

Hamilton County Board of Education

1 - SCHOOL BOARD OPERATIONS

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Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School District—School Board Legal Status and Authority	Descriptor Code: 1.100	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The legal basis for education in Tennessee is expressed in the state Constitution and state statutes, as in-
2 terpreted by the courts. Boards are instruments of the state, and members of the Board are state officers
3 representing local citizens and the state in the management of the public schools.¹

4
5 The governing body shall be the Board of Education, serving residents within the boundaries of the school
6 system and non-residents under conditions specified by state law and the Board.²

7
8 All powers of the Board lie in its action as a group; therefore, individual board members exercise their
9 authority over school system affairs only as they vote to take action at an official meeting of the Board.

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

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34 Legal References:

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

36 2. TCA 49-6-3104
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Hamilton County Board of Education			
Monitoring: Review: Annually, in September	Descriptor Term: Duties of Board of Education	Descriptor Code: 1.101	Issued Date: 12/16/04
		Rescinded:	Revised: 10/18/18

1 The duties of the Board shall be those enumerated in the Tennessee statutes and the Rules, Regulations
2 and Minimum Standards for the Governance of Tennessee Public Schools as established by the
3 Tennessee State Board of Education.¹

4
5 The Board views its required functions in these broad areas:

- 6
7 1. Legislative and policy-making - The Board is responsible for the development of policy as
8 guides for administrative action and for directing the director of schools to implement its
9 policies.
- 10
11 2. Appraisal - The Board is responsible for evaluating the effectiveness of its policies and their
12 implementation.
- 13
14 3. Provision of financial resources - The Board is responsible for adoption of a budget, which
15 will provide for buildings, staff, materials, and equipment, which will enable the school
16 system to carry out the Board's policies, subject to approval by the fiscal body.
- 17
18 4. Public relations - The Board is responsible for providing adequate and direct means for
19 keeping the local citizenry informed about the schools and for keeping itself and the school
20 staff informed about the needs and wishes of the public.
- 21
22 5. Educational planning and evaluation - The Board is responsible for establishing educational
23 goals which will guide both the Board and the staff in working together toward the
24 continuing improvement of the educational program. It is responsible for ensuring the
25 director of schools and administration perform ongoing evaluation of the school program
26 against the goals and objectives set forth by the Board and by the State Board of Education,
27 as well ensuring that the administration regularly updates the Board on the district's
28 academic progress.²

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30 **EVALUATION**

31
32 At least annually the Board shall evaluate the above functions and develop goals for the next school
33 year.

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35 Legal References and Cross References:

- 36
- 37 1. TCA 49-2-203; TCA 49-1-302.
- 38 2. TCA 49-1-601.
- 39 3. Duties of Officers – Board Policy 1.201
- 40 4. Duties of Board Members – Board Policy 1.202
- 41 5. Director of Schools – Board Policy 5.800
- 42 6. Qualifications/Duties of the Director of Schools- Board Policy 5.802

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Members Legal Status	Descriptor Code: 1.102	Issued Date: 12/16/04
		Rescinded:	Revised: 09/15/22

The legal status of board members shall be as follows:¹

NUMBER

The Board is composed of eleven (11) members.

QUALIFICATIONS

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

One NON-VOTING student member may be appointed annually.

TERMS OF OFFICE

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

VACANCIES

Vacancies shall be declared to exist on account of death, resignation, removal from the district in which members were elected, removal from the school system,⁵ or through due process proceedings.⁴

When a vacancy occurs, the unexpired term shall be filled at the next regular or special meeting of the local legislative body.⁵ Such appointment shall continue until the next regular election.⁶ The individual appointed shall reside in the same district as the individual causing the vacancy.

OATH OF OFFICE

All members of the Board shall take an oath to faithfully discharge the duties of the office.⁷

COMPENSATION

The compensation for board members shall be one-half (1/2) of the amount received by their counterpart on the Hamilton County Commission.

Legal References:

1. TCA 49-2-201
2. TCA 49-2-202(a)(1)
3. TCA 49-2-202(a)(2)
4. TCA 8-47-101; TCA 49-1-611
5. TCA 49-2-202(e); TCA 8-48-101(3)
6. Tennessee Constitution, Article VII, Section 2
7. TCA 49-2-202(b)

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Board Self-Evaluation	Descriptor Code: 1.103	Issued Date: 12/16/04
		Rescinds:	Issued:

1 For the purpose of improvement of school board leadership, the Board will conduct an annual evaluation
2 of its operational procedures.

3
4 This annual evaluation shall be developed based upon the following premises:

- 5
- 6 (a) Board members shall know and be involved in the development of standards by which
7 they will evaluate themselves.
- 8
- 9 (b) Evaluation shall be at a scheduled time with no other items on the agenda and with all
10 board members present.
- 11
- 12 (c) The evaluation shall be a composite of individual board members opinions but the
13 board as a whole shall meet to discuss the results.
- 14
- 15 (d) Evaluation shall include discussion of strengths as well as weaknesses.
- 16
- 17 (e) The Board is not required to limit itself to those items included in any formal
18 evaluation instrument which is used.
- 19
- 20 (f) Each judgment shall be supported by as much rational and objective evidence as possible.
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- 22 (g) At the conclusion of the evaluation, the board will develop a series of board goals for
23 the ensuing year which are stated in terms of behavioral change or productivity gains.
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Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Memberships	Descriptor Code: 1.104	Issued Date: 12/16/04
		Rescinded:	Revised: 11/11/21

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The Board shall maintain membership in the Tennessee School Boards Association.¹

Dues for membership in the Tennessee School Boards Association shall be included in each annual budget in accordance with state statute.

The Board may also maintain institutional membership in other educational organizations which the Board finds to be of benefit to members and school system personnel.

Legal References:
1. TCA 49-2-2001

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: School Board Legislative Involvement	Descriptor Code: 1.105	Issued Date: 12/16/04
		Rescinded:	Revised: 09/15/22

The Board will work for the passage of new laws designed to advance the cause of improving education and for the repeal or modification of existing laws and the defeat of proposed laws that impede this cause. To accomplish this:

1. The Board shall stay informed of pending legislation and actively communicate its concerns and make its position known to the elected representatives at both the state and national level;
2. The Board shall work with other school boards in the state, local citizen groups, and other local officials in acquainting them with the board's legislative priorities and seek their support;
3. The Board shall annually select at least one (1) and up to eleven (11) of its members to serve as its representative to the Tennessee Delegate Assembly;
4. The Board shall work with its Delegate representative(s), with TSBA, and other concerned groups in developing an annual legislative program; and
5. The Board shall include in its budget appropriate resources, including travel expenses, necessary for its Delegate representative(s), and other board members to accomplish its desired legislative goals.

Legal References: _____

Cross References: _____

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Duties of Individual Board Members	Descriptor Code: 1.106	Issued Date:
		Rescinds:	Revised: 10/20/22

1 The Board adopts this Policy as recommended by the Tennessee School Boards Association as a guide to
2 its members as they provide educational leadership for the youth of our state.
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6 **ARTICLE I. MY RELATIONS TO THE CHILDREN**

7
8 Section 1. I will at all times think in terms of “children first,” always determining other
9 important things according to how they affect education and training of
10 children.
11

12 Section 2. I will seek to provide equitable educational opportunities for all children
13 regardless of ability, race, color, sex, creed or location of residence.
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15 **ARTICLE II. MY RELATIONS TO MY COMMUNITY**

16
17 Section 1. I will endeavor to appraise fairly both the present and future educational
18 needs of the community and to support improvements as finances permit.
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20 Section 2. I will represent at all times the entire school community and refuse to
21 represent special interests or partisan politics.
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23 Section 3. I will endeavor to keep the community informed about the progress and
24 needs of the schools.
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26 **ARTICLE III. MY RELATIONS TO TEACHERS AND PERSONNEL**

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28 Section 1. I will support the employment of those persons best qualified to serve as
29 employees and insist on a regular and impartial evaluation of all staff.
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31 Section 2. I will support and protect personnel in performance of their duties.
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33 Section 3. I will not criticize employees publicly but will make such criticism to the
34 director of schools for investigation and action if necessary.
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ARTICLE IV. MY RELATIONS WITH OTHER BOARD MEMBERS

- Section 1. I will recognize that authority rests only with the Board in official meetings and that the individual member has no legal status outside of such meetings.
- Section 2. I will refuse to make promises as to how I will vote on a matter which should properly come before the Board as a whole.
- Section 3. I will make decisions only after full discussion of matters at a board meeting.
- Section 4. I will respect the opinion of other members and will accept the principle of “majority rule.”

