 41 7. A record of the person inspecting and the date of inspection shall be recorded; and
42
- 43 8. Copies of administrative records may be made under rules determined by the director of
44 schools.⁵
- 45 Teacher evaluations and other instruments of communication between the teacher and the principal
46 will be maintained in a secured file in the principal's office, of the school of assignment. Similar files
47 of principals and supervisors shall be maintained in the office of the Director of Schools.

Legal References

1. TCA 49-2-301(b)(1)(M)
2. TCA 10-7-503, 504
3. 20 USCA § 6311(g)(2)
4. TCA 10-7-504(f)(1)
5. TCA 10-7-506; TCA 49-2-301(b)(1)(CC); TCA 8-50-108

Cross References

School District Records 1.407

Cumberland County Board of Education

Monitoring: Date Last Received: 04/08/04	Descriptor Term: Staff Positions	Descriptor Code: 5.116	Issued Date: 04/03/08
		Rescinds: 5.116	Issued: 12/05/02

1 CREATION OF POSITION

2 All staff positions shall be approved through the budget process in accordance with an organizational
3 plan submitted by the Director of Schools.¹ Before an additional position is established, the Director of
4 Schools will present to the Board a job description, qualifications, performance responsibilities and the
5 method by which the performance of these responsibilities will be evaluated.

6 The Director of Schools may revise the organizational plan as long as budgetary amounts are not
7 exceeded and board policy is not violated. In the event of reorganization, the Director of Schools will
8 adhere to all applicable reduction in force guidelines and will inform, in a timely manner, each member
9 of the board of the change and include the change in the Director's report at the next board meeting. If
10 change in personnel creates additional encumbrance on a future budget, prior approval of the Board is
11 required.

12 REDUCTION IN FORCE

13 When it becomes necessary to reduce the number of positions in the system because of a decrease in
14 enrollment or for other good reasons, the Board shall abolish the positions and dismiss such employees
15 as may be necessary.²

16 Licensed Personnel

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

- 19 1. Retains the most effective teachers;
- 20 2. Avoids undue increases in class size; and
- 21 3. Provides consideration for the exceptional teacher without exclusive emphasis on seniority.

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

- 26 1. Effectiveness in teaching and in related professional responsibilities evidenced by teacher
27 evaluation;
- 28 2. Adaptability to other assignments (academic and extracurricular);
- 29 3. Evidence of professional growth as well as specialized or advanced training;

- 1 4. Previous history of grade levels and subject areas taught; and
2 5. Type, length and quality of service made to the teaching profession and the school system.

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

5 **Non-Licensed Personnel**

6 When a non-licensed employee is released because of a reduction in the number of support positions,
7 the Director of Schools shall give the employee written notice of dismissal explaining the circumstances
8 or conditions making termination of employment necessary.³

9 The contract of each non-licensed employee shall contain a statement regarding the reduction in force
10 policy.

11 **RECALL**

12 The Director of Schools shall maintain a preferred re-employment list for tenured teachers whose
13 position is abolished.³ The fitness of any teacher for re-employment shall be determined on the basis of
14 the teacher's competence, compatibility and suitability to properly discharge the duties required by the
15 position with consideration for the best interests of the students in the school where the vacancy exists.²

16 It shall be the responsibility of the separated teacher to notify the Director of Schools in writing of his/her
17 availability and current address. A professional employee who is placed on the preferred re-employment
18 list and subsequently refuses the offer of a comparable position will be removed from the preferred list.⁴

19 Any teacher who has been on the preferred list for re-employment for two (2) consecutive years shall,
20 by April 1 of the second consecutive year, receive notice that the teacher's name shall be removed from
21 the list. The Director shall send the notice to the last known address of the teacher. A teacher who wishes
22 to remain on the preferred list for re-employment after the second year shall notify the Director of
23 Schools in writing by April 15 of the second year and each subsequent year of his or her desire to remain
24 on the preferred list for re-employment.⁴

25 Employees returning from layoff shall have all previously accrued sick leave and seniority reinstated,
26 but shall not receive benefits for the period of the layoff.

Legal References:

1. OP Tenn. Atty. Gen. 93-66 (November 29, 1993)
2. TCA 49-5-409(d); TCA 49-2-301 (b)(1) (EE)
3. TCA 49-5-511(b)(1)
4. TCA 49-5-511(b)(4)

Cumberland County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Procedure for Granting Tenure	Descriptor Code: 5.117	Issued Date: 07/22/21
		Rescinds: 5.117	Issued: 05/25/17

1 **General**

2 To attain tenure,¹ a teacher shall: (1) meet tenure eligibility requirements; (2) be renewed and
3 recommended by the Director of Schools; and (3) receive a majority vote of the Board.

4 **TENURE ELIGIBILITY²**

5 A teacher that meets the following requirements is eligible for tenure:

- 6 1. Has a degree from an approved four-year college or any career and technical teacher who has
7 the equivalent amount of training established and is licensed by the State Board of Education;
- 8 2. Holds a valid teaching license issued by the State Board of Education, based on training
9 covering the subjects or grades taught;
- 10 3. Has completed a probationary period of five (5) school years or not less than forty-five (45)
11 months within the last seven-year period with the last two (2) years being employed in a regular
12 teaching position rather than in the interim position; and
- 13 4. Received evaluations demonstrating an overall performance effectiveness level of “above
14 expectations” or “significantly above expectations” proved by the evaluation guidelines
15 adopted by the State Board of Education during the last two (2) years of their probationary
16 period.

17 If a teacher has met all other requirements for tenure eligibility but has not acquired an official
18 evaluation score during the last one (1) or two (2) years of the probationary period due to allowable
19 circumstances outlined in state law, he/she may utilize the most recent two (2) years of available
20 evaluation scores achieved during the probationary period to become eligible for tenure.³

21 **ACQUISITION OF TENURE STATUS**

22 Once a teacher is eligible for tenure, he/she shall be either recommended by the Director of Schools for
23 tenure or nonrenewed. If tenure is denied by the Board, the teacher shall be dismissed.⁴

24 The following additional guidelines shall apply:

- 25
- 26 1. The Director of Schools will recommend persons eligible for tenure at a Board meeting in
27 ample time to send notice of non-renewal to each teacher not recommended for tenure within
28 five (5) business days following the last instructional day for the school year.⁵
- 29 2. The decision to grant tenure is solely within the discretion of the Board.⁶ Only those teachers
30 who receive a majority vote of the membership of the Board will be granted tenure.⁷
- 31 3. A teacher who is eligible for tenure, but tenure is denied by the Board, shall not be rehired

1 beyond the current contract year.⁴

2 **TEACHER RETURNING TO EMPLOYMENT**

3 A teacher who has attained tenure status in a school district and later resigns shall serve a two (2) year
4 probationary period upon reemployment unless the probationary period is waived by the Board of
5 Education upon request of the Director of Schools. Upon completion of the two (2) year probationary
6 period, the teacher shall be eligible for tenure and shall be either recommended by the Director of Schools
7 for tenure or non-renewed; If tenure is denied by the Board, the teacher shall be dismissed.⁸

8 **TEACHER TRANSFERRING FROM ANOTHER SCHOOL DISTRICT⁹**

9 A tenured or nontenured teacher with five (5) or more years of prior service that transfers from another
10 school district to begin employment in the Cumberland County School District shall serve the regular
11 probationary period. The Board, upon the recommendation of the Director of Schools, may waive the
12 probationary period and grant tenure status or shorten the probationary period.

13 If a nontenured teacher with fewer than five (5) years of service transfers from another school district,
14 such teacher shall not be eligible for tenure status until the teacher has served at least five (5) years when
15 service in both school districts is counted.

16 All tenure decisions made under this section are subject to the requirements concerning overall teacher
17 performance effectiveness levels.

18 **TEACHER RETURNING TO PROBATIONARY STATUS¹⁰**

19 Any tenured teacher who receives two (2) consecutive years of evaluations demonstrating an overall
20 performance effectiveness level of “below expectations” or “significantly below expectations” shall be
21 returned to probationary status by the Director of Schools until the teacher has received two (2)
22 consecutive years of evaluations demonstrating an overall performance effectiveness level of “above
23 expectations” or “significantly above expectations.”

24 When a teacher who has returned to probationary status has received two (2) consecutive years of
25 evaluations demonstrating an overall performance effectiveness level of “above expectations” or
26 “significantly above expectations,” the teacher is again eligible for tenure and shall be either
27 recommended by the Director of Schools for tenure or nonrenewed; provided, however, that the teacher
28 shall be dismissed if tenure is denied by the Board.⁴

29 This section does not apply to teachers who acquired tenure prior to July 1, 2011.

Legal References

1. TCA 49-5-501(11)(A)
2. TCA 49-5-503
3. Public Acts of 2021, Special Legislative Session
Chapter No. 2
4. TCA 49-5-504(b)
5. TCA 49-5-409(b); Public Acts of 2021, Chapter No.
378
6. TCA 49-2-203(a)(1)
7. TCA 49-2-202(g)
8. TCA 49-5-504(d)
9. TCA 49-5-509
10. TCA 49-5-504(e), (f)

Cross References

Separation Practices for Tenured Teachers 5.200
Separation Practices for Non-Tenured Teachers 5.201

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Separation Practices for Non- Tenured Teachers	Descriptor Code: 5.201	Issued Date: 09/22/22
		Rescinds: 5.201	Issued: 10/28/21

1 **SUSPENSION PENDING AN INVESTIGATION¹**

2 The Director of Schools may suspend a non-tenured teacher at any time that may seem necessary,
3 pending investigation or final disposition of a case before the Board or an appeal. If the matter under
4 investigation is not the subject of an ongoing criminal investigation or a Department of Children's
5 Services investigation, and if no charges for dismissal have been made, a suspension pending
6 investigation shall not exceed ninety (90) days in duration. Under no circumstances shall the Director of
7 Schools suspend a non-tenured teacher with pay. If vindicated or reinstated, the non-tenured teacher
8 shall be paid full salary for the period of suspension.

9 **SUSPENSION OF THREE DAYS OR LESS²**

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

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

20 **DISMISSAL OR SUSPENSION GREATER THAN THREE DAYS²**

21 The Director of Schools may dismiss or suspend for more than three **3** working days any non-tenured
22 teacher during the contract year for incompetence, inefficiency, insubordination, improper conduct, or
23 neglect of duty after giving the non-tenured teacher, in writing, due notice of the charges.

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

26 The Board will appoint an impartial hearing officer to conduct such hearings. The hearing officer will
27 hear the case and the non-tenured teacher shall have the right to:

- 28 1. Be represented by counsel;
- 29 2. Call and subpoena witnesses;
- 30 3. Examine all witnesses; and
- 31 4. Require that all testimony be given under oath.

1 Factual findings and decisions in all dismissal cases shall be provided in written form and delivered to
2 the affected non-tenured teacher within ten **10** working days following the close of the hearing. The non-
3 tenured teacher may appeal the decision to the Board within ten **10** working days of the hearing officer
4 rendering the written decision to the non-tenured teacher. Written notice of appeal to the Board shall be
5 given to the Director of Schools. Within twenty **20** working days of receipt of notice, the Director of
6 School shall prepare a copy of the proceedings including all transcripts, documentary and evidence or
7 otherwise presented and provide the Board a copy of the same.

8 The Director of Schools shall also have the right to appeal any adverse ruling by the hearing officer in
9 same manner as the non-tenured teacher.

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

- 13 1. Sustain the decision;
- 14 2. Send the record back if additional evidence is necessary; or
- 15 3. Revise the penalty or reverse the decision.