ARTICLE V. MY RELATIONS WITH THE DIRECTOR OF SCHOOLS

- Section 1. I will support full administrative authority as well as responsibility for the director of schools to properly discharge all professional duties.
- Section 2. I will support director of schools' accountability for working and requiring staff to work within the framework of policies set up by the Board.
- Section 3. I will refer all complaints and concerns to the director of schools.

ARTICLE VI. MY RELATIONS TO MYSELF

- Section 1. I will inform myself about my duties and responsibilities and current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations.
- Section 2. I will avoid being placed in a position of conflict of interest, and will refrain from using my board position for personal or partisan gain.

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Code of Ethics	Descriptor Code: 1.107	Issued Date: 7/17/08
		Rescinds:	Issued: 10/20/22

DEFINITIONS

- (1) "School district" means Hamilton County School District, which was duly created by a public or private act of the General Assembly; and which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the school district or an official of the school district.
- (2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the school district.
- (3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

DISCLOSURE OF PERSONAL INTEREST IN VOTING MATTERS

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

DISCLOSURE OF PERSONAL INTEREST IN NON-VOTING MATTERS

An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the school district's central office. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

ACCEPTANCE OF GIFTS AND OTHER THINGS OF VALUE

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the school district that a reasonable person would understand was intended to influence the vote, official action or judgment of the official or employee in executing decision-making authority affecting the school district.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of school board officials or by an

1 umbrella or affiliate organization of such statewide association of school board officials.

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3 **ETHICS COMPLAINTS**

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5 The school district may create a School District Ethics Committee (the "Ethics Committee") consisting of three
6 members who will be appointed to one-year terms by the Chairman of the Board of Education with confirmation
7 by the board of education. At least two members of the committee shall be members of the board of education.
8 The Ethics Committee shall convene as soon as practicable after its appointment and elect a chair and a secretary.
9 The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the
10 director of schools, where they shall be open to public inspection.

11

12 Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing
13 ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and signed
14 by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint
15 is based.

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17 The School District Ethics Committee may investigate any credible complaint against an official or employee
18 charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires
19 information indicating a possible violation, and make recommendations for action to end or seek retribution for
20 any activity that, in the Committee's judgement, constitutes a violation of this Code of Ethics. If a member of the
21 Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving
22 such complaint.

23

24 The Committee may:

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26 (1) refer the matter to the Board Attorney for a legal opinion and/or recommendation for action;

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28 (2) in the case of an official, refer the matter to the school board body for possible public censure if the board
29 body finds such action warranted;

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31 (3) in the case of an employee, refer the matter to the official responsible for supervision of the employee for
32 possible disciplinary action if the official finds discipline warranted;

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34 (4) in a case involving possible violation of state statutes, refer the matter to the district attorney for possible
35 ouster or criminal prosecution;

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37 The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and
38 enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel
39 policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service
40 provisions rather than as a violation of this Code of Ethics.

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Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Nepotism	Descriptor Code: 1.108	Issued Date: 06/16/16
		Rescinded:	Revised: 10/20/22

Nepotism Generally

For purposes of this policy, the terms “related to” and “relative” include the following relationships: spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or any person who resides in the same household.¹

Whenever a person is considered by the Director of Schools for initial employment in the system and that person is related to a member of the Board, the Director of Schools, an administrator in the system, a county commissioner, or any appointed or elected official, the Director of Schools shall inform the Board of the relationship prior to the employment of such person.

Nepotism Within the School System

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

Relatives of current employees may not occupy a position that will be working directly for or supervising their relative or be assigned to the same work location. Only in extenuating circumstances shall relatives be assigned to the same work location and then only upon approval of the Director of Schools or his or her designee. The director of schools may take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to the director of schools or his or her designee. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, the director of schools will decide who is to be transferred or reassigned.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection and/or excessive personal conversation.

Nepotism by Board Members

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

This-certification may be by way of a statement that is substantially as follows: I declare that I have a [spouse, parent, grandparent, child, sibling, aunt, uncle, nephew, niece, relation-in-law or member of my household] who works for the school system and that the Board's vote on [budget, policies, etc.] may have an effect on my relative's employment. Even so, I hereby certify that I will cast my vote in the best interest of the school system.

Legal References:
1. TCA § 49-2-202(A)(3)

Cross References:
Assignment/Transfer of Personnel 5.115

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Method of Election of Officers	Descriptor Code: 1.200	Issued Date: 12/16/04
		Rescinded:	Revised: 09/15/22

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2 At the first regular meeting in September each year, the Board shall organize by electing a chairman,¹
3 a vice chairman and at least one and up to eleven (11) of its members to serve as its representative
4 to the Tennessee Delegate Assembly. In the event that an officer's seat on the board is vacated, the Board
5 shall elect a successor to serve the remainder of the officer's term. Each board officer shall be eligible
6 for re-election.

7
8 If no officer of the Board is serving at the time of the organizational meeting, the most senior member
9 shall call the meeting to order and preside until a chairman is elected as the first order of business.

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11 If the office of chairman is vacated prior to the expiration of the annual term, the vice chairman shall
12 assume all responsibilities of the chairman until a new chairman is elected.
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44 Legal References:
45 1. TCA 49-2-202(c)(2)

43 _____
44 Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Duties of Officers	Descriptor Code: 1.201	Issued Date: 08/16/16
		Rescinded:	Revised: 11/11/21

CHAIRMAN

The chairman of the Board shall have the following duties:

1. To assist the director of schools in preparing meeting agendas;
2. To preside at all meetings of the Board;¹
3. To appoint committees authorized by the Board;¹
4. To function as chairman of the executive committee;¹
5. To countersign all warrants authorized by the Board and issued by the director of schools for all expenditures of the school system;¹
6. To conduct Board hearings;²
7. To prepare the school budget with the director of schools;³
8. To authorize the use of mechanical check writing equipment;⁴
9. To certify the value of surplus property value less than \$500;⁵ and
10. To carry out other such duties as may be assigned by the Board.

VICE CHAIRMAN

The vice chairman shall assume the duties of the chairman in his/her absence or function as the chairman until a new chairman can be elected in the event the chairman is incapacitated or the office becomes vacant.

SECRETARY

The director of schools, as the executive officer of the Board, shall serve as secretary to the Board. He/she shall conduct all correspondence of the Board, keep and preserve all of its records, receive all reports acquired by the Board, and see that such reports are in proper form. He/she has the right to advise on any question under consideration but has no vote.

The Board may assign the keeping of the minutes to a clerk; however, the responsibility resides with the director of schools.

CHAIRMAN PRO TEM

In the event that both the Chairman and Vice Chairman are absent or incapacitated, or in the event that both offices become vacant for whatever reason, then the most senior member of the Board shall serve as the Chairman *Pro Tem* until such time as the Board elects new officers. In the event that two or more members of the Board have equal seniority, then the Chairman Pro Tem shall be determined by blind draw.

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Legal References:

1. TCA 49-2-205
2. TCA 49-5-512(5)(6)
3. TCA 49-2-203(10)(A)(i)
4. TCA 49-2-113
5. TCA 49-6-2007

Cross References:

- Role of the Board 1.101
- Duties of Board Members 1.202

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Duties of Board Members	Descriptor Code: 1.202	Issued Date: 12/16/04
		Rescinds:	Issued:

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The duties of an individual board member shall be as follows:

1. To become familiar with State school laws, regulations of the State Department of Education, and school board policies, rules and regulations;
2. To participate in State-mandated board training;¹
3. To have a general knowledge of the educational aims and objectives of the system;
4. To work harmoniously with other board members without trying either to dominate the Board or neglect his/her share of the work;
5. To vote and act impartially for the good of the school system;
6. To accept the will of the majority vote in all cases and give support to the resulting action;
7. To represent the Board and the school system to the public in such a way as to promote both interest and support; and
8. To refer complaints to the director of schools and to abstain from individual counsel and action in regard to staff members.

Legal References:

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

Cross References:

- Role of the Board 1.101
Ethics 1.106

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: New Member Orientation	Descriptor Code: 1.203	Issued Date: 12/16/04
		Rescinds:	Issued:

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

3
4 It shall be the responsibility of the director of schools to provide to each new board member:

- 5
6 1. A copy of the Board's *Policy Manual*;
- 7
8 2. Applicable portions of the *Tennessee Code Annotated* outlining the duties and responsibilities of
9 the Board and the director of schools;
- 10
11 3. Minutes of the board meetings for the previous year which are available on-line; and
- 12
13 4. Other appropriate materials which will acquaint the new member with the operation of the school
14 system and board service.

15
16 An orientation for new board members shall be conducted no later than thirty (30) days after new board
17 members take office. The chairman of the board and the director of schools shall arrange and plan for
18 such an orientation.

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Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Board Member Development Opportunities	Descriptor Code: 1.204	Issued Date: 12/16/04
		Rescinded:	Revised: 01/18/24

1
2 The Board shall participate in activities designed to assist board members in improving their skills as
3 members of a policy-making body.
4

5 In order to control both the investment of time and funds necessary to implement this policy, the Board
6 establishes these principles and procedures for its guidance:
7

- 8 1. A calendar of school board conferences, conventions and workshops shall be maintained by the
9 board secretary and provided to each board member.
- 10 2. Each fiscal year, the Board will provide each Board member an allowance of three thousand
11 dollars (\$3,000) to be spent toward development opportunities and related travel expenses
12 consistent with this policy. Any Board member may transfer funds from his or her allowance to
13 any other Board member for use in accordance with this policy.
- 14 3. Reimbursement to board members for their travel expenses shall be in accord with the travel
15 expense policy for staff members;¹
- 16 4. When a conference, convention or workshop is not attended by the full Board, those participating
17 will be requested to share information, recommendations and materials acquired at the meeting;
18 and
- 19 5. The public shall be kept informed through the news media about the Board's continuing in-
20 service education and about the programs anticipated for short- and long-range benefits to the
21 schools.
22

23 The Board regards the following as the kinds of activities and services appropriate for implementing this
24 policy:
25

- 26 1. Participation in school board conferences, workshops and conventions held by the Tennessee
27 School Boards Association;¹
- 28 2. Local and district-sponsored training sessions for board members; and
- 29 3. Subscriptions to publications addressing the concerns of board members.
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33 Legal References:

- 34 1. TCA 49-2-2001(c)

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37 Cross References:

- 38 Board Self-Evaluation 1.103
- 39 Memberships 1.104
- 40 School Board Legislative Involvement 1.105
- School District Goals 1.700
- School Calendar 1.800
- Expenses and Reimbursements 2.804

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Board-Director Relations	Descriptor Code: 1.205	Issued Date: 02/15/07
		Rescinded:	Revised: 10/20/22

1
2 The Board shall be responsible for specifying its requirements and expectations of the director of
3 schools and then holding the director accountable by evaluating how well those requirements and
4 expectations have been met. In turn, the director of schools shall be responsible for specifying
5 requirements and expectations for all administrators who report to him/her and then holding each
6 accountable by evaluating how well requirements and expectations have been met.

7
8 The Board will authorize all expenditures, employ and dismiss all tenured teachers,¹ approve the
9 annual budget,² and determine policy.³

10
11 The decisions of the Board concerning these matters will guide the actions of the director of schools
12 and his/her staff.

13
14 Board members are entitled to information relevant to the operation of the school system. Members
15 shall request this information through the director of schools. In response to the request of Board
16 members, the director of schools shall gather the information and/or prepare a report and disseminate
17 it to all Board members as soon as practicable. If the director of schools determines in his sole
18 discretion that the information requested is burdensome and/or will take an inordinate amount of
19 staff time to prepare, he shall advise the chairman. The chairman will then place the Board member's
20 request on the agenda of the next Board meeting for consideration by the entire Board.

21
22 If at all possible, Board members should refrain from criticizing or discussing individual employees in
23 an open meeting since such meetings are public record and the affected employees are usually
24 unable to offer an appropriate rebuttal to any criticism. Accordingly, if a Board member has any
25 questions or concerns about any aspect of an employee's performance, the member should, if at all
26 possible, direct these questions or concerns to the attention of the director of schools and permit the
27 director of schools time to investigate the issues and to deal with them as appropriate. If the director
28 of schools deems it necessary, he will communicate any issues about which the Board ought to be
29 aware to the Board in advance of a regular meeting.

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37 Legal References:

- 38 1. TCA 49-2-203(1)(3)(6)
- 39 2. TCA 49-2-203(11)(A)(i)
- 40 3. TCA 49-2-207

Cross References:

- Role of the Board of Education 1.101
 - Evaluation of the Director of Schools 5.803
 - School Board Meetings 1.400
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Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Committees of the Board	Descriptor Code: 1.300	Issued Date: 12/16/04
		Rescinds: 1.300	Issued: 4/20/06

1 In addition to the Executive Committee, the Board may create such Standing Committees and Special
2 Committees as may be necessary and appropriate to investigate matters and to advise the Board as a
3 whole. Before taking action on any given issue, it shall not be necessary for the Board to have first
4 referred a matter to a committee for consideration.

5
6 Each Standing or Special Committee, once created by the Board, shall be chaired by a Board member
7 appointed by the Chairman of the Board and filled with such other Board members as the Chairman
8 may choose to appoint. Upon request from the Chairman of the Board, the Director of Schools shall
9 appoint such members of the administration as may be necessary and appropriate to assist the Board
10 committee in its tasks. Both the Chairman and the Director of Schools shall be *ex officio* members of
11 any Committee of the Board. Standing Committees and Special Committees shall be subject to the
12 requirements of the Open Meetings Act.

13 14 **STANDING COMMITTEES**

15
16 Each October, the Board of Education shall create such Standing Committees as the Board deems nec-
17 essary and appropriate to advise the Board on matters pertaining to the regular business of the Hamilton
18 County School System including personnel, finance, curriculum, property and maintenance, and any other
19 matter related to the efficient operation of the Hamilton County School System. Each such committee
20 shall continue to operate until dissolved by the Board.

21
22 Each Standing Committee is authorized and encouraged to meet and discuss those matters of the school
23 system's operation that fall within its purview. In addition to any specific issues that the Board as a
24 whole might assign, each Standing Committee should work proactively to identify and discuss matters
25 that would aid in the efficient operation of the school system.

26 27 **SPECIAL COMMITTEES**

28
29 From time to time, the Board of Education may create Special Committees to investigate issues and to
30 make recommendations to the Board as a whole. Such Special Committees shall be empowered only
31 to address those matters delegated to them by the Board as a whole. Special Committees shall dissolve
32 upon rendering a final report to the Board.

33 34 35 36 37 Legal References:

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39 1. TCA 49-2-205(2)
40 2. TCA 8-44-102(b)

37 Cross References:

- 38
39 School Board Meetings 1.400
40 Public Hearings 1.401

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Executive Committee	Descriptor Code: 1.301	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The chairman of the Board and the director of schools shall constitute the executive committee of the
2 Board, with the chairman of the Board serving as the chairman of the executive committee.¹ The duties
3 shall be:

- 4
- 5 1. To prepare an agenda for each meeting of the Board;
- 6
- 7 2. To prepare the annual budget on forms furnished by the Commissioner of Education, to be sub-
8 mitted to the Board for its approval;²
- 9
- 10 3. To meet at the office of the director of schools as often as necessary to perform the duties re-
11 quired;
- 12
- 13 4. To advertise for bids and let contracts authorized by the Board;
- 14
- 15 5. To serve as the purchasing agent for the Board;
- 16
- 17 6. To examine all accounts authorized by the Board and ensure that the approved budget is not
18 exceeded;
- 19
- 20 7. To submit for approval at each regular meeting of the Board a full report of all business trans-
21 acted since the last regular meeting; and
- 22
- 23 8. To transact any other business assigned to the committee by the Board; including approval of
24 field trips, purchases and bids, subject to ratification at the next regular meeting of the Board.¹
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36 Legal References:
37 1. TCA 49-2-206; TCA 49-2-205(3)
38 2. TCA 49-2-203(a)(10)(A)

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36 Cross References:
37 Duties of Officers 1.201
38 Annual Operating Budget 2.200
39 Purchasing 2.805
40 Bids and Quotations 2.806
41 Qualifications/Duties of the Director of Schools 5.802

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School Attorney	Descriptor Code: 1.302	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The Board shall employ an attorney to represent the Board in legal matters which arise concerning the
2 school system.¹ The Board attorney shall attend all regular or called meetings and shall be available at
3 other times to advise Board members and the director of schools or his/her designee.
4

5 The Board may retain other attorneys for a specific legal matter(s). If the Board does retain outside
6 counsel, it shall be for a specified length of time. The outside counsel shall provide the Board with a
7 monthly report listing activities and expenses for the prior month.
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Legal Reference:

1. TCA 49-2-203(b)(5)

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: School Board Meetings	Descriptor Code: 1.400	Issued Date: 02/15/07
		Rescinded:	Revised: 10/19/23

1
2 The Board will transact all business at official meetings which may be either regular or special.

3
4 Every meeting of the Board, except with the attorney to discuss pending or threatened litigation or to
5 discuss school security⁵, will be open to the public.¹ Open meetings will be physically accessible to all
6 students, employees, and interested citizens.³

7
8 Each member of the Board shall consider it his/her duty to appear at every Board meeting properly
9 prepared to discuss the items appearing on the agenda.