16 Before any decision to dismiss is made, a majority of the membership of the Board shall concur in
17 sustaining the charges. The Board shall render a decision on the appeal within ten **10** working days after
18 the conclusion of the hearing.

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

22 **NON-RENEWAL**

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

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

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

- 31 1. The Board shall be notified at the next regular board meeting; and
- 32 2. Written notice of non-renewal shall be sent to the teacher by certified mail, overnight carrier or
33 by email within five (5) business days following the last instructional day for the school year.³ If
34 the reason for the non-renewal is due only to a loss of funding for the position, then the notice
35 shall include a statement listing it as the cause for non-renewal.⁴

1 RESIGNATION

2 A non-tenured teacher shall give the Director of Schools notice of resignation at least thirty **30** days
3 before the effective date of the resignation.⁵ The Board may waive the thirty **30** days-notice requirement
4 and permit a non-tenured teacher to resign in good standing.

5 The conditions under which it is permissible to break a contract with the Board are as follows:⁶

- 6 1. The incapacity on the part of the non-tenured teacher to perform the contract as evidenced by the
7 certified statement of a physician approved by the Board; and
- 8 2. The release by the Board of the non-tenured teacher from the contract, which the non-tenured
9 teacher has entered into with the Board.

10 Any non-tenured teacher on leave shall notify the Director of Schools in writing at least thirty **30** days
11 prior to the date of return if the non-tenured teacher does not intend to return to the position from which
12 he/she has taken leave. Failure to render such notice may be considered a breach of contract.⁷

13 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with
14 the State Board of Education and request the suspension of a non-tenured teacher's license. After the
15 State Board of Education has provided the non-tenured teacher an opportunity for defense during a
16 hearing, the State Board of Education may suspend the license for no less than thirty **30** days and no
17 more than three hundred sixty-five **365** days.⁸

18 RETIREMENT

19 Retirement shall mean a termination of services under conditions, which will allow the non-tenured
20 teacher to draw benefits from retirement plans and/or Social Security benefits.

21 Non-tenured teachers eligible for retirement benefits may elect to retire at any age according to the
22 provisions of the retirement system. Central office personnel shall assist non-tenured teachers in
23 securing retirement benefits; however, it shall be the responsibility of the retiring non-tenured teacher to
24 provide verification of eligibility in writing from the Tennessee Consolidated Retirement System
25 (TCRS) to the central office. It shall be the responsibility of the retiring non-tenured teacher to file for
26 benefits.

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

Legal References

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301(b)(1)(EE); TCA 49-5-512
3. TCA 49-5-409
4. Public Acts of 2022, Chapter No, 678
5. TCA 49-5-508
6. TCA 49-5-411(a)
7. TCA 49-5-706
8. TCA 49-5-411(b)

Cross References

Public Hearings 1.401
Teacher Tenure 5.117
Recommendations and File Transfers 5.203

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Short Term Leaves of Absence	Descriptor Code: 5.300	Issued Date: 05/25/17
		Rescinds:	Issued:

1 Short-term leaves of absence shall consist of the following: Emergency, legal, sick, personal, and
2 professional leave.¹

3 **UNAUTHORIZED ABSENCES**

4 An employee who is absent from his assigned work location or schedule for three (3) or more days
5 without official leave approval from supervisory personnel shall be considered absent without authorized
6 leave. In such cases, the Cumberland County School System shall regard the job as abandoned, and it
7 will be recommended to the Director of Schools that the employee be terminated, unless he/she can
8 provide acceptable and verifiable evidence of extenuating circumstances.

9 Employees who are absent without notice or authorization for less than three (3) days, and who
10 subsequently report to work, shall provide a detailed written reason for such absence and, regardless of
11 stated reasons, may be subject to disciplinary action, up to and including dismissal.
12

Legal References

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

Cross References

Emergency & Legal Leave 5.301
Sick Leave 5.302
Personal & Professional Leave 5.303
Vacations and Holidays 5.310

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Sick Leave	Descriptor Code: 5.302	Issued Date: 04/22/21
		Rescinds: 5.302	Issued: 05/25/17

1 PROFESSIONAL PERSONNEL

2 Sick leave for professional personnel shall accrue at one (1) day for each month employed during the
3 school year and shall accumulate for an unlimited number of days.¹

4 Sick leave shall be defined as: illness from natural causes or accident, quarantine, or illness or death
5 of a member of the immediate family of an employee, including the employee's wife or husband,
6 parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law,
7 daughter-in-law, son-in-law, brother-in-law, and sister-in-law.²

8 A signed statement listing the cause of absence shall be provided by the employee on forms furnished
9 by the Director of Schools and shall promptly be given to the immediate supervisor in support of all
10 claims for sick leave pay. A falsified statement shall be grounds for dismissal.

11 A physician's certificate may be required, on forms furnished by the Board in support of any claim for
12 sick leave pay. The Supervisor/designee shall notify Human Resources immediately when it is known
13 that an employee is out more than four (4) consecutive days, for FMLA purposes.

14 The supervisor/designee shall immediately notify the Director of Schools' office if an employee
15 is absent beyond the limit of his/her sick leave accumulation.

16 Permanent, cumulative sick leave records for each active professional employee shall be kept in
17 the Director of Schools' office or readily available from the county finance department.

18 Upon employment, an employee has available in advance those sick leave days to be earned in that school
19 year. However, those days used prior to earning them will be charged against the annual
20 accumulation. Upon termination of employment before sick leave days are earned, they shall be
21 deducted from the final pay of the employee an amount to cover the excess sick leave days used and
22 if such salary is insufficient, the employee shall be liable for reimbursement of any amount in excess
23 of final leave pay.

24 Upon employment transfer of accumulated sick leave from another Tennessee school district may be
25 credited when the Director of Schools of the district in which the accumulated leave was held
26 provides notarized verification³ of resignation in good standing.³

1 **SUPPORT PERSONNEL**

2 Sick leave shall be defined as: illness from natural causes or accident, quarantine, or illness or death of
 3 a member of the immediate family of an employee, including the employee's wife or husband,
 4 parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-
 5 in-law, son-in-law, brother-in-law, and sister-in-law.²

6 A signed statement listing the cause of absence shall be provided by the employee on forms furnished
 7 by the Director of Schools and shall promptly be given to the immediate supervisor in support of all
 8 claims for sick leave pay. A falsified statement shall be grounds for dismissal.

9 A physician's certificate may be required, on forms furnished by the Board in support of any claim for
 10 sick leave pay. The supervisor/designee shall notify Human Resources immediately when it is known
 11 that an employee is out more than four (4) consecutive days, for FMLA purposes.

12 The supervisor/designee shall immediately notify the Director of Schools' office if an employee
 13 is absent beyond the limit of his/her sick leave accumulation.

14 Support personnel shall earn sick leave based on the non-certified schedule of benefits.

16 At the termination of the employment of any employee, all unused sick leave accumulated by the employee
 17 shall be terminated or donated.

19 The immediate supervisor may require a physician's certificate stating the reason for absence.

20 **SICK LEAVE BANK**

21 Separate sick leave banks shall be available for all professional and support personnel⁴ who are
 22 eligible for accumulated sick leave. Guidelines and procedures for operation are available at the
 23 Human Resource Office.

Legal References

1. TCA 49-5-710(a)(1)
2. TRR/MS 0520-01-02-.04(2)
3. TCA 49-5-710(a)(5)
4. TCA 49-5-811

Cross References

Family and Medical Leave 5.305
 Physical Assault Leave 5.307
 Workers' Compensation 3/602
 Short Term Leaves of Absence 5.300

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Long-Term Leave of Absence for Professional Personnel	Descriptor Code: 5.304	Issued Date: 06/27/19
		Rescinds: 5.304	Issued: 05/25/17

1 Any person holding a position requiring a license to teach shall be granted leave for military
2 service, legislative service, maternity, adoption, recuperation of health, or visitation of a spouse,
3 child, or parent deployed for military duty out of the country who has been granted rest
4 and recuperation leave. Such personnel may be granted leave for educational improvements,
5 or other sufficient reasons as determined by the Director of Schools. If granted, such leave shall not
6 result in the forfeiture of accumulated leave credits, tenure status, or other fringe benefits.¹

7 All leaves shall be requested in writing at least thirty **30** days in advance on forms provided by
8 the Director of Schools. The 30-day notice may be waived or reduced by the Director of Schools
9 upon submission of a certified statement by a physician. The application for leave forms shall
10 require:

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

14 Each request for leave must be acted upon by the Director of Schools within fifteen **15** days. Each
15 applicant shall be notified in writing of the action of the Director and the beginning and ending dates
16 of the leave which is granted.² All leaves, except military leave, shall be from a specific date to a
17 specific date. However, any leave may be extended by the Director of Schools upon written request
18 from the teacher. Military leave shall be granted for whatever period may be required. The procedure
19 and condition for extending a leave are the same as those used when originally requesting and
20 granting the leave.

21 Leave to visit a spouse, child, or parent deployed for military duty out of the country who has been
22 granted rest and recuperation leave shall be granted for no longer than ten **10** days.³

23 Positions vacated for less than twelve **12** months by teachers on leave shall be filled with an interim
24 teacher while the teacher is on leave. If the teacher returns from leave within 12 months, the interim
25 teacher shall relinquish the position. If the leave exceeds twelve **12** months, the teacher shall be
26 placed in the same or a comparable position upon return.⁴

27 Part-time leaves may be granted by the Director of Schools upon written request for the same
28 conditions as for full-time leave.

1 Any teacher on leave shall notify the Director of Schools at least thirty **30** days prior to the date
2 of return if the teacher does not intend to return to the position from which he/she is on leave.
3 Failure to give such notice shall be considered breach of contract.⁵

4 **RESTRICTIONS**

5 The Director may require that a request for leave be supported by certification issued by a health
6 care provider with the following information:

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

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

15 **PAY AND BENEFITS**

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

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

Legal References

1. TCA 49-5-702
2. TCA 49-5-703
3. TCA 49-5-704
4. TCA 49-5-705
5. TCA 49-5-706

Cross References

Family and Medical Leave 5.305
Military Leave 5.306
Physical Assault Leave 5.307
Sabbatical Leave 5.308
Legislative Leave 5.309
Interim Employees 5.700

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Military Leave	Descriptor Code: 5.306	Issued Date: 04/23/09
		Rescinds: 5.306	Issued: 03/04/04

1 Employees who are members of any reserve component of the Armed Forces of the United States shall
2 be granted leave of absence for all periods of military service during which they are engaged in the
3 performance of duty or training in the service of the state or the United States.¹ Reservists who anticipate
4 military duty during the school year must give written notice to the Director of Schools, within thirty
5 (30) days of the beginning of the school year, of the dates of the anticipated duty. While performing
6 such duty or training, the employee shall be paid his/her regular salary up to a maximum of twenty (20)
7 working days in any one (1) calendar year, plus such additional days as may result from any call to active
8 state duty.² An employee called to active duty by the governor to enforce the laws of the state shall be
9 paid his/her regular salary for such time as he/she is engaged in the performance of his/her duty, and any
10 time spent in active state duty shall not count against the twenty-day period of leave allowed for military
11 service.³

12 Request for leaves and extension of leaves shall conform to state law and board policy governing all
13 leaves of absence. Failure to comply with applicable laws and policies shall constitute grounds for
14 dismissal.

15 The employee shall supply a copy of the orders for duty, including the dates of departure and return it to
16 the Director of Schools prior to, or simultaneous with, requesting leave.