10
11 Each Board member is obligated to attend all Board meetings unless physically incapacitated or
12 prevented from doing so due to circumstances beyond his/her control. Whenever possible, each member
13 should advise the chair of an impending absence.

14 15 **REGULAR MEETINGS**

16
17 The Board will hold regular monthly meetings based upon a calendar approved in April of each year.
18 The meetings will begin with a work session at 4:30 pm to hear public comments, to hear updates from
19 the Administration, to review the agenda, and to consider such other matters as the Board deems
20 necessary. The business session will begin at 6:00 pm unless the Board must first go into executive
21 session. Each April the Board will approve an annual calendar of meetings.

22
23 In instances when any regular meeting date falls on a legal holiday, the meeting shall be rescheduled by
24 the chair.

25 26 **SPECIAL MEETINGS**

27
28 The Board shall hold such special meetings as necessary to transact the business of the Board. Such
29 meetings shall be called by the chair whenever, in his/her judgment, the interests of the schools require
30 it, or when requested to do so by a majority of the Board.²

31
32 Only business related to the call of the meeting, and details related to agenda items shall be discussed or
33 transacted by the Board at a special meeting.

34
35 Special meetings may be called for either of the following purposes:

- 36
37 1. To enable the Board to concentrate and take action on a single problem or set of problems; or
38 2. To enable the Board to take emergency action between regular meetings.

39 40 **ADJOURNED MEETINGS**

1 The Board may hold an adjourned meeting of the Board to a specific locality and at a specific time
2 provided; however, the Board shall give adequate public notice of such meeting.

4 **ELECTRONIC PARTICIPATION IN MEETINGS** ⁴

6 The Board member may attend a scheduled Board meeting by electronic means including, but not limited
7 to, telephone, videoconferencing or other web-based media if the member participating by electronic
8 means can be visually identified by the chair, and if the member is absent: 1) because the member is
9 required to be out of Hamilton County for the member's work; 2) because the member is sick or in a
10 period of convalescence on the advice of a healthcare professional that the member not appear in person;
11 3) due to inclement weather or natural disaster if Hamilton County schools are closed; 4) because the
12 member has a family emergency that inhibits the member from attending in person; or 5) because the
13 member is out of the county due to military service.

15 No Board meeting shall be conducted with electronic participation unless a quorum of members is
16 physically present at the location of the meeting. Only members who are 1) out of the county for work;
17 2) sick or in a period of convalescence; 3) experiencing inclement weather or natural disaster where
18 Hamilton County schools are closed; 4) experiencing a family emergency; or 5) out of the county due to
19 military service may attend and participate in the meeting electronically.

21 A Board member wishing to participate in a scheduled Board meeting electronically who is or will be
22 out of the county because of work shall give at least five (5) days notice prior to the scheduled Board
23 meeting of the member's intention to participate electronically.

25 No Board member shall participate electronically in Board meetings due to being out of the county for
26 work more than two (2) times per school year, provided, however, that this limitation shall not apply to
27 a Board member who is out of the county due to military service.

29 No Board member shall participate electronically in Board meetings due to being sick or in a period of
30 convalescence more than three (3) times per school year.

32 No Board member shall participate electronically in Board meetings due to inclement weather or natural
33 disaster more than three (3) times per school year.

35 No Board member shall participate electronically in Board meetings due to a family emergency more
36 than two (2) times per school year.

39 Legal References:

- 40 1. TCA 8-44-102 2. TCA 49-2-202(c)(1)
- 41 2. TCA 49-2-202(c)(1)
- 42 3. 28 CFR § 36.201(a); 36.202
- 43 4. T.C.A. 49-2-203(c) 40
- 44 5. TCA 49-6-804

Cross References:

- 40 School Board Legal Status and Authority 1.100 37
- 41 Section 504/ADA Grievance Procedures 1.802 38
- 42 Board-Director Relations 1.205 39

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Appeal Hearings before the Board	Descriptor Code: 1.401	Issued Date: 12/16/04
		Rescinded:	Revised: 12/10/20

The Board may hold public hearings in the following circumstances:

1. When a certified employee is suspended or dismissed during a contract period and wishes to appeal the decision of an impartial hearing officer. Any tenured or nontenured certified employee of the Board, after participating in a hearing in front of an impartial hearing officer is entitled to an appeal hearing in front of the Board upon submitting a written request for such a hearing to the director of schools within ten (10) working days of receipt of the hearing officer's decision in favor of the district;¹
2. When a student has been suspended and the resolution has not been satisfactory;²
3. When a parent or legal guardian shall contest the school assignment of their child;³
4. When a hearing is required by a statute, rule, regulation or contract; and/or
5. When the Board deems it to be in the public interest.

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

Legal References:

1. TCA 49-2-203(a)(6); TCA 49-2-301(b)(1)(GG)(iii);TCA 49-5-512(c)(1)
2. TCA 49-6-3401.
3. TCA 49-6-3201.

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Notification of Meetings	Descriptor Code: 1.402	Issued Date: 12/16/04
		Rescinds:	Issued: 10/20/22

1 Adequate notice of meetings¹ in the case of regular meetings shall consist of the approval of a schedule
2 of all regular meetings for the Board for a year and subsequent posting of this list on the district
3 website. The schedule shall also be sent to the president of the local education association²
4 and to the local news media for periodic announcement. No other no-tice of regular
5 meetings shall be necessary beyond those stated and the holding of the particular regular
6 meetings at the appointed times, if the date and time of the next regular meeting was announced
7 at the last held board meeting.

8
9 In the case of special board meetings, notice shall be posted in the same locations with notice sent to the
10 local news media and the president of the local education association, as in the case of regular meetings,
11 at least forty-eight (48) hours prior to the meeting.

12
13 The only exception permitted is in case of emergency, defined for this policy as “a sudden,
14 generally unexpected occurrence or set of circumstances demanding immediate action.” In such
15 exceptions, notice shall be given to all appropriate parties as is practical.

16
17 All notices of special board meetings shall state the time, place and purpose of the meeting.
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35 Legal References:

- 36 1. TCA 8-44-103
37 2. TCA 49-2-202(c)(1)
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Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Agendas	Descriptor Code: 1.403	Issued Date: 02/15/07
		Rescinded:	Revised: 10/19/23

1
2 The Director of Schools shall be responsible for drafting an agenda for each Board meeting and for
3 submitting the draft agenda to the Board's Executive Committee at least one week before the regularly
4 scheduled Board meeting. At least 72 hours prior to any Board meeting, a Board member may request
5 that the Board Chair include a particular item on the meeting agenda; it is within the Board Chair's
6 discretion to include the item on the agenda unless more than one Board member makes the request.
7

8 For a regular board meeting, the agenda (which shall include the consent agenda), together with
9 supporting materials, shall be distributed to board members at least five (5) days prior to the scheduled
10 date of the meeting. The agenda shall be available for public inspection and/or distribution when it is
11 distributed to the board members. At the beginning of each meeting, the Board shall, by a majority vote,
12 approve the agenda for the meeting, which may involve the addition to, or deletion of items previously
13 included on the agenda. The Board, however, shall not revise board policies or adopt new ones, unless
14 such action has been scheduled.
15

16 Staff members or citizens of the district may suggest items for the agenda. For items to be considered on
17 the agenda, they must be received in the Director of Schools' office 7 business days prior to the
18 scheduled date of the meeting. The person(s) requesting an item on the agenda shall forward any
19 background information to the Director of Schools' office so that the material will be included in the
20 delivery to the board members prior to the meeting.
21

22 **CONSENT AGENDA**

23
24 While developing the agenda, the chair and the Director of Schools shall identify routine or non-
25 controversial items to be placed on the consent agenda, which shall become a part of the regular agenda.
26 Such consent agenda items may include approval of overnight field trips, budget amendments, financial
27 information, minutes of regular or special Board meetings, updates of Board policies, personnel items,
28 bid recommendations, and grant submittals or applications. If any member objects to including an item
29 on the consent agenda, then that item shall be moved to the regular agenda as an action item requiring
30 discussion. Board members shall use their best efforts to advise the Board Chair at least 24 hours prior
31 to a meeting if there are any items that the member would like to remove from the consent agenda for
32 specific discussion and consideration by the Board. The remaining consent items shall be adopted in a
33 single vote without discussion.
34

35 **ANNUAL AGENDA**

36
37 At the beginning of each fiscal year, the Board shall adopt an annual planning calendar, stating month-
38 by-month actions required by law and those required to carry out the Board's annual goals and objectives
39 and the State Board of Education's performance standards.
40

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42 Legal References:

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Appearances Before the Board	Descriptor Code: 1.404	Issued Date: 10/20/22
		Rescinded:	Revised: 10/19/23

1
2 Any resident of Hamilton County may appear before the Board of Education to comment upon the
3 operation of the Hamilton County Schools. However, for the efficient operation of the schools, the Board
4 desires that complaints and concerns be resolved as quickly as possible and by the employee or
5 administrator having responsibility over the issue in question. Accordingly, the Board encourages
6 individuals with complaints or concerns to speak with the appropriate employee or administrator rather
7 than first addressing the Board.