Legal References:

1. 38 U.S.C.A. § 2024(d)
2. TCA 8-33-109; TCA 49-5-702(a)
3. TCA 58-1-106(d) TCA 58-1-109

Cross Reference:

Long Term Leaves of Absence 5.304

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Legislative Leave	Descriptor Code: 5.309	Issued Date: 03/04/04
		Rescinds: 5.309	Issued: 02/06/97

1 Certified employees who have been elected to state or local law-making bodies shall be granted
2 personal leave or leave **without pay** for the time those law-making bodies are in official session or while
3 attending official meetings outside the session.¹

4 In addition, certificated employees shall be granted leave to serve on any board or commission of the
5 state when the appointment is made by the Governor or General Assembly. Such leave shall not be
6 counted against any other accumulated leave credits. The employee shall notify the principal at least
7 five (5) days prior to leave being taken.²

8 *Non-certified Personnel*

9 Legislative leave as described above shall also be granted to non-certified employees.

Legal References:

1. TCA 49-5-702; TCA 49-5-713
2. TCA 49-5-205

Cross Reference:

Long Term Leaves of Absence 5.304

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Personnel Health Examinations / Communicable Diseases	Descriptor Code: 5.400	Issued Date: 04/08/04
		Rescinds: 5.400	Issued: 02/06/97

- 1 All employees, prior to entering service, shall present a certificate showing a satisfactory health record.¹
2 Employees shall inform the Director of Schools whenever they contract a contagious or communicable
3 disease.
- 4 No employee who has a communicable disease shall perform his/her duties in any location where such
5 might endanger the health of school children. The Board shall require any employee to submit to a
6 physical examination by a physician whenever there is reason to believe that the employee has any
7 communicable disease.²
- 8 The Director of Schools shall reassign or suspend any employee who is believed to have a communicable
9 disease which might endanger the health of children, pending investigation and final disposition of the
10 case before the Board.³
- 11 To assist the Board in making final disposition of the case, the Director of Schools may refer the case to
12 the County Health Office or other medical experts.
- 13 The Board shall use the written report to determine the employment status of the employee.

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:

Section 504 & ADA Grievance Procedures 1.802
Suspension/Dismissal 5.200-202

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Hepatitis B (HBV)	Descriptor Code: 5.402	Issued Date: 02/06/97
		Rescinds:	Issued:

1 All schools shall provide a sanitary environment and shall establish routines for handling body fluids
2 that are recommended by appropriate health professionals.¹

3 All school district personnel shall be advised of routine procedures to follow in handling body fluids.
4 These procedures shall provide simple and effective precautions against transmission of diseases to
5 persons potentially exposed to the blood or body fluids of another. These procedures shall be standard
6 health and safety practices. No distinction shall be made between body fluids from individuals with a
7 known disease and individuals without symptoms or with an undiagnosed disease.

8 The administration shall develop, in consultation with medical personnel, a regulation to be distributed
9 to all staff. Training and appropriate supplies shall be available to all personnel including those involved
10 in transportation and custodial services.

11 In addition to insuring that these health and safety practices are carried out on a districtwide basis, special
12 emphasis shall be placed in those areas of school district operation that potentially present a greater need
13 for these precautions.

14 **CONFIDENTIALITY AND NON-DISCRIMINATION**

15 In all instances, district personnel shall respect the individual's right to privacy and treat any medical
16 diagnosis as confidential information. The Director of Schools shall initiate procedures to insure that all
17 medical information will be held in strict confidence. Any school staff member who violates
18 confidentiality shall be subject to appropriate disciplinary measures.

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

20 **SAFETY**

21 Employees who are at high risk of occupational exposure shall be identified and provided with personal
22 protective equipment, including HBV vaccinations. Employees considered to be at high risk shall
23 include custodians, school nurses, special education teachers and instructional assistants, playground
24 supervisors, coaches and physical education teachers.

25 When any employee is known to have been exposed to HBV on the job site, the employee will be notified
26 immediately by a supervisor, and the Board shall provide vaccinations.

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

1 **EDUCATION AND UNIVERSAL PRECAUTIONS**

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

Legal References:

1. 29 CFR Part 1910.1030

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Discrimination / Harassment of Employees (Sexual, Racial, Ethnic, Religious)	Descriptor Code: 5.500	Issued Date: 05/24/18
		Rescinds: 5.500	Issued: 12/20/12

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

6 Employee discrimination/harassment will not be tolerated.¹ Discrimination/harassment is defined as
7 conduct, advances, gestures, or words either written or spoken of a sexual, racial, ethnic, or religious
8 nature that:

- 9 1. Unreasonably interferes with the individual's work or performance;
- 10 2. Creates an intimidating, hostile, or offensive work environment;
- 11 3. Implies that submission to such conduct is made an explicit or implicit term of employment; or
- 12 4. Implies that submission to or rejection of such conduct will be used as a basis for an employment
13 decision affecting the harassed employee.

14 Alleged victims of sexual, racial, ethnic, and religious discrimination/harassment shall report these
15 incidents immediately.² This report should be made to the immediate supervisor, except when the
16 immediate supervisor is the offending party. If the immediate supervisor is the offending party, the report
17 may be made to the Federal Rights Coordinator or the Director of Schools. Allegations of
18 discrimination/harassment shall be fully investigated (as set forth in *Complaints*). An oral complaint may
19 be submitted; however, such complaint must be reduced to writing to ensure a more complete
20 investigation. The complaint should include the following information:

- 21 1. Identity of the alleged victim and person accused;
- 22 2. Location, date, time, and circumstances surrounding the alleged incident;
- 23 3. Description of what happened;
- 24 4. Identity of witnesses; and
- 25 5. Any other evidence available.

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

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

- 1 There will be no retaliation against any person who reports discrimination/harassment or participates in
 - 2 an investigation. However, any employee who refuses to cooperate or gives false information during the
 - 3 course of any investigation may be subject to disciplinary action. The willful filing of a false report will
 - 4 itself be considered harassment and will be treated as such.
-
- 5 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal
 - 6 Rights Coordinator or the Director of Schools.

Legal References

1. 29 CFR §1604.11
2. 20 USCA § 1681

Cross References

Appeals To & Appearances Before the Board 1.404
Equal Opportunity Employment 5.104
Complaints 5.501

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Complaints	Descriptor Code: 5.501	Issued Date: 01/24/19
		Rescinds: 5.501	Issued: 08/23/18

1 GENERAL

2 It is the policy of the Board to encourage parents and citizens to discuss school problems with school
3 personnel. However, in order to properly address such problems, it is necessary that such
4 complaints be produced in writing. Therefore, if any parent or citizen has a complaint, with any
5 school or school personnel, the principal in charge of such school or school personnel will request
6 that the complaint be put in writing and shall provide a copy of the complaint policy to the
7 complainant.

8 Any student or any parent/guardian who is held responsible for the education and welfare of a
9 student under the provisions of board policy 6.209, may file a written complaint on behalf of the
10 student. Such complaint shall be filed in the building principal or supervisor's office.

11 In the event the complaint is against an employee, such employee shall be given a copy of the
12 written complaint and an opportunity to meet with complainant in an effort to resolve the
13 problem(s).

14 Any matter related to the operation of the school system may be addressed at a board meeting.
15 However, the Board desires that all matters be settled at the lowest level of responsibility and will
16 not hear complaints or concerns which have not advanced through the proper administrative
17 procedure from the point of origin.

18 PROCEDURAL REQUIREMENTS

19 Alleged victims of sexual, racial, ethnic and religious discrimination/harassment shall report these
20 incidents immediately.¹ This report should be made to the immediate supervisor except when the
21 immediate supervisor is the offending party. If the immediate supervisor is the offending party, the
22 report may be made to the Federal Rights Coordinator or the Director of Schools. Allegations of
23 discrimination/harassment shall be fully investigated (as set forth in Discrimination/Harassment of
24 Employees 5.500). An oral complaint may be submitted; however, such complaint must be reduced
25 to writing to ensure a more complete investigation.¹

26 Any written complaints regarding an employee shall be made within twenty (20) business days after
27 knowledge of the incident is made to any member of the administration by any student or authorized
28 parent or guardian which may influence evaluation or discipline of the employee.

1 **STEP 1**

2 a. *Meeting with a principal or immediate supervisor*

3 The principal or immediate supervisor shall meet with the employee within five (5) business
4 days of receiving the written complaint, to apprise the employee of the complaint being filed
5 and provide the employee with a copy thereof. The employee and the employee's principal or
6 immediate supervisor shall attempt to resolve the matter immediately.

7
8 b. *Right to representation*

9 The employee shall have the right to have representation at any meeting or conference
10 regarding a complaint.

11 **STEP 2:**

12 In the event a complaint is unresolved to the satisfaction of all parties, the employee and/or
13 complainant may request a conference with the other to attempt to resolve the complaint. If the
14 complaint remains unresolved after five (5) business days, the complainant may move to Step 3. If
15 the complaint is unresolved and the complainant refuses to participate in any further proceedings, any
16 and all references to the complaint shall be removed from the employee's file.

17 **Step 3:**

18 Upon request by the complainant or the employee, the unresolved complaint shall be reviewed by the
19 building principal or counterpart supervisor in an attempt to resolve the matter to the satisfaction of all
20 parties concerned. Every attempt should be made to complete this step in two (2) business days.

21 **Step 4:**

22 If the complaint review in Step 3 is not dispositive of the matter, the complainant or the employee
23 may request in writing that the case record be sent to the Director of Schools, in which case, the
24 request shall be made within one (1) business day following Step 3. The principal/supervisor shall
25 deliver the case record to the Director within two (2) business days following the request.

26 **Step 5:**

27 Upon receipt of the case record, the Director of Schools shall confer with all parties within ten (10)
28 business days. Within five (5)-business days of the meeting, the Director of Schools will provide a
29 written response to both the complainant and employee in attempts to resolve the complaint.

30 **Step 6:**

31 If the complaint is not resolved at Step Five, or if the Director of Schools fails to provide a written
32 response within five (5) business days after the Step Five meeting, either party may request a review
33 by the Board within ten (10) business days after the parties received the written decision, or within ten
34 (10) business days after the time limits for Step Five have expired. The request shall be made in
35 writing through the Director of Schools, who shall attach all related documents and forward the

1 request to the Board.

2 ***Step 7:***

3 If the Executive Committee does not approve the request, the Director of School's decision is final,
 4 and the complaint is closed. If the Executive Committee approves the request, the item will be placed
 5 on the next regular board meeting agenda. The Board shall review the case, shall hold a hearing
 6 within thirty (30) days, if requested by the parties, and shall render a written decision within fifteen
 7 (15) business days of the hearing. Copies of the Board's decision shall be sent to the parties and to
 8 the Director of Schools.

9 **APPOINTING COMPLAINT MANAGERS**

10 The Director of Schools shall appoint at least two complaint managers, one of each gender. The
 11 Federal Rights Coordinator may be appointed as a complaint manager. The Director of Schools shall
 12 make available on the district website the names, addresses and phone numbers of the current
 13 complaint managers.

14 *(Note: Title IX regulations require districts to identify the name, address, and telephone number of*
 15 *the person who is responsible for coordinating the district's compliance efforts. A policy should not*
 16 *be adopted with a person's name in it rather the identifying information can be added and amended*
 17 *as necessary)*

Legal References

1. Age Discrimination Employment Act, 29 USCA § 621 et seq.; Equal Pay Act, 29 USCA § 206(d); Immigration Reform and Control Act, 8 USCA § 1324a et seq.; Americans with Disabilities Act, 42 USCA § 12101 et seq.; Title IX of the Education Amendments, 20 USCA § 1681 et seq.; Rehabilitation Act, 29 USCA § 791 et seq.; Title VII of Civil Rights Act, 42 USCA § 2000e et seq.