8 9 **APPEARANCES BEFORE THE BOARD**

10
11 Any resident of Hamilton County desiring to address the Board regarding the operation of the Hamilton
12 County Schools on a topic that is not listed as an item on the agenda, must submit a written request
13 setting forth the topic upon which the individual wishes to address the Board as well as any supporting
14 documents or materials. He or she must submit this written request to the Director of Schools no later
15 than three (3) days prior to the Board's meeting.

16
17 If the Executive Committee of the Board approves the request, the individual will be listed on the Board's
18 printed work session agenda and recognized at the appropriate time. The Board Secretary will also
19 circulate to the Board members any documents or materials that the individual submitted in support of
20 his or her request to speak.

21
22 Additionally, any resident of Hamilton County desiring to address the Board on any item listed on the
23 agenda who has missed the three (3) day advance deadline may nevertheless be recognized to speak
24 provided that he or she signs up ahead of time or signs in at least thirty (30) minutes prior to the start of
25 any regularly scheduled Board meeting work session or special called meeting. Thirty (30) minutes prior
26 to the start of the meeting, the Board Secretary will collect the sign-in sheet and provide it to the Chair.
27 The Chair, at the appropriate time on the agenda, will recognize the first three (3) individuals who have
28 signed in to address the Board.

29
30 If a group of individuals wishes to address the Board about the same matter, the group must select one
31 (1) individual to speak on its behalf unless the group specifically requests permission for multiple
32 individuals to speak on the same topic.

33 34 **RULES GOVERNING ANY COMMENTS TO THE BOARD**

35
36 Individuals speaking to the Board shall address their remarks to the Chair. Each person speaking shall
37 state his or her name, his or her address, and the subject of his or her presentation. Remarks will be
38 limited to five (5) minutes unless time is expended by the Board.

39
40 Under no circumstances will the Chair allow a speaker to identify a student or to discuss confidential
41 matters protected by law or professional ethics.

1 The Chair shall have the authority to terminate the remarks of any individual who is disruptive or does
2 not adhere to the Board rules.

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Legal References:

1. TCA 39-17-306

Cross References:

- School Board Meetings 1.400
- Agendas 1.403
- Complaints about School Personnel 5.503

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Rules of Order	Descriptor Code: 1.405	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The rules contained in the current edition of *Robert's Rules Of Order, Newly Revised*, shall govern the
2 Board in all cases to which they are applicable, except as otherwise provided by any statutes¹ applicable
3 to the Board, or by policies of this Board including the following exceptions:
4

5 **VOTING METHOD**

6
7 When a formal vote is taken on any question brought before the Board, the decision shall be made on
8 the basis of a majority of the membership of the Board.² Votes on all motions and resolutions shall be
9 "ayes" and "nays".
10

11 Roll call votes will be used on items requiring an expenditure of funds, at the discretion of the chairman
12 or upon the request of any board member. Each member's vote shall be recorded in the minutes on a
13 roll call vote. Upon request, any member's individual vote may be recorded in the minutes. No secret
14 votes shall be used.³
15

16 **CHAIRMAN'S PARTICIPATION**

17
18 The person chairing a meeting may participate in discussion, make motions, and vote on all issues as
19 any other member without relinquishing the chair.⁴
20

21 **SUSPENSION OF RULES**

22
23 Rules of order may be suspended by a two-thirds vote at any regular or special meeting.
24

25 **CHALLENGES**

26
27 Procedural challenges to the rules of order must be made in a timely manner and not later than the next
28 successive meeting.
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34 Legal Reference:

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36 1. TCA 49-5-409(b)(1); TCA 49-6-3004(2)(f)
37 2. TCA 49-2-202
38 3. TCA 8-44-104(b)
39 4. *Reeder v. Trotter*, 142 Tennessee 37 (1919)
40
41

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Minutes	Descriptor Code: 1.406	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The director of schools shall keep, or cause to be kept, complete and accurate minutes of all meetings
2 of the Board.¹ The draft of the minutes of the previous meeting shall be sent to all board members
3 with the agenda for the subsequent meeting. The board chairman may waive this requirement for good
4 cause. Following their approval by the Board, the minutes shall be signed by the chairman and director
5 of schools.² The minutes shall become permanent records of the Board and shall be made available to
6 interested citizens and the news media upon request.^{3,4} A copy shall be provided to all board members,
7 the president of the local education association, and to each of the schools no more than thirty (30) days
8 after approval by the Board.⁵

9
10 The minutes shall include:

- 11
- 12 1. The nature of the meeting (regular or special), time, place, date, board members present or absent,
13 and the approval of the minutes of the preceding meeting;^{2,3}
- 14
- 15 2. A record of all motions, proposals, and resolutions passed or denied by the Board, together with
16 the names of the members making and seconding the motions, and a record of the members
17 voting “aye” and “nay” in the event of a roll call vote;^{2,3}
- 18
- 19 3. Reports, documents and objects relating to a formal motion may be omitted from the minutes, if
20 they are referred to and identified by title and date, unless required by statutes rule or regulation;⁶
- 21
- 22 4. Names of persons addressing the Board and the purpose of their remarks; and
- 23
- 24 5. A brief account of those items discussed, and whether or not any motions were made regarding
25 those items.
- 26

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35 Legal References:

- 36 1. TCA 49-2-301(b)(c)(D)
- 37 2. *Robert's Rules of Order*, Article VII, Paragraph 41
- 38 3. TCA 8-44-104
- 39 4. TCA 10-7-503
- 40 5. TCA 49-2-203(a)(12)
- 41 6. OP Tenn. Atty. Gen. 79-284 (June 11, 1979)

Hamilton County Board of Education

Monitoring: Review: Annually in July	Descriptor Term: School District Records	Descriptor Code: 1.407	Issued Date: 06/15/17
		Rescinded:	Revised: 09/16/21

1
2 The director of schools shall maintain all school district records required by law, regulation and board
3 policy. Any citizen of Tennessee shall be permitted during business hours to inspect public records
4 maintained by the school district unless otherwise prohibited by law. Any citizen of Tennessee may
5 request in writing and receive copies of open public records subject to the payment of reasonable
6 costs. ^{1,2,3,4}

7
8 No records pertaining to individual students will be released for inspection by the public or any
9 unauthorized persons. In addition, information records, and plans related to security and safety will
10 not be released for public inspection.¹¹

11
12 All requests to inspect or receive copies of records shall be submitted to the Assistant Superintendent
13 for Human Resources, the district's public records request coordinator and records custodian.¹²

14
15 Prior to producing any record, the records custodian shall ensure confidential information is redacted.
16 Original documents remain intact and confidential information in copies produced for a requestor
17 shall be redacted. The director of schools shall develop a procedure to redact confidential information.

18 **REQUESTS FOR INSPECTION²**

19
20 Requests for inspection must allow 48 hours for reproduction and redaction of records. Citizens
21 requesting to inspect public records shall submit their request and a government issued photo
22 identification card with the citizen's address to the district's public records request coordinator during
23 normal business hours. Requests may be made in person, in writing, or by electronic mail (email). The
24 coordinator shall submit the information to the appropriate records custodian. The records custodian
25 will contact the citizen and indicate when the records will be available to inspect.

26
27 If the records cannot be made available within seven (7) business days, the records custodian shall
28 provide a records production letter indicating the time needed to complete the request.

29
30 If the request to inspect is denied, the re orders custodian shall provide the citizen with a records
31 request denial letter indicating the basis for the denial.

32 **REQUESTS FOR COPIES²**

33
34 Citizens requesting copies of public records shall complete and submit the Records Request Form and
35 a government issued photo identification card with the citizen's address to the district's public records
36 request coordinator during normal business hours. The coordinator shall submit the Records Request
37 Form to the appropriate records custodian.

1 The records custodian shall provide an estimate of the reasonable costs to product the requested
2 records. The Tennessee Comptroller of the Treasury, Office of Open Records Counsel Schedule of
3 Reasonable Charges found at [https://comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-](https://comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-guidelines/ScheduleofReasonableCharges.pdf)
4 [and-guidelines/ScheduleofReasonableCharges.pdf](https://comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-guidelines/ScheduleofReasonableCharges.pdf)
5 shall be used to determine the reasonable cost. The records custodian will provide the citizen with an
6 invoice detailing the charges. The citizen shall pay the estimated reasonable costs by cash, money
7 order, or cashier's check prior to the district producing the copies. "Reasonable charges" shall include
8 per-copy costs and labor exceeding one hour.