Cross References

Appeals To and Appearances Before the Board 1.404
 Section 504 & ADA Grievance Procedures 1.802
 Equal Opportunity Employment 5.104
 Discrimination/Harassment of Employees 5.500

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Conflict of Interest	Descriptor Code: 5.601	Issued Date: 05/06/08
		Rescinds: 5.601	Issued: 02/06/97

1 Administrative Personnel

2 Administrative and supervisory personnel shall have no financial interest, directly or indirectly, in
3 supplying books, maps, school furniture, or apparatus for the schools or to act as agent for any author,
4 publisher, bookseller, or dealer in school furniture or apparatus. However, a spouse or family member
5 of a principal, teacher or other school administrative employee may participate in business transactions
6 with the school system where a sealed competitive bid system is used, provided that the employee does
7 not have discretion in the selections of bids or specifications.¹

8 It shall be a misdemeanor for the Director of Schools to take any other contract under the Board, to
9 perform any other service for additional compensation, to act as principal or teacher in any school, or to
10 become the owner of a school warrant other than that allowed for his/her service as Director of Schools
11 or as secretary to the Board.²

12 Professional and Support Personnel

13 Employees of the Board will not engage in, or have financial interest in, any activity that raises a
14 reasonable question of conflict of interest with their duties and responsibilities as members of the school
15 staff. This includes but is not limited to the following:

- 16 1. School employees may not purchase for sale to students any goods or equipment or render
17 any service to the school system on a commission basis;¹
- 18 2. Employees who have patented or copyrighted any device, publication, or other item will not
19 receive royalties for use of such item in the school system;
- 20 3. Employees will not engage in any type of work where the source of information concerning
21 a customer, client, or employer originates from information obtained through the school
22 system;
- 23 4. The Board shall make no purchase of supplies, materials, or equipment from a school system
24 employee; and
- 25 5. Employees shall not solicit for the purpose of selling instructional supplies, equipment and
26 reference books in a territory that includes the parents of the children of the school in which
27 the employee is assigned.
- 28
- 29
- 30
- 31

Legal References:

1. TCA 49-6-2003
2. TCA 49-2-301(c)

Cross References:

- Purchasing 2.805
- Bids and Quotations 2.806
- Purchase Orders and Contracts 2.808
- Employee-Developed Materials 4.405

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Political Activities	Descriptor Code: 5.606	Issued Date: 02/06/97
		Rescinds:	Issued:

1 **COMMUNITY ACTIVITIES**
2

3 Employees have a right to express their views on any issue, but must in each case make clear that the
4 view expressed is not the official view of the Board or school system.

5 **POLITICAL ACTIVITIES**

6 Employees may, on their own time, campaign for or against any candidate or referendum, but they shall
7 not use the schools, equipment, materials, classrooms or system position for political forum nor engage
8 in any political promotion or solicitation during school hours.

9 Any employee who intends to campaign for an elective public office which infringes upon a contracted
10 agreement shall present a proposed solution to the Board for consideration. The essential element to be
11 determined by the Board is whether the activities proposed by the employee are consistent with his
12 services to the school system and the best interests of education.

Cross References:

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

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Staff-Student Relations	Descriptor Code: 5.610	Issued Date: 10/08/02
		Rescinds:	Issued:

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

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

- 7 1. Insisting on reasonable standards of scholastic accomplishment for all students;
- 8
- 9 2. Creating a positive atmosphere in and out of the classroom;
- 10
- 11 3. Extending courtesy and respect to students; and
- 12
- 13 4. Treating all students with consistent fairness.¹

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

Legal References:

1. TEA *Code of Ethics of the Education Profession*
2. TCA 39-13-506; TCA 39-13-527

Cross References:

Staff Rights & Responsibilities 5.600
Ethics 5.611

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: <h2 style="text-align: center;">Ethics</h2>	Descriptor Code: 5.611	Issued Date: 05/24/18
		Rescinds: 5.611	Issued: 05/23/13

1 An effective educational program requires the services of men and women of integrity, high ideals, and
 2 human understanding. To maintain and promote these essentials, all employees are expected to
 3 maintain high standards in their school relationships.¹ These standards include the following:

- 4 1. The maintenance of just and courteous professional relationships with students, parents, staff
 5 members, and others;
- 6 2. The maintenance of their own efficiency and knowledge of the developments in their fields of
 7 work;
- 8 3. The transaction of all official business with the properly designated authorities of the school
 9 system;
- 10 4. The establishment of friendly and intelligent cooperation between the community and the
 11 school system;
- 12 5. The representation of the school system on all occasions that the contributions of the school
 13 system to the community are recognized;
- 14 6. The welfare of children as the first concern of the school system when placing professional
 15 personnel. The use of pressure on school officials for appointments or transfers is unethical;
- 16 7. Restraint from using school contacts and privileges to promote partisan politics, sectarian
 17 religious views, or selfish propaganda of any kind;
- 18 8. The responsibility to make any criticism of other staff members or of the school system directly
 19 to the particular school administrator who has the administrative responsibility for improving
 20 the situation and then to the Director of Schools, if necessary;
- 21 9. The proper use and protection of all school properties, equipment, and materials; and
- 22 10. Employees shall not use email, school email, or other school communication system to
 23 distribute harassing, defaming, or otherwise damaging material regarding any school Board
 24 member or its employees.

Legal References

1. TCA 49-5-501(3)(D); TCA 49-5-1003, 1004

Cross References

Staff-Student Relations 5.610

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Interim Employees	Descriptor Code: 5.700	Issued Date: 05/23/13
		Rescinds: 5.700	Issued: 11/02/06

- 1 Employees shall be hired on an interim contract only when a vacancy is created by an employee taking
2 a leave of absence as set forth in TCA 49-5-702. Such interim employees shall be considered as
3 temporary replacements for the remainder of the school year and the contract term will not be considered
4 as initial employment.
- 5 Said positions will be filled at the discretion of the Director of Schools in such a manner as to cause the
6 least disruption in the educational process for students and as quickly as possible to ensure a continuous
7 function of the position.
- 8 Persons filling any temporary positions shall have no expectancy of continued employment under TCA
9 49-5-409 or any other, but such person shall be considered for employment in filling vacancies as
10 specified in the section dealing with initial employment.

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Student Teachers	Descriptor Code: 5.702	Issued Date: 02/06/97
		Rescinds:	Issued:

- 1 Student teachers shall be accepted or refused by either the principal or the cooperating teacher.
- 2 Student teachers will be expected to observe all rules and regulations established by the Board.
- 3 A student teacher shall be accorded the same protection of the laws as a certified teacher and shall comply
4 with all rules and regulations of the Board and observe all duties of teachers as set forth in state statute.¹
- 5 In addition, student teachers shall be required to fulfill all normal local responsibilities, both school and
6 extracurricular, and shall familiarize themselves with the policies of the Board and the school.
- 7 No classroom student shall have more than one (1) student teacher per year in a given subject. Any
8 exception to this policy must have prior approval from the Director of Schools.
- 9 The evaluation of a student teacher shall be based upon a joint agreement between the cooperating
10 teacher and the student's supervising teacher.
- 11 A student teacher may be asked to terminate his/her service upon the mutual consent of the principal,
12 the cooperating teacher and the supervising teacher at any time during the term.

Legal Reference:

1. TCA 49-5-403 (a); TCA 49-5-201; TRR/MS 0520-2-3-.11(3)

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Director of Schools	Descriptor Code: 5.800	Issued Date: 10/08/02
		Rescinds: 5.119	Issued: 02/06/97

- 1 The Director of Schools shall be the Chief Executive Officer of the school system and shall have, under
2 the direction of the Board, general supervision of all the public schools, personnel, and departments of
3 the school system. The Director of Schools is responsible for the management of the schools under the
4 Board's policies and is accountable to the Board.
- 5 The Director of Schools, at his/her discretion, may delegate any of his/her duties to other school
6 personnel.

Legal Reference:

1. TCA 49-2-301(a)

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Director of Schools Recruitment and Selection	Descriptor Code: 5.801	Issued Date: 06/25/15
		Rescinds: 5.801	Issued: 05/21/09

1 When a vacancy occurs, the appointment of a Director of Schools is a function of the Board.¹ The Board
2 is responsible for finding the person it believes can most effectively translate into action the policies of
3 the Board and the goals of the community and the professional staff.

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

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

- 10 • A job description
- 11 • A timeline
- 12 • A process for accepting and reviewing applications
- 13 • Selection procedures which shall include, but not be limited to, the following:

- 14 1. The Board may invite the community, including board employees, to participate in the
15 process of selecting a Director of Schools. Resumes of persons interviewed by the Board
16 shall be available in the central office for public inspection.
- 17
- 18 2. The interview process for each finalist shall include meetings with various staff and
19 community groups and an interview with the entire Board if possible.
- 20
- 21 3. Candidates shall be interviewed by the Board in an open session. Only board members will
22 be allowed to ask questions during the interview.
- 23
- 24 4. The Board will attempt to select a Director by unanimous vote, but a majority vote of the
25 membership of the board shall be required for the appointment of a Director of Schools.

26 **TCA 49-2-202(g) states the following:**

27 A majority of all of the members constituting the Board, and not merely a majority of the quorum,
28 shall be required to transact all business coming before the Board in regular or special meeting.

Legal References:

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

Cumberland County Board of Education

Monitoring: Date Last Reviewed: 04/08/04	Descriptor Term: Teacher Effect Data	Descriptor Code: 5.1141	Issued Date: 12/05/19
		Rescinds: 5.1141	Issued: 04/03/08

- 1 The estimates of specific teacher effects on the educational progress of students shall not be a public
2 record and shall be made available only to the specific teacher, school board members, and the teacher's
3 appropriate administrators, as designated by the Board, for the fulfillment of lawful functions.¹
- 4 The guidelines for distribution and security of the teacher effect data shall be kept on file in the Central
5 Office and shall be given to the teacher, the assigned administrator, and all school board members and
6 shall become an administrative procedure to be updated as needed by the Director of Schools.

Legal References

1. TCA 49-1-606(b); TCA 10-7-504(a)(23)

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Grievances	Descriptor Code: 5.5011	Issued Date: 07/26/18
		Rescinds: 5.5011	Issued: 04/26/18

1 The time limitations listed herein are intended to expediate the processing of all grievances. Said time
2 limitations may be extended by mutual agreement of the parties.

3 **PROCEDURAL REQUIREMENTS**

4 **STEP 1:** The employee or the association may present the grievance in writing to the affected
5 employee's immediate supervisor. The written grievance shall contain the following: Name and
6 position of grievant; a statement of the grievance and the facts involved, including relevant dates; a
7 reference to the applicable provision of the contract; the corrective action being requested; and the
8 signature of grievant.

9
10 The grievant's immediate supervisor shall arrange for a meeting to take place within ten (10) business
11 days after receipt of the written grievance. The grievant, his/her association representative (if the
12 grievant chooses to have such representative present), and the grievant's immediate supervisor shall be
13 present for the meeting. Within ten (10) business days of the meeting, the grievant's immediate
14 supervisor shall issue a written response to the employee.

15
16 No grievance shall be recognized by the Board unless it has been presented to the appropriate level, in
17 writing, within forty (40) days after the aggrieved person knew, or should have known, of the act or
18 condition on which the grievance is based, and if not so presented. The grievance shall be considered
19 as waived.

20 **Step 2:** If the grievance is not resolved at Step One, then the grievant may, within ten (10) business
21 days of receiving the supervisor's written response, refer the grievance to the Director of Schools.
22 This shall be accomplished by delivering to the Director of Schools copies of the original grievance,
23 and the supervisor's response, along with a letter requesting initiation of Step Two of the grievance
24 procedure. The Director of Schools shall arrange for a meeting to take place within ten (10) business
25 days. The grievant and his/her immediate supervisor will have the right to attend this meeting, with or
26 without representation, and present such witnesses and evidence as each deems necessary. The
27 Director of Schools shall issue a written response within ten (10) business days after the Step Two
28 meeting.

1 **Step 3:** If the grievance is not resolved at Step Two, or if the Director of Schools fails to provide a
2 written response within ten (10) business days after the Step Two meeting, the grievant may request a
3 review by the Board within ten (10) business days after the grievant received the written decision, or
4 within ten (10) business days after the time limits for Step Two have expired. The request shall be
5 made in writing through the Director of Schools, who shall attach all related documents and forward
6 the request to the Board. The Board shall review the case, shall hold a hearing, within thirty (30) days,
7 if requested by the grievant, and shall render a written decision within fifteen (15) business days of the
8 hearing. Copies of the Board's decision shall be sent to the grievant and to the Director of Schools.

9 **REPRESENTATION:** The Board acknowledges the right of the association's grievance representative
10 to participate in the processing of a grievance at any grievance level, and no employee shall be
11 required to discuss any grievance when the association's representative is not present.

12 **FILING OF MATERIALS:** All documents, communications and records dealing with the process of
13 a grievance, shall be filed separately from the personnel files of the participants and shall not be
14 forwarded to any prospective employer of the grievant, nor shall such documents be revealed or the
15 grievance be alluded to in any communication between the administration and any prospective
16 employer.

17 **NO REPRISALS:** No reprisals shall be taken against an employee because of his/her participation in a
18 grievance.

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Goals	Descriptor Code: 6.100	Issued Date: 04/23/20
		Rescinds: 6.100	Issued: 02/06/97

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

- 3 1. To assure all students the same educational opportunities regardless of race, color, creed, religion,
4 ethnic origin, sex, or disabilities; ¹
5
6 2. To protect and observe the legal rights of students;
7
8 3. To educate all students in a respectful and encouraging environment;
9
10 4. To promote faithful attendance and diligent effort;
11
12 5. To provide an environment where students can learn personal and civic responsibility for their
13 actions through meaningful experiences as school citizens;
14
15 6. To discipline students in a fair and constructive manner; and
16
17 7. To provide for the safety, health and welfare of students.

Legal Reference:

1. 20 U.S.C. § 1703; TCA 49-6-3109

Cross References:

School District Goals 1.700
Instructional Goals 4.100
Student Discrimination/Harassment, Bullying,
Cyberbullying and Intimidation 6.304

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Home Schools	Descriptor Code: 6.202	Issued Date: 07/22/21
		Rescinds: 6.202	Issued: 08/27/20

1 A "home school" is a school conducted or directed by a parent or parents or legal guardian or guardians
2 for their own children. Home schools which teach K-12 where the parents/guardians are associated with
3 an organization that conducts church-related schools¹ are exempt from the following provisions but must
4 follow procedures issued by the State Department of Education.

5 A parent/guardian wishing to conduct a home school shall meet the following requirements:²

- 6 1. Submit a copy of the student's birth certificate or officially acceptable evidence of date of
7 birth;
- 8 2. Submit evidence of legal guardianship;
- 9 3. Submit evidence of residency in Cumberland County;
- 10 4. Submit evidence of the parent or legal guardian's high school diploma or GED, or HiSET
11 in order to conduct classes;⁴
- 12 5. Submit proof to the Director of Schools/designee that the home school student has been
13 vaccinated as required by state law;⁵
- 14 6. Submit to the Director of Schools/designee that other health services and examinations as
15 required by law have been received by the home school student;⁵
- 16 7. Provide notice to the Director of Schools/designee before the commencement of each
17 school year of the intent to conduct a home school;
- 18 8. Submit to the Director of Schools/designee the name, number, age, grade level of children
19 involved, location of the school, curriculum to be offered, proposed hours of instruction,
20 qualifications of the parent/teacher;
- 21 9. Maintain attendance records, subject to inspection of the local Director of
22 Schools/designee;
- 23 10. Submit attendance records to the Director of Schools/designee at the end of each school
24 year;
- 25 11. Provide instruction for at least four (4) hours per day for the same number of instructional
26 days as is required by state law for public schools;³
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36

- 1 12. Cooperate in the administration to home school students of appropriate tests by the
2 Commissioner of Education, his/her designee or by a professional testing service in grades
3 five (5), seven (7) and nine (9);
4
- 5 13. Take action according to state law if home school student falls behind appropriate grade
6 level;
7
- 8 14. In the event of illness or inadequacy of the home school parent/teacher to teach a specific
9 subject, employ a tutor having the same qualifications as required of parent/teacher; and
10
- 11 15. In the event of a change of residency or contact information, parents shall notify
12 Cumberland County Schools.

13 If one or more of these requirements are not met, the Board authorizes the Director of Schools/designee
14 to take formal action to bring the child into compliance with the Compulsory Attendance Law (until the
15 child has reached age 18), either in the home school or in a public, private, or church-related school.
16

17 **FACILITIES USE**

18 It shall be the policy of this Board that public school facilities shall be available for home school
19 instruction only when *all* of the following conditions exist:

- 20 1. Special needs courses are being taught which require services unavailable to the home school
21 student;
22
- 23 2. These services cannot be provided through any means other than the public schools;
24
- 25 3. Requests for services are made known by the home school parent when notice is given to the
26 Director of Schools/designee of the intent to conduct a home school;
27
- 28 4. The Director of Schools/designee investigates request and make recommendations to the
29 Board;
30
- 31 5. No overcrowding, additional expenses, including providing transportation, or other special
32 situations which interfere with the normal operation of the school system shall be incurred; and
33
- 34 6. Approval by the Board on a case-by-case basis.

35 **RECORD ACCESS**

36 The Director of Schools, through the Attendance Supervisor, shall have the attendance records of the
37 home school inspected at least two (2) times each school year in order to provide assistance in
38 implementing the Compulsory Attendance Law.

STUDENT PERFORMANCE⁶

The Director of Schools shall develop administrative procedures regarding necessary consultations with home school parents in regard to student performance.

Legal References

1. TCA 49-50-801(a)
2. TCA 49-6-3050(b)
3. TCA 49-6-3004(a)
4. Public Acts of 2021, Chapter No. 493
5. TCA 49-6-5001
6. TCA 49-6-3050(b)(6)

Cross References

Compulsory Attendance Ages 6.201

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Withdrawals	Descriptor Code: 6.207	Issued Date: 01/25/18
		Rescinds: 6.207	Issued: 02/06/97

- 1 Students/Parents shall notify the student's teacher(s) and /or principal when it is known that they will
- 2 be withdrawing from school.

- 3 If a student drops a class or withdraws from school during a grading period, each teacher will record
- 4 on the withdrawal form, grade sheet, and permanent record the grade attained as of the date of
- 5 withdrawal.

- 6 The principal will ensure that all information is completed on a student's records before a transcript is
- 7 sent to another school.

Cross References

Student Records 6.600

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Release During School Hours	Descriptor Code: 6.208	Issued Date: 05/26/11
		Rescinds: 6.208	Issued: 02/06/97

1 The following procedure will be observed with regard to dismissal of students during school hours:

- 2 1. No student will leave school prior to regular dismissal hours, except with the approval of the
3 principal or his/her designee, and parent. Elementary students will be permitted to leave school
4 prior to regular dismissal time only in the company of a parent, legal guardian, school employee,
5 police officer, court officer, or a person designated in writing by the parent(s).
6
- 7 2. No student will be sent from the school during school hours to perform an errand or act as a
8 messenger.
9
- 10 3. When dental and medical appointments cannot be scheduled outside school hours, parent(s) must
11 send a written request for dismissal or call for the student in person.
12
- 13 4. Children will be released during school hours only upon the request of a parent whom the court
14 holds directly responsible for the child, or who is a parent or guardian registered on the school
15 record.
16
- 17 5. No principal or teacher shall permit a change in the physical custody of a child at school unless:
18
 - 19 (a) The person seeking custody of the child presents the school official with a certified copy of
20 a valid court order from a Tennessee court designating the person who has custody of the
21 child; and
 - 22 (b) The person seeking custody gives the school official reasonable advance notice of his/her
23 intent to take custody of the child at school.²
24
- 25 6. High school students may be released for jobs and approved training at centers outside their home
26 schools under regulations approved by the Board.¹
27

28 The principal shall report to the Director of Schools the number of such exempted students by grade
29 during the first month of each semester.

Legal References:

1. TRR/MS 0520-1-7-.03
2. TCA 36-6-105

Cumberland County Board of Education

Review: Annually in April	Descriptor Term: Child Custody/Parental Access	Descriptor Code: 6.209	Issued Date: 02/28/19
		Rescinds: 6.209	Issued: 05/26/11

1 Any parent shall have the right to receive information contained in school records concerning their minor
2 child.¹ Unless a court orders otherwise, there are no restrictions regarding a parent's right to be kept
3 informed of his or her child's progress and activities, regardless of whether or not that parent has custody
4 of the child. It shall be the responsibility of any parent wishing to restrict another parent's access to such
5 information, to submit a certified copy of any court order restricting another parent's access to this
6 information to the school's principal.

7 Otherwise, any parent, upon request, shall be given access to all the student's educational records
8 including but not limited to the student's cumulative file and the student's special education file, if
9 applicable.²

10 Unless a court orders otherwise, a mother and legal father are jointly and individually responsible for the
11 student's education and welfare and access to the student by either parent shall be equal in all respects.

12 For purpose of this policy the term "parent" refers to a mother, legal father or legal guardian. A legal
13 father is a father who:

- 14 1. Is on the child's birth certificate and married to the child's mother; or
- 15 16 2. Is divorced from the child's mother with an Order acknowledging that he is the father of the
17 child; or
- 18 19 3. Is otherwise acknowledged (Ordered) by a Court as the father of the child.⁴
20

Legal References

1. 20 USCA § 1232g(a)(1)(A)
2. TCA 49-6-902
3. TCA 36-6-105
4. TCA 36-2-303

Cross References

Student Records 6.600-604

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: <h2 style="text-align: center;">Procedural Due Process</h2>	Descriptor Code: <h3 style="text-align: center;">6.302</h3>	Issued Date: <h3 style="text-align: center;">04/23/20</h3>
		Rescinds: <h3 style="text-align: center;">6.302</h3>	Issued: <h3 style="text-align: center;">02/06/97</h3>

- 1 Before school authorities administer disciplinary measures, reasonable inquiry shall be made about the
- 2 circumstances surrounding what happened.¹ The nature of this inquiry will vary in degree with the
- 3 seriousness of the offense and the consequence.

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

- 7 In case of offenses where the disciplinary sanctions may include suspension, the student shall be advised
- 8 of the nature of his/her misconduct, questioned about it, and allowed to give an explanation².