9
10 If the records cannot be made available within seven (7) business days, the records custodian shall
11 provide a records production letter indicating the time needed to complete the request.

12
13 If the request for copies is denied, the records custodian shall provide the citizen with a records
14 request denial letter detailing the basis for the denial.

15 16 **FREQUENT AND MULTIPLE REQUESTS**

17
18 When the total number of requests for copies made by a requestor within a calendar month exceeds
19 four (4), the requestor may be charged a fee for any and all labor that is reasonably necessary to
20 produce copies of the requested records. Prior to charging a reasonable fee, the requestor shall be
21 notified of this policy and provided with a Notice of Aggregation of Multiple Requestors form. The
22 Tennessee Comptroller of the Treasury, Office of Open Records Counsel Schedule of Reasonable
23 Charges found at [https://comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-](https://comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-guidelines/ScheduleofReasonableCharges.pdf)
24 [guidelines/ScheduleofReasonableCharges.pdf](https://comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-guidelines/ScheduleofReasonableCharges.pdf)
25 shall be used to determine the reasonable cost. Further, the names of persons inspecting records and
26 the date of inspection shall be recorded.

27 28 **RECORDS RETENTION**

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

31
32 **1. The director of schools and/or his designee(s) will determine if a particular**
33 **record is of permanent or temporary value in accordance with regulations**
34 **promulgated by County**

35 Public Records Commission and the Tennessee Institute for Public Services records manual; ^{5,6}

36
37 2. Temporary value records which have been kept beyond the required time may be recommended
38 to the Public Records Commission for destruction; ^{7, 8}

39
40 3. The records that the State Librarian and Archivist desire to preserve in their facilities will be
41 transferred to the State Library and Archives. The temporary value records rejected by the State
42 Library and Archives may be transferred to another institution or destroyed; ^{7, 8, 9}

- 1 4. Permanent records will be kept in some usable form (digital, printed, microfilm, etc). If the director
2 of schools desires to destroy the original permanent record, these records must be reproduced by
3 microfilming or some other permanent reproduction method. Permission to destroy any original
4 permanent record after microfilming follows the same procedure noted above for temporary
5 records;^{6, 8}and
6
- 7 5. The director of schools shall establish procedures to safeguard against the unlawful destruction,
8 removal
9 or loss of records

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Legal References:

- 1 TCA 49-2-301(b)(1)(CC)
- 2 TCA 10-7-503
- 3 TCA 10-7-506(a)
- 4 TCA 49-2-104
- 5 TCA 10-7-401
- 6 TCA 10-7-406
- 7 TCA 10-7-404
- 8 TCA 10-7-413
- 9 TCA 10-7-414
- 10 TCA 39-16-504
- 11 TCA 10-7-504(p)

Cross References:

- Financial Reports and Records 2.701
- Personnel Records 5.114
- Student Records 6.600

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Board-Community Relations	Descriptor Code: 1.500	Issued Date: 12/16/04
		Rescinds:	Issued:

1 In order to promote school-community interaction relating to the policy and operation of the schools,
2 the Board will:

- 3
- 4 1. Strive to keep citizens of the school system regularly informed about all policies, problems and
5 planning through channels of communication, its own efforts, and the office of the director of
6 schools;
- 7
- 8 2. Direct all school employees, including teachers, administrators and support service personnel to
9 participate in good school-community interaction by:
 - 10 a. Transmitting pertinent and correct information to citizens upon request or upon initiative of
11 school employees;
 - 12 b. Seeking ways to improve school-community relations; and
- 13
- 14
- 15 3. Recognize the right of news media to inquire, research and report to the public information about
16 local schools.
- 17

18 The principal of each school shall be responsible for the development of a public relations program and
19 shall promote programs which involve parents and the community with the school.

20
21 The director of schools shall be responsible for leadership in school-community relations. Through the
22 use of his staff, he/she will promote a program to best coordinate the involvement of the schools and
23 community.

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Cross References:

Visitors to the Schools 1.501
Board Meeting News Coverage 1.502
Advertising & Distribution of Materials in Schools 1.806
Crisis Management 3.203
Community Use of School Facilities 3.206
Staff Community Relations 5.606

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Visitors to the Schools	Descriptor Code: 1.501	Issued Date: 12/16/04
		Rescinded:	Revised: 09/20/18

1 Except on occasions, such as school programs, athletic events, open house and similar public events;
2 all visitors will report directly to the school office when entering the school and will sign in via
3 the visitor management system whenever available. Authorization to visit elsewhere in the building
4 or on the school campus will be determined by the principal or designee. Guest passes shall be
5 issued for all persons other than students and employees of the school. ¹

6
7 In order to maintain the conditions and atmosphere suitable for learning, no other person shall enter
8 onto the grounds or into the school buildings during the hours of student instruction except students
9 assigned to that school, the staff of the school, parents of students, and other persons with lawful and
10 valid business on the school premises.

11
12 Persons who come onto school property shall be under the jurisdiction of the site
13 administrator/designee. Individuals who come onto school property or who contact employees on
14 school or district business are expected to behave accordingly. Specifically, actions that are prohibited
15 include, but are not limited to:

- 16
17 1. Cursing and use of obscenities;
- 18 2. Disrupting or threatening to disrupt school or office operations;
- 19 3. Acting in an unsafe manner that could threaten the health or safety of others;
- 20 4. Verbal or written statements or gestures indicating intent to harm an individual or property;
21 and
- 22 5. Physical attacks intended to harm an individual or substantially damage property.

23
24 The principal or his/her designee has the authority to exclude from the school premises any persons
25 disrupting the educational programs in the classroom or in the school, disturbing the teachers or
26 students on the premises, or on the premises for the purpose of committing an illegal act.²

27
28 The principal or other appropriate administrators shall engage law enforcement officials when he/she
29 believes the situation warrants such measures. Any administrator who engages law enforcement
30 officials for good cause and in the scope of his/her authority shall be provided a defense and
31 indemnification in
32 the event a complaint is made against the administrator for such action.

33 34 **PARENTS/LEGAL GUARDIANS WHO ARE SEXUAL OFFENDERS OR SEXUAL** 35 **PREDATORS**

36
37 In the event an identified parent or legal guardian of a student is listed on the database, he/she can still
38 be granted *limited* access to the building, while being escorted by school district personnel. The
39 building administrator will decide when and where the person can go and who will supervise his/her
40 visit.

1
2 Parents/guardians listed on the sexual offender registry may only be present on school property when
3 children are present in accordance with Tennessee law and with the express permission of the School
4 District. **By state law, parents/guardians on the registry are required to notify school officials of**
5 **their status in writing upon enrollment of their child.** After notification, the school administrator
6 may allow this person on campus for official business.

- 7 • Tennessee Code §40-39-211[2(B)] allows for a parent or guardian to attend a conference
8 for the student at the school upon written permission or a request from the school's
9 principal.
- 10 • Allows parents or guardians to pick up or drop off a child at the school.
- 11 • Failure to follow these procedures may result in parents or guardians being banned from
12 district buildings.
- 13 • The parent or guardians will not be permitted to mingle with students or walk through the
14 school unescorted.
- 15 • Parents or guardians who require a teacher conference shall be encouraged to do so when
16 other children are not in class and separated from the student population.
- 17 • If the individual indicates that there is a mistake, please encourage them to contact the state
18 listing their name to rectify the matter. Staff members may choose to give the parent a
19 printout of the alert, if desired.

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22 Legal References and Cross References:

- 23
 - 24 1. TCA 40-303(b)(4)
 - 25 2. TCA 49-6-2008; TCA 39-14-406
 - 26 3. TCA 40-39-211[2(b)]
 - 27 4. Section 504/ADA Grievance Procedures – Board Policy 1.802
 - 28 5. Vendor Relations – Board Policy 2.809
 - 29 6. Security – Board Policy 3.205
 - 30 7. Care of School Property – Board Policy 6.311
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Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Board Meeting News Coverage	Descriptor Code: 1.502	Issued Date: 12/16/04
		Rescinded:	Revised: 10/18/18

1 A copy of the agenda and agenda materials will be sent in advance to members of the news media who
2 request it. Additionally, all reports approved by the Board shall be made available to the news media.

3
4 The news media will be provided with working copies of the agenda and agenda materials upon
5 request.

6
7 The chairman of the board and/or the director of schools will be available after each meeting to answer
8 questions and to clarify points of discussion and action.

9
10 Copies of all materials requested may be provided electronically, at the discretion of the board
11 secretary.

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Legal Reference and Cross References:

- 39
40 1. Board-Community Relations – Board Policy 1.500
41 2. News Releases, Conferences and Interviews – Board Policy 1.503

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: News Releases, News Conferences and Interviews	Descriptor Code: 1.503	Issued Date: 12/16/04
		Rescinded:	Revised: 10/20/22

1 The release of official news from the system and schools shall be coordinated as follows:

- 2
- 3 1. The board chairman will be the official spokesman for the Board, except as this duty is
- 4 delegated to others;
- 5
- 6 2. News releases which are of a system wide nature or pertain to established system policy are the
- 7 responsibility of the director of schools or a designated member of the administrative staff; and
- 8
- 9 3. News releases which are of concern to only one school or to an organization of one school are
- 10 also the responsibility of the director of schools or a designated member of the administrative
- 11 staff, working in collaboration with the principal of that particular school as appropriate.
- 12

13 When individual board members or the director of schools express their views on any issue which is in

14 opposition to a view expressed in board policy, they have the duty to make clear that the view

15 expressed is not the official view of the Board or school system.

16

17 Every effort will be made by the district and its schools to announce school activities early enough to

18 meet publication or broadcast deadlines of the news media.

19

20 News of open houses, exhibits, displays, productions, sport events and activities should be publicized

21 by the individual schools.

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23 News of the Parent-Teacher Association, Clubs, etc., activities should be handled by the individual

24 organizations.

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35 **Cross References:**

- 36
- 37 1. Board-Community Relations – Board Policy 1.500
- 38 2. Board Meeting News Coverage – Board Policy 1.502
- 39 3. Crisis Management – Board Policy 3.203

Hamilton County Board of Education			
Monitoring: Review: Annually, In September	Descriptor Term: Policy Development and Adoption	Descriptor Code: 1.600	Issued Date: 12/19/09
		Rescinded:	Revised: 10/18/18

1 Either the Administration or a Board member may propose an amendment to or the adoption of Board
2 policy. Any such proposal shall be put in writing and submitted to the Board for reading and
3 consideration at two consecutive meetings. At the first reading, the Administration or the Board
4 member proposing the change to policy shall address the Board and introduce the proposal. Board
5 members may ask questions, and any interested party shall be given an opportunity to be heard. The
6 Board shall not, however, vote on the proposal after the first reading. At the next regular business
7 meeting, the Board shall consider the proposal and hear any interested party who wishes to be heard.
8 After this second reading, having heard all interested parties, the Board will take action on the
9 proposal.

10
11 Adoption shall require an affirmative vote by a majority of the members of the Board and each vote
12 will either become effective immediately or contain a future date for reporting the effectiveness of the
13 policy.

14
15 Policies and amendments adopted by the Board shall be made a part of the minutes and shall be placed
16 in the policy manual. Policies and amendments shall be effective immediately upon adoption unless a
17 specific effective date is provided, and shall supersede any previous Board action on the subject.

18
19 **POLICY MAINTENANCE**

20
21 The director of schools or his designee, in conjunction with the Board secretary, shall be responsible
22 for drafting policy proposals, maintaining the Board Policy Manual and serving as liaison between the
23 Board and the Tennessee School Boards Association. At least annually, in consultation with legal
24 counsel, the Board shall review its policy manual for the purpose of passing, revising or deleting
25 policies mandated by changing conditions.¹ In order that the policy manual remain current, the Board
26 may contract annually for TSBA's policy maintenance service.

27
28 Policies shall be accessible to all employees of the school system, members of the Board, and citizens
29 of the community.¹ All policy manuals shall remain the property of the Board and are subject to recall
30 any time deemed necessary by the director of schools.

31
32 **SUSPENSION OF POLICIES**

33
34 Any board policy or part thereof may be suspended, either by a unanimous vote of board members
35 present or by a two-thirds vote of the total membership of the Board. The Board shall communicate a
36 specific duration of the suspension or the specific circumstances under which the suspension of the
37 policy is applicable. If the suspension is to be permanent, the Board shall formally rescind the policy.

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39 **ADMINISTRATION IN POLICY ABSENCE**

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

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Legal References and Cross References:

1. TCA 49-2-207
2. Role of the Board– Board Policy 1.101
3. Agendas – Board Policy 1.403

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Administrative Procedures	Descriptor Code: 1.601	Issued Date: 12/16/04
		Rescinds:	Issued: 10/20/22

1 The director of schools is responsible for implementing board policies and for interpreting them to staff,
2 students and the public.¹

3
4 The director of schools or his or her designee in consultation with principals, staff members, and
5 other persons and groups as appropriate to the topic, will develop administrative procedures as
6 necessary to implement board policies or for the items deemed necessary for the efficient operation of
7 the schools.²

8
9 Within the policies and regulations of the Board and the Director of Schools the principals are
10 authorized to establish rules and procedures for the staff and students of their schools.

11 **DISSEMINATION**

12
13
14 The director of schools is directed to establish and maintain an orderly plan for preserving and making
15 accessible to all employees the administrative procedures.

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Legal References:

- 36 1. TCA 49-2-301(b)(1)(A)
37 2. TCA 49-2-203(a)(2)
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Cross Reference:
Qualifications/Duties of the Director of Schools 5.802

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School District Goals	Descriptor Code: 1.700	Issued Date: 12/16/04
		Rescinds:	Issued: 10/20/22

1 The Board is charged, on behalf of the public, with the responsibility for determining the educational
2 goals of the school system. In discharging that responsibility, the Board has adopted the following goals
3 in four primary areas: Instruction, personnel, students and operations.
4

5 The Board shall develop policies to implement the goals within each area subject to the approved annual
6 budget and shall annually review these goals and revise them as necessary so that each program will at
7 all times support the stated goals.
8

9 **INSTRUCTION**

- 10
- 11 1. To promote a plan for the organized improvement of school curriculum, including the articulation
12 between elementary and secondary schools;
- 13
- 14 2. To provide offerings which explore a wide range of career and service opportunities;
- 15
- 16 3. To promote an integration of academic, physical, social and emotional growth experiences for
17 each student; and
- 18
- 19 4. To promote the recognition of achievement in all endeavors (example, academic, athletic).
20

21 **STUDENTS**

- 22
- 23 1. To structure the overall instructional program to provide sufficient alternatives to meet a variety
24 of individual needs and aspirations;
- 25
- 26 2. To ensure that each student's interests, capacities and objectives are considered in his/her learning
27 program;
- 28
- 29 3. To develop a comprehensive program for students with disabilities providing the least
30 restrictive pro-grams; and
- 31
- 32 4. To help students gain understanding of themselves, as well as skills and techniques in living and
33 working with others and being responsible citizens.
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PERSONNEL

- 1. To provide high quality performance by the staff, including both certified and classified personnel;
- 2. To establish acceptable performance standards for all personnel;
- 3. To provide in-service training and professional growth experiences for teachers and administrators; and
- 4. To maintain an evaluation system for the improvement of the instructional system.

OPERATIONS

- 1. To make every effort to secure adequate funding for the educational program in support of the stated goals;
- 2. To maintain an adequate system of fiscal and business management;
- 3. To develop plans for the efficient use of school facilities; and
- 4. To ensure appropriate communication between the director of schools and the Board.

Cross References:
Fiscal Management Goals 2.100
Business Management Goals 3.100
Instructional Goals 4.100
Personnel Goals 5.100
Student Goals 6.100

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School District Planning	Descriptor Code: 1.701	Issued Date: 12/16/04
		Rescinds:	Revised: 10/20/22

1 The Board shall develop comprehensive, long-range plans based on the following:
2

- 3 1. Identifying and analyzing the major factors that affect what and how students learn;
4
- 5 2. Developing and implementing a written multi-year plan to include a mission statement,
6 goals, objectives and strategies;⁺
7
- 8 3. Establishing annual program improvement objectives, including major activities, expected out-
9 comes, timelines, responsible persons and required resources; and
10
- 11 4. Basing major budget decisions on long-range plans.
12

13 The Board shall plan by means of an annual retreat with the director of schools and the staff. The purpose
14 of the retreat shall be to review progress on the implementation of priorities, initiatives, and long-range
15 plans, to determine which goals have been achieved, whether any new efforts are needed, and to review
16 major issues that may affect the future. The Board shall also consider annual objectives and strategies
17 proposed by the director of schools. An annual status report on these plans shall be submitted to the
18 Commissioner of Education by September 1 of each year in the required format.⁺
19

20 The director of schools shall develop necessary procedures, forms or other measures to implement the
21 goals of this policy.
22

23 A planning coordinator may be designated by the director of schools to help coordinate system-wide
24 planning efforts, establish and coordinate an issues management process, aid district staff in developing
25 specific plans, and monitor implementation schedules.
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32 _____
33 Legal Reference:

32 _____
33 Cross References:

34 Role of the Board 1.101
35 Qualifications/Duties of the Director of Schools 5.802
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Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School Based Decision-Making	Descriptor Code: 1.705	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The Board may establish school based decision-making and increase accountability at each school
2 site. The Board will provide for appropriate training of personnel. The director of schools will require
3 periodic reports on school based improvements which are achieved and will establish regulations to
4 implement this policy.¹

5
6 **Review of Services**

7
8 The Board will not consider a complaint regarding Curriculum and Instruction unless it has been properly
9 processed through the review of services procedure within the school based decision-making process.