- 9 If a student is suspended for more than ten (10) days he/she shall receive notice of the right to appeal to
- 10 the Disciplinary Hearing Authority.³

Legal References:

1. *Ingraham v. Wright*, 430 U.S. 651 (1977)
2. *Goss v. Lopez*, 419 U.S. 565, (1975)
3. TCA 49-6-3401(c)(4)(A)-B

Cross References:

- Interrogations and Searches 6.303
- Code of Conduct 6.300
- Disciplinary Hearing Authority 6.317
- Suspension/Expulsion/Remand 6.316

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Interrogations and Searches	Descriptor Code: 6.303	Issued Date: 02/25/21
		Rescinds: 6.303	Issued: 06/26/08

1 INTERROGATIONS BY SCHOOL PERSONNEL

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

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

9 INTERROGATIONS BY POLICE AT PRINCIPAL'S REQUEST

10 If the principal has requested assistance by law enforcement to investigate a crime involving his/her
11 school, the police may interrogate a student suspect in school during school hours. The principal shall
12 first attempt to notify the parent(s)/guardian(s) of the student unless circumstances require otherwise.
13 However, the interrogation may proceed without attendance of the parent(s)/guardian(s) but the principal
14 or his/her designee shall be present during the interrogation.¹

15 POLICE-INITIATED INTERROGATIONS

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

22 SEARCHES BY SCHOOL PERSONNEL

23 In order to ensure a safe and secured learning environment, the Director of Schools shall develop
24 procedures regarding the searching of students, lockers, vehicles and containers which are consistent
25 with state law. The Director of Schools shall develop additional procedures to ensure compliance with
26 all of the provisions of the School Security Act of 1981.^{1,2}

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)

Cross References

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

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Discrimination, Harassment, Bullying, Cyber-bullying and Intimidation	Descriptor Code: 6.304	Issued Date: 09/24/20
		Rescinds: 6.304	Issued: 02/22/18

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

5 This policy shall be disseminated annually to all school staff, students, and parents/guardians². This
6 policy shall cover employees, employees' behaviors, students and students' behaviors while on school
7 property, at any school-sponsored activity, on school-provided equipment or transportation, or at any
8 official school bus stop. If the act takes place off school property or outside of a school-sponsored
9 activity, this policy is in effect if the conduct is directed specifically at a student or students and has the
10 effect of creating a hostile educational environment or otherwise creating a substantial disruption to the
11 education environment or learning process.

12 Building administrators are responsible for educating and training their respective staff and students as
13 to the definition and recognition of discrimination/harassment.³

14 The Director of Schools shall develop forms and procedures to ensure compliance with the
15 requirements of this policy and state law.

16 **DEFINITIONS⁴**

17 Bullying is defined as unwanted, aggressive behavior that involves a real or perceived power
18 imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of
19 power involves the use of physical strength, access to embarrassing information, or popularity to
20 control or harm others.

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

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

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

4 Hazing - An intentional or reckless act by a student or group of students that is directed against any other
5 student(s) that endangers the mental or physical health or safety of the student(s) or that induces or
6 coerces a student to endanger his/her mental or physical health or safety. Coaches and other employees
7 of the school district shall not encourage, permit, condone or tolerate hazing activities.⁵

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

11 **COMPLAINTS AND INVESTIGATIONS**

12 Any individual who has knowledge that may constitute a violation of this policy shall promptly report
13 such behavior to the principal/designee.⁶

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

19 The principal/designee at each school shall be responsible for investigating and resolving complaints.
20 Once a complaint is received, the principal/designee shall initiate an investigation within forty-eight (48)
21 hours of receipt of the report. If an investigation is not initiated within forty-eight (48) hours, the
22 principal/designee shall provide the Director of Schools with appropriate documentation detailing the
23 reasons why the investigation was not initiated within the required timeframe.⁷

24 The principal/designee shall notify the parent/legal guardian when a student is involved in an act of
25 discrimination, harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall
26 provide information on district counseling and support services. Students involved in an act of
27 discrimination, harassment, intimidation, bullying, or cyber-bullying shall be referred to the appropriate
28 school counselor by the principal/designee when deemed necessary.⁸

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

- 31 • It places the student in reasonable fear or harm for the student’s person or property;
- 32
- 33 • It has a substantially detrimental effect on the student’s physical or mental health;
- 34
- 35 • It has the effect of substantially interfering with the student’s academic performance; or
- 36
- 37 • It has the effect of substantially interfering with the student’s ability to participate in or
- 38 benefit from the services, activities, or privileges provided by a school.

1 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and
2 complete investigation of each alleged incident. All investigations shall be completed and appropriate
3 intervention taken within twenty (20) calendar days from the receipt of the initial report.⁷ If the
4 investigation is not complete or intervention has not taken place within twenty (20) calendar days, the
5 principal/designee shall provide the Director of Schools with appropriate documentation detailing the
6 reasons why the investigation has not been completed or the appropriate intervention has not taken
7 place.⁴ Within the parameters of the federal Family Educational Rights and Privacy Act (FERPA) at 20
8 U.S.C. § 1232g,⁹ a written report on the investigation will be delivered to all involved parties and to the
9 Director of Schools.

10 **RESPONSE AND PREVENTION**¹⁰

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

14 A substantiated charge against an employee shall result in disciplinary action up to and including
15 termination. The employee may appeal this decision by contacting the Federal Rights Coordinator.

16 A substantiated charge against a student may result in corrective or disciplinary action up to and
17 including suspension. The student may appeal this decision in accordance with disciplinary policies and
18 procedures.

19 **REPORTS**

20 When a complaint is filed alleging a violation of this policy where there is physical harm or the threat of
21 physical harm to a student or a student's property, the principal/designee of each middle school, junior
22 high school, or high school shall report the findings and any disciplinary actions taken to the Director of
23 Schools and the Chair of the board of education.¹¹

24 By July 1 of each year, the Director of Schools/designee shall prepare a report of all of the bullying cases
25 brought to the attention of school officials during the prior academic year. The report shall also indicate
26 how the cases were resolved and/or the reasons they are still pending. This report shall be presented to
27 the board of education at its regular July meeting, and it shall be submitted to the State Department of
28 Education by August 1.¹²

29 **RETALIATION AND FALSE ACCUSATIONS**

30 Retaliation against any person who reports or assists in any investigation of an act alleged in this policy
31 is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation
32 shall be determined by the administrator after consideration of the nature, severity, and circumstances of
33 the act.¹³

34 False accusations accusing another person of having committed an act prohibited under this policy are
35 prohibited. The consequences and appropriate remedial action for a person found to have falsely accused
36 another may range from positive behavioral interventions up to and including suspension and
37 expulsion.¹⁴

Legal References

1. TCA 49-6-4503(a), (b)(3); 20 USCA §§ 1681 to 1686
2. TCA 49-6-4503(b)(11)
3. TCA 49-6-4503(b)(12)
4. TCA 49-6-4503(b)(2), (13)
5. TCA 49-2-120
6. TCA 49-6-4503(b)(5)
7. TCA 49-6-4503(b)(6)
8. TCA 49-6-4503(b)(14)
9. 20 USCA § 1232g
10. TCA 49-6-4503(b)(4), (7)-(8)
11. TCA 49-6-4503(d)(3)
12. TCA 49-6-4503(c)(2)(B)
13. TCA 49-6-4503(b)(9)
14. TCA 49-6-4503(b)(10)

Cross References

Appeals to and Appearances Before the Board 1.404
Section 504 and ADA Grievance Procedures 1.802
Staff-Student Relations 5.610
Student Goals 6.100
Code of Behavior and Discipline 6.300
Student Complaints and Grievances 6.305
Child Abuse and Neglect 6.409
Student Suicide Prevention 6.415

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Interference/Disruption of School Activities	Descriptor Code: 6.306	Issued Date: 07/22/21
		Rescinds: 6.306	Issued: 04/23/20

1 **General**

2 A student shall not engage in conduct which causes the disruption or interference with the operation of
3 the school while on school property, in school vehicles or buses, or at school-sponsored events,
4 whether on or off campus. The student shall not urge other students to engage in such conduct.

5 Employees are authorized to take reasonable measures to establish appropriate school behavior and
6 have the authority to control the conduct of any student while under the supervision of the school
7 district.¹

8 A student may receive disciplinary action ranging from verbal reprimand to suspension and/or
9 expulsion depending on the severity of the offense and the student's prior record.²

10 **REMOVAL OF STUDENT³**

11 If a student repeatedly or substantially interferes with the learning environment, the teacher may
12 submit a written request along with the required documentation to the principal/designee to remove the
13 student from the teacher's classroom. The student will be given notice of the rationale for the request
14 as well as the opportunity to offer an explanation.

15 The principal/designee will investigate the request and make a decision regarding the student's
16 placement and the principal will notify the teacher of that decision.

17 If a teacher abuses or overuses the student removal process, the principal/designee shall address the
18 abuse or overuse with the teacher and may require the teacher to complete additional professional
19 development to improve the teacher's classroom management skills.

20 **Appeal Process**

21 If the teacher's request for removal is denied, the teacher may file an appeal with the Director of
22 Schools/designee. The Director of Schools/designee will review the teacher's request for removal as
23 well as the decision of the principal/designee and make a determination as to the student's placement.

Legal References

1. TCA 49-6-4102
2. TCA 49-6-3401
3. Public Acts of 2021, Chapter No. 77

Cross References

Code of Conduct 6.300
Suspension 6.316
Safe Relocation of Students 6.4081

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Drug-Free Schools	Descriptor Code: 6.307	Issued Date: 01/26/23
		Rescinds: 6.307	Issued: 12/05/02

1 In order to protect the rights of students, to safeguard the learning environment, and to contribute to a
2 “Drug Free” community, the Board’s plan for dealing with alcohol and drugs¹ shall include the
3 following:

- 4 1. Appropriate ways for handling alcohol/drug-related medical emergencies;
- 5 2. Guidelines for reporting alcohol/drug incidents and illegal activities;
- 6 3. Guidelines for referral of students who may have an alcohol/drug problem and/or are considered
7 "high risk" to agencies and other sources of appropriate help;
- 8 4. Effective working relationships with appropriate community agencies, such as alcohol/drug
9 service providers, law enforcement agencies and judicial officials.

10 Through the use of state guidelines the director of schools shall be responsible for:

- 11 1. Developing and implementing an appropriate curriculum on alcohol and drug education for
12 students;
- 13 2. Providing adequate information and training for all staff personnel as appropriate to their
14 responsibilities;
- 15 3. Implementing the relevant portions of the Drug-Free Youth Act² ;
- 16 4. Developing administrative rules and guidelines for the school system to effectively respond to
17 alcohol and drug situations that may occur at school or school-sponsored events; and
- 18 5. Providing notification to parents and students that compliance with this policy is mandatory.

19 Students will not consume, possess, use, sell, distribute or be under the influence of illegal drugs or
20 alcoholic beverages in school buildings or on school grounds at any time, in school vehicles or buses, or
21 at any school-sponsored activity, function or event whether on or off school grounds. This includes but
22 is not limited to abuse of inhalants and prescription drugs.³

23 Disciplinary sanctions will be imposed on students who violate standards of conduct required by this
24 policy. Such sanctions will be consistent with local, state and federal laws, up to and including
25 suspension/expulsion as well as referral for prosecution.⁴ Completion of an appropriate rehabilitation
26 program may also be recommended.

27 School disciplinary sanctions will be imposed on students who consume, possess, use, sell, distribute or
28 are under the influence of any non-prescribed drug or intoxicating substance. Such substances may
29 include but are not limited to THC, HHC, or any type of intoxicating substance. Violation of this policy
30 may include suspension for up to one calendar year.

- 1 Information about drug and alcohol counseling and rehabilitation programs will be made available
- 2 through the school office.

Legal References

1. TRR/MS 0520-01-13-.01(1)(e)
2. TCA 55-10-701 *et seq.*; 20 USCA § 7116
3. TCA 39-17-715; TCA 39-17-432
4. TCA 49-6-3401; TCA 49-6-4209

Cross References

Alcohol & Drugs in the Workplace 1.804
Zero Tolerance Offenses 6.309
Suspension/Expulsion/Remand 6.316

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Admission of Suspended or Expelled Students	Descriptor Code: 6.318	Issued Date: 09/22/22
		Rescinds: 6.318	Issued: 02/23/17

- 1 The Board may deny admission of any student (except those in state custody) who has been expelled
- 2 or suspended from another school system in Tennessee or another state even though the student
- 3 has established residency in the district in which seeks enrollment is sought.

- 4 After a request for enrollment is made, the Director of Schools shall investigate the facts surrounding
- 5 the suspension/expulsion from the former school district and make a recommendation to the Board to
- 6 approve or deny the request.

- 7 The Board shall not deny enrollment beyond the length of the imposed suspension/expulsion.

- 8 A student may be dismissed if it is determined subsequent to the enrollment that the student has been
- 9 suspended or expelled from the former school district.¹

Legal References

1. TCA 49-6-3401(f); Public Acts of 2022, Chapter No. 868; 20 USCA § 1232g(b)(4), (h)

Cross References

School Admissions 6.203
Student Records 6.604

Cumberland County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Student Psychological Services	Descriptor Code: 6.406	Issued Date: 06/03/04
		Rescinds: 6.406	Issued: 02/06/97

1 The Director of Schools will develop a program for making psychological services available to all
2 students.¹ This program shall cooperate with other agencies in consultative screening and assessment
3 services.

4 School counselors shall respect the right of privacy of the students they counsel. Confidentiality shall
5 be maintained by the counselor except:

- 6 1. Where there is a clear and present danger to the student or other persons:
- 7 2. To consult with another psychologist when it is in the best interest of the student; or
- 8 3. When the student and/or parent/guardian waives this privilege in writing.

9 When a counselor is in doubt about what information to release in a judicial proceeding, the counselor
10 shall consult with an attorney.

Legal References

1. TRR/MS 0520-1-3-.08(1)(c)

Cross References

Testing Programs 4.700

Cumberland County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Student Social Services	Descriptor Code: 6.407	Issued Date: 07/24/08
		Rescinds: 6.407	Issued: 02/06/97

1 Each school shall provide a social service program for all students through the cooperative efforts of
2 the principal, teachers, and guidance counselor.¹

3 The principal shall develop a program of social services which shall include such services and
4 activities as:

- 5 1. Orientation of parents/guardians and students to the school program;
- 6 2. Student referral and/or welfare provisions;
- 7 3. Collection and maintenance of student data and record systems;
- 8 4. Educational information for use by students, parents/guardians and teachers;
- 9 5. Conflict resolution techniques; and
- 10 6. Referral information and/or outlets for referral for drug abuse counseling, pregnancy
11 counseling, and psychological services.

12 The classroom teacher, because of close contacts with the student, shall be a key person in the social
13 services program.

14 School administrators are authorized to work with recognized groups who may furnish special services
15 to students.

Legal Reference:

1. TRR/MS 0520-1-3-.08(1)(d)

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Homeless Students	Descriptor Code: 6.503	Issued Date: 01/28/21
		Rescinds: 6.503	Issued: 10/27/16

1 A homeless student shall have equal access to the same free, appropriate public education as provided
2 to other children and youths.¹

3 Homeless students are individuals who lack a fixed, regular, and adequate nighttime residence.²
4 Homeless students include:²

- 5 1. Students sharing the housing of other persons due to loss of housing, economic hardship, or
6 similar reason; students living in motels, hotels, trailer parks, or camping grounds due to the lack
7 of alternative adequate accommodations; students living in emergency or transitional shelters; or
8 students abandoned in hospitals;
- 9 2. Students who have a primary nighttime residence that is a public or private place not designed
10 for or ordinarily used as regular sleeping accommodations for human beings;
- 11 3. Students living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or
12 trains stations, or similar settings; and
- 13 4. Migratory students who are living in circumstances described above.

14 ENROLLMENT

15 Homeless students shall be immediately enrolled, even if the student is unable to produce records
16 normally required for enrollment (i.e. academic records, immunization records, health records, proof of
17 residency), or missed the district's application or enrollment deadlines.³ Parents/guardians are required
18 to submit contact information to the district's homeless coordinator.³

19 PLACEMENT

20 For the purposes of this policy, school of origin shall mean the school that the student attended when
21 permanently housed or the school in which the student was last enrolled, including a preschool/pre-k
22 program.⁴ School of origin shall also include the designated receiving school at the next grade level when
23 the student completes the final grade level served by the school of origin.⁴

24 Placement shall be determined based on the student's best interest.⁵ At all times, a strong presumption
25 that keeping the student in the school of origin is in the student's best interest shall be maintained, unless
26 doing so would be contrary to a request made by the student's parent/guardian or the student in the case
27 of an unaccompanied youth.⁶ When determining placement, student-centered factors, including but not
28 limited to impact of mobility on achievement, education, health, and safety shall be considered.⁶ The
29 choice regarding placement shall be made regardless of whether the student lives with their homeless
30 parents/guardians or has been temporarily placed elsewhere.⁷

31 If it is not in the student's best interest to attend the school of origin, or the school requested by the
32 parent/guardian or unaccompanied youth, the Director or his/her designee shall provide a written

1 explanation of the reasons for the determination, in a manner and form that is understandable to the
2 parent/guardian or unaccompanied youth.⁶ The written explanation shall include a statement regarding
3 the right to appeal the placement decision.⁶ If the placement decision is appealed, the district shall refer
4 the parent/guardian or unaccompanied student to the homeless coordinator, who shall carry out the
5 dispute resolution process as expeditiously as possible and in accordance with the law.⁷ Upon notice of
6 an appeal, the Director of Schools shall immediately enroll the student in the school in which enrollment
7 was sought pending a final resolution of the dispute, including all available appeals.⁸

8 **RECORDS**

9 Records ordinarily kept by the school shall be maintained for all homeless students. Information
10 regarding a homeless student's living situation shall be treated as a student education record and shall
11 not be considered directory information.⁹

12 **SERVICES¹⁰**

13 The Director of Schools shall ensure that each homeless student is provided services comparable to those
14 offered to other students within the district, including transportation, special education services,
15 programs in career and technical education (CTE), programs for gifted and talented students, and school
16 nutrition.

17 The Director of Schools shall designate a district homeless coordinator who shall ensure this policy is
18 implemented throughout the district. The homeless coordinator shall ensure:

- 19 1. Homeless students are quickly identified and have access to education and support services, to
20 include Head Start and district pre-k programs;
- 21 2. Coordination with local social service agencies and other entities providing services to homeless
22 students;
- 23 3. Coordinate transportation, transfer of records, and other inter district activities with other school
24 districts;
- 25 4. Coordinate transportation to the school of origin or choice for homeless students;
- 26 5. Refer homeless students and their families to health care services, dental services, mental health
27 and substance abuse services, and housing services;
- 28 6. Assist homeless students in obtaining immunizations, medical or immunization records, and any
29 additional assistance that may be needed;
- 30 7. Public notice of the educational rights of homeless students is disseminated in places frequented
31 by parents/guardians of homeless students, including schools, shelters, public libraries, and soup
32 kitchens; and
- 33 8. Unaccompanied youth are enrolled and informed of their status as independent students.

34 The Director of Schools shall develop procedures to ensure that homeless students are recognized
35 administratively, and that the appropriate and available services are provided for these students. The
36 Director shall ensure professional development is provided to school personnel providing services to
37 homeless students.

Legal References

1. 42 USCS §§ 11431 to 11435; McKinney-Vento Education Assistance Improvements Act of 2001, Part C, § 721 State Board of Education 2.103
2. McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95), § 725
3. McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(C)(i), § 722(g)(3)(H)
4. McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3) (G)
5. McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(A)
6. McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(B)
7. McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(F)
8. McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(E)
9. McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(D)
10. McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(4) - (6)

Cross References

Student Transportation 3.400
Parental Involvement 4.502
Promotion and Retention 4.603
School Admissions 6.203
Migrant Students 6.504

Cumberland County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Migrant Students	Descriptor Code: 6.504	Issued Date: 01/28/21
		Rescinds: 6.504	Issued: 12/05/02

1 The Board directs the administration to identify migratory students in the district, as required by law,
2 and to develop written administrative procedures for ensuring that migrant students receive services for
3 which they are eligible.¹ In developing and implementing a program to address the needs of migratory
4 students the district will:²

- 5 1. Identify migratory students and assess the educational and related health and social needs of each
6 student.
- 7
- 8 2. Provide a full range of services to migrant students including applicable Title I programs, special
9 education, gifted education, Career and Technical education, language programs, counseling
10 programs, elective classes, fine arts classes, etc.
- 11
- 12 3. Provide migratory children with the opportunity to meet the same statewide assessment standards
13 that all students are expected to meet.
- 14
- 15 4. To the extent feasible, provide advocacy and outreach programs to migratory students and their
16 families and professional development for district staff.
- 17
- 18 5. Provide parents/guardians an opportunity for meaningful participation in the program.

19 If a migrant student is identified by the district, the Director of Schools or designee will notify the
20 Tennessee State Department of Education and request assistance if needed.²

Legal References

1. State Board of Education Policy 2.103
2. 20 USCA § 6318; 20 USCA § 6391 *et seq.*

Cross References

- School Admissions 6.203
Homeless Students 6.503

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Students in Foster Care	Descriptor Code: 6.505	Issued Date: 02/23/17
		Rescinds:	Issued:

1 The Cumberland County School System shall provide all students in foster care, to include those
2 awaiting foster care placement, with a free and appropriate public education.

3 **ENROLLMENT**

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

8 **PLACEMENT**

9 The district and the child welfare agency shall determine whether placement in a particular school is in
10 a student's best interest. Other parties, including the student, foster parents, and biological parents (if
11 appropriate), shall be consulted. If the child has an IEP or a Section 504 plan, then the relevant school
12 staff members shall participate in the best interest decision process. This determination shall be made as
13 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 2. Preferences of the student's parent(s) or education decision maker(s);
- 23 3. The student's attachment to the school, including meaningful relationships with staff and peers;
- 24 4. Placement of the student's siblings;
- 25 5. Influence of the school climate on the student, including safety;
- 26 6. The availability and quality of the services in the school to meet the student's educational needs;
- 27 7. History of school transfers and how they have impacted the student;
- 28 8. How the length of the commute would impact the student;
- 29 9. Whether the student is receiving special education and related services, and if so, the availability
30 of those required services in a school other than the school of origin; and

1 10. Whether the student is an EL and is receiving language services, and, if so, the availability of
2 those required services in a school other than the school of origin.

3 Transportation costs should not be considered when determining a student's best interest.

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

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

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

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

- 18 1. Students in foster care needing transportation to their schools of origin will promptly receive
19 that transportation in a cost-effective manner and in accordance with federal law; and
- 20 2. If there are additional costs incurred in providing transportation to the school of origin, the
21 district will provide such transportation if:
 - 22 a. the local child welfare agency agrees to reimburse the district for the cost of such
23 transportation;
 - 24 b. the district agrees to pay for the cost; or
 - 25 c. the district and local child welfare agency agree to share the cost.⁴

26 The district will ensure that a student in foster care, to include a student awaiting foster care placement,
27 remains in his/her school of origin while any disputes regarding transportation costs are being
28 resolved.

Legal References

1. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95) § 1111(g)(1)(E)(ii)-(iii)
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

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Glucagon and Diazepam Gel (Diastat)	Descriptor Code: 6.4051	Issued Date: 04/26/18
		Rescinds:	Issued:

1 School personnel, who volunteer, under no duress or pressure and have been properly trained by a
2 registered nurse, are permitted to administer glucagon in emergency situations to a student based on
3 physician's orders and/or the student's Individual Health Plan (IHP). If the school nurse is on site, the
4 nurse shall provide the service to the student.¹

5 The school nurse shall be responsible for updating and maintaining each IHP. There must be a
6 parent/guardian signature on file giving permission prior to training school personnel to administer
7 glucagon.

8 **DEFINITION OF GLUCAGON**

9 Glucagon is a hormone that helps the liver release sugar, thus increasing the level of sugar in the blood.
10 It must be injected with a syringe into the body like insulin.

11 **WHEN TO USE GLUCAGON**

12 Glucagon is administered when the student has low blood sugar and is unable to take liquid or food by
13 mouth because of unconsciousness or seizure activity as per a medical provider's written instructions.

14 **TRAINING**

- 15 1. Review physicians' orders for glucagon and parent/guardian permission on file.
- 16
- 17 2. The volunteer must complete an initial in-depth diabetes-related training recognizing signs and
18 symptoms of hypoglycemia and respond with student-specific interventions.
- 19
- 20 3. The volunteer trainee must be able to state glucagon's action and the need for its use.
- 21
- 22 4. The volunteer trainee must be able to state how glucagon should be prepared, the dosage, and
23 side effects as well as follow-up care after the administration of glucagon.
- 24
- 25 5. The volunteer trainee must be able to identify where glucagon will be stored (must be kept in a
26 secure location away from heat and direct light) and readily available to the student.
- 27
- 28 6. The volunteer trainee will notify or delegate notification of EMS/911 personnel,
29 parents/guardian, and the school nurse any time glucagon is administered to any student.

- 1 7. The volunteer trainee must document observations, administration of glucagon, and follow-up
2 care on the appropriate diabetic and medication forms.
3
- 4 8. Training will be provided until competency is demonstrated, and retraining shall be completed
5 on a yearly basis. Training will be documented and include a skills checklist, instructor's name,
6 trainee's name, date of training, and documentation of competency of trainee to administer
7 glucagon. A copy of the trainee's competency training form will be kept in the employee's
8 personnel file.

9 **DEFINITION OF DIAZEPAM (DIASTAT)**

10 Diastat works to stop seizure activity by acting on brain cell interactions that inhibit the seizure
11 discharges. This special formulation of diazepam is administered rectally as a gel.

12 School personnel who volunteer under no duress or pressure and who have been properly trained by a
13 registered nurse or employed or contracted by the Cumberland County School District may administer
14 anti-seizure medications, including diazepam gel to a student in an emergency situation based on the
15 student's IHP. If the school nurse is available, on site, and able to reach the student within the time
16 limit for administration specified in the IHP, then the school nurse shall provide this service to the
17 student.

18 **WHEN TO USE DIASTAT**

19 Upon the decision of a trained volunteer to administer diazepam gel (Diastat), school officials shall
20 immediately summon local emergency medical services to the school to provide necessary monitoring
21 and transport to safeguard the health and condition of the student.

22 Trained volunteer school personnel administering anti-seizure medications, any registered nurse who
23 provides training to administer such medications, and any local board of education shall not be liable
24 in any court of law for injury resulting from the reasonable and prudent assistance in the administration
25 of such medications, if performed pursuant to the policies and guidelines developed by the departments
26 of health and education and approved by applicable regulatory or governing boards or agencies.

27 Cumberland County school district shall not assign a student with epilepsy or other seizure disorder to
28 a school other than the school for which the student is zoned or would otherwise regularly attend
29 because the student has a seizure disorder.

30 A student's parent/guardian, who has given the student's school written authorization to administer
31 anti-seizure medication, shall, in accordance with the student's IHP, notify the school administrator or
32 school nurse if anti-seizure medication or prescription or over-the-counter medicines are administered
33 at a time at which the student is not present in school. The student's IHP shall set forth with specificity
34 the requirements of reporting administration of medication and for the dissemination of such
35 information to volunteer school personnel trained to administer anti-seizure medication. Such
36 notification shall be given after administration of medication before or at the beginning of the next
37 school day in which the student is in attendance.

1 TRAINING

2 Prior to administration of an anti-seizure medication to a student by volunteer school personnel or a
3 school nurse in an emergency situation, the student's parent/guardian shall provide:

- 4 1. The school with a written authorization to administer the medication at school;
- 5
- 6 2. A written statement from the student's health care practitioner, which shall contain the
7 student's name, the name and purpose of the medication, the prescribed dosage, the route of
8 administration, the frequency that the medication may be administered, and the circumstances
9 under which the medication may be administered; and
- 10
- 11 3. Prior to its date of expiration, the prescribed medication to the school is in its unopened, sealed
12 package with the intact label affixed by the dispensing pharmacy.

Legal References

1. TCA 49-50-1602(g)(1)

Cross References

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Opioid Antagonist	Descriptor Code: 6.4052	Issued Date: 04/26/18
		Rescinds:	Issued:

1 **General**

2 The district shall maintain an opioid antagonist at each school in at least two (2) unlocked, secure
3 locations to be administered to any student believed to be having a drug overdose.¹ School nurses and
4 other school personnel expected to provide emergency care to students shall be trained according to the
5 Tennessee Department of Health guidelines. The school nurse or other trained school personnel may
6 utilize the school's supply of opioid antagonists to respond to a drug overdose, under a standing
7 protocol from a physician.

8 **PARENTAL NOTIFICATION**

9 The school system shall notify the parent(s)/guardian(s) of any student to whom an opioid antagonist
10 has been administered.

11 **PROCEDURES**

12 The Director of Schools shall develop procedures for the maintenance and usage of opioid antagonists
13 as well as procedures regarding record keeping and reporting after any incident.

Legal References

1. State Board of Education Policy 4.205

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Safe Relocation of Students	Descriptor Code: 6.4081	Issued Date: 07/22/21
		Rescinds: 6.4081	Issued: 08/23/12

1 Employees who are directly responsible for a student’s education or who otherwise interact within the
2 scope of their assigned duties may relocate a student from the student’s present location to another
3 location when such relocation is necessary for the student’s safety or the safety of others.¹ If relocation
4 is necessary, the process will comply with all special education laws. Such employees may also intervene
5 in a physical altercation between two or more students or between a student and a district employee.
6 Reasonable or justifiable force may be used to physically relocate or intervene in a conflict if a student
7 is unwilling to cooperate.² If an employee is unable to resolve the matter with the use of reasonable or
8 justifiable force, the student shall be allowed to remain in place until local law enforcement officers or
9 school resource officers can be summoned to relocate the student or take the student into custody until
10 a parent or guardian can retrieve the student.

11 In the event that physical relocation becomes necessary, the employee shall immediately file a brief
12 report of the incident with the principal. If the student's behavior constitutes a violation of the board's
13 zero tolerance policy, the report shall be placed in the student's permanent record. Otherwise, the report
14 shall be kept in the student's discipline record, and not become a part of that student's permanent record.
15 The principal/designee shall notify the teacher involved of the actions taken to address the behavior of
16 the relocated student.¹

17 The Director of Schools shall develop administrative procedures regarding the safe relocation of students
18 consistent with State law. Each principal shall fully support the employees' authority to relocate a student
19 and ensure appropriate implementation and reporting.

Legal References

1. Public Acts of 2021, Chapter No. 77
2. TCA 39-11-603, TCA 39-11-609-614

Cross References

Code of Conduct 6.300
Interference/Disruption of School Activities 6.306
Zero Tolerance Offenses 6.309
Special Education Students 6.500

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Service Animals	Descriptor Code: 6.5001	Issued Date: 04/26/12
		Rescinds:	Issue

- 1 Cumberland County schools acknowledges its responsibility to permit students and/or adults with
2 disabilities to be accompanied by a "service animal" in its school buildings, in classrooms, and at
3 school functions, as required by the Americans with Disabilities Act, 28 C.F.R. Part 35, subject to the
4 following:
- 5 1. All requests for an individual with a disability to be accompanied by a service animal must be
6 addressed in writing to the Director of Schools and must contain required documentation of
7 vaccinations. This written request must be delivered to the Director of Schools' Office at least
8 ten days prior to bringing the service animal to school or a school function.
 - 9 2. The animal must be a dog or, in specific circumstances, a miniature horse. No other species of
10 animals, whether wild or domestic, will be permitted in schools as a "service animal."
 - 11 3. Special Provisions/Miniature Horses: Requests to permit a miniature horse to accompany a
12 student or adult with a disability in school buildings, in classrooms, or at school functions, will
13 be handled on a case-by-case basis, considering the type, size, and weight of the service animal
14 and whether the facility can accommodate these features will be decided on a case-by-case
15 basis.
 - 16 4. The animal must be required for the individual with a disability to be successful in the school
17 environment.
 - 18 5. The animal must be "individual trained" to do work or a task for the individual with a
19 disability.
 - 20 6. Owners of service animals are liable for any harm or injury caused by the animal to other
21 students, staff, visitors, and/or property.
 - 22 7. All service animals must be in sufficient control by handler at all times.
 - 23 8. A service animal must have a harness, leash, or other tether, unless either the handler is unable
24 because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or
25 other tether would interfere with the service animal's safe, effective performance of work or
26 tasks, in which case the service animal must be otherwise under the handler's control.
 - 27 9. All service animals must be housebroken.
 - 28 10. All service animals must be treated for, and kept free of, fleas and ticks.

- 1 11. All service animals must be kept clean and groomed to avoid shedding and dander.
- 2 12. Cumberland County Schools is not responsible for the care or supervision of a service animal,
3 including walking the animal or responding to the animal's need to relieve itself.
- 4 a. Cumberland County Schools is not responsible for providing a staff member to walk the
5 service animal or to provide any other care or assistance to the animal.
- 6 b. Students with service animals are expected to care and supervise their animal. In the
7 case of a young child or a student with disabilities who is unable to care for or supervise
8 his or her service animal, the parent/guardian is responsible for providing care and
9 supervision of the animal. Issues related to the care and supervision of service animals
10 will be addressed on a case-by-case basis at the discretion of the building administrator.
- 11 13. Owners of a service dog must provide annual proof of the following vaccinations: DHLPPC
12 (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella, and
13 Rabies.
- 14 14. All service dogs must be spayed or neutered.
- 15 15. Owners of service miniature horses must provide annual proof the vaccinations: Equine
16 Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephalomyelitis, Rhinopneumonitis,
17 Influenza, Strangles.
- 18 16. Removal of a Service Animal: A school administrator may ask an individual with a disability
19 or his/her parents/guardians to remove a service animal from a school building, a classroom, or
20 from a school function if any of the following circumstances occur:
- 21 a. The animal is out of control and the animal's handler does not take effective action to
22 control it; or
- 23 b. The animal is not housebroken.
- 24 c. The animal's presence would "fundamentally alter" the nature of the service, program,
25 or activity.
- 26 If a public entity properly excludes a service animal under Sec. 35.136(b), it shall give the individual
27 with a disability the opportunity to participate in the service, program, or activity without having the
28 service animal on the premises. 28 C.F.R. Sec. 35.136 (c).

Legal Reference:

1. ADA Regulations, 28 C.F.R. Part 35 (as amended, 2010).