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Legal Reference:

35 1. TCA 49-2-210
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Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School Calendar	Descriptor Code: 1.800	Issued Date: 12/16/04
		Rescinded:	Revised: 09/20/18

1 No later than the last day of school in the preceding *calendar* year, the Board will adopt, upon
2 the recommendation of a committee of administrators, teachers, and the director of schools, an
3 official school calendar for the school year that starts in August of the succeeding calendar year.
4 The calendar will identify holidays, vacation days, summer sessions and other extensions of the school
5 year. The calendar may be revised by the Board, upon recommendation of the director of schools, due
6 to inclement weather or other factors.

7
8 The regular school year shall be 201 days¹ and scheduled as follows:

9
10 A minimum of 180 student attendance days;

11 A minimum of six (6) days in-service education for all certificated personnel;

12 Ten (10) days paid vacation for all certified personnel; and Five (5) paid holidays.

13 Extended contracts shall include twenty (20) days for each additional month employed.

14
15 The director of schools shall plan each year's program accounting for a 201-day year and shall
16 recommend it to the Board for approval. The calendar shall be distributed to the school staff at the
17 opening of the school term.

18 19 **STUDENT ATTENDANCE DAYS**

20
21 When schools are closed due to emergencies or unforeseen circumstances such as epidemics or
22 inclement weather, the time lost in excess of state-approved stockpile days shall be made up to the
23 required minimum unless otherwise approved by the State Department of Education.

24 25 **IN-SERVICE EDUCATION**

26
27 Each day of in-service education included in the school calendar shall be equivalent to not less than six
28 (6) hours of planned activities.²

29 30 31 **Legal References and Cross References:**

- 32
33 1. TCA 49-6-3004
 - 34 2. State Board of Education Guidelines for Planning Approvable In-Service Education Activities
 - 35 3. Compensation Guides and Contracts – Board Policy 5.110
 - 36 4. In-Service & Staff Development Opportunities – Board Policy 5.113
 - 37 5. Attendance – Board Policy 6.200
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Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School Day	Descriptor Code: 1.801	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The minimum length of the school day shall be seven (7) hours total for all grades.¹

2
3 All teachers shall be on duty at least seven (7) hours and such additional time as the administrative
4 organization requires.²

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Legal References:

1. TRR/MS 0520-1-3-.02(1)(a)
2. TRR/MS 0520-1-3-.03(1)

Cross References:

- Time Schedules and Extra Duty 5.602
Staff Meetings 5.603

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Emergency Closings	Descriptor Code: 1.8011	Issued Date: 12/16/04
		Rescinded:	Revised: 10/20/22

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The Board authorizes the director of schools to dismiss early, delay start, or close schools in the event of hazardous weather or any other emergency which presents a threat to the safety of students, staff members or school property .¹

As soon as the decision to close or delay schools is made, the Director of Schools or his or her designee will notify the community through social media, school messenger, the media, and other outlets.

If school is not in session or is dismissed early due to snow or inclement weather, all scheduled activities in which students are involved may be postponed or canceled. The director of schools or his or her designee will review scheduled activities on a case-by-case basis in emergency situations to determine if any activity may be approved as scheduled.

Legal References:
1. TCA 49-6-3004(e)(1); TRR/MS 0520-1-3-.02(1)(b)

Cross References:



Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Section 504 and ADA Grievance Procedures	Descriptor Code: 1.802	Issued Date: 02/12/13
		Rescinded:	Revised: 10/18/18

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

3 **DEFINITION**

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5
6 *Section 504 of the Rehabilitation Act of 1973* provides that: No otherwise qualified individual with
7 handicaps in the United States...solely by reason of his/her handicap, be excluded from the
8 participation in, be denied the benefits of, or be subjected to discrimination under any program or
9 activity receiving federal financial assistance.¹

10
11 *Title II of the Americans with Disabilities Act, 1990* provides that: No otherwise qualified individual
12 with a disability shall be discriminated against in regard to job application procedures, the hiring,
13 advancement, or discharge of employees, employee compensation, job training and other terms,
14 conditions and privileges of employment.²

15 **COORDINATOR**³

16
17
18 The Board shall designate at least one employee to coordinate its efforts to comply with and carry out
19 its responsibilities under the Americans with Disabilities Act (ADA) and Section 504, including any
20 investigation of any complaint alleging non-compliance with the Acts or alleging any actions that
21 would be prohibited by the Acts.

22 **NOTICE**⁴

23
24
25 The Board shall make available the name, office address and telephone number of the ADA/Section
26 504 coordinator.

27
28 Methods of initial and continuing notification may include the posting of notices, publication in
29 newspapers and student and employee handbooks and distribution of memoranda or other written
30 communications.

31 **COMPLAINT PROCEDURE**⁵

32
33
34 There are two-complaint procedures:

35 **Informal Complaint Procedure**

36
37 Anyone may use the following informal complaint procedure to report and resolve complaints of
38 disability discrimination. Use of the informal complaint procedure is not required prior to filing a
39 grievance. A parent/guardian is encouraged to first meet and discuss the complaint with the local
40 school 504 Coordinator, teacher or building administrator involved, with the objective of resolving the

1 matter promptly and informally. It the complaint is not resolved through this meeting, or if the
2 complainant wishes to bypass the informal complaint process, the parent/guardian may file a written
3 formal complaint.
4

5 **Formal Complaint Procedure**

6 The coordinator will hear ADA/Section 504 complaints. Complaints shall be submitted in writing to
7 the coordinator who will endeavor to accomplish prompt and equitable resolution of complaints
8 alleging any action that would be prohibited by the ADA/Section 504. The coordinator will respond to
9 all complaints within twenty (20) days with a written response as well as information on further
10 grievance procedures that may be followed if the complaining party is not satisfied with the
11 coordinator's proposed resolution.
12

13 **DUE PROCESS HEARING PROCEDURES**

14
15 Section 504 of the Rehabilitation Act of 1973 provides the right to an impartial due process hearing if a
16 parent wishes to contest any action of the school system with regard to a child's identification,
17 evaluation, and placement under Section 504.⁶ If a parent/guardian requests a Section 504 hearing, the
18 parent/ guardian has the right to personally participate and to be represented at the hearing by an
19 attorney or advocate at the parent's expense. Contested actions or omissions that are appropriate for a
20 Section 504 hearing should involve identification, evaluation, or placement issues involving a child
21 who has or is believed to have a disability.
22

23 *Written Request for Hearing*

24
25 A parent/guardian who wishes to challenge an action or omission with regard to the identification,
26 evaluation, or placement of a student who has or is believed to have a disability as defined by Section
27 504, shall make a written request for a due process hearing to the Section 504 coordinator. The written
28 request must be made on a form provided through the Central Office.
29

30 *Impartial Hearing Officer*

31
32 The director of schools or his/her designee shall appoint an impartial hearing officer to preside over the
33 hearing and issue a decision. Such appointment will be made within fifteen (15) days of the date of
34 receipt of a request for a due process hearing. The hearing officer will be hired as an independent
35 contractor at no expense to the parent. The hearing officer that is appointed shall not be a current
36 employee of the school system and shall not be related to any member of the Board of Education. The
37 hearing officer need not be an attorney but shall be familiar with the requirements of Section 504 and
38 the hearing procedures under Section 504. The choice of an impartial hearing officer is final and may
39 not be presented as an issue at the due process hearing since such an issue would not relate to the
40 identification, evaluation, or placement of a disabled child under Section 504. If a parent/guardian
41 disputes the impartiality of the appointed hearing officer, he/she may raise such issue in a review of the
42 hearing officer's opinion by a court of competent jurisdiction or in a complaint to the Office for Civil
43 Rights.
44

45 Office for Civil Rights
46 U.S. Department of Education
47 61 Forsyth St. S.W., Suite 19T10
48 Atlanta, GA 30303-8927

1 Telephone: 404-974-9406; TDD: 877-521-2172

2 Email: OCR.Atlanta@ed.gov

3
4 *Schedule of Hearing*

5
6 The appointed hearing officer shall set a date for the hearing within fifteen (15) days of his/her
7 appointment and provide this information in writing to the parent/guardian and the Section 504
8 coordinator. The hearing shall take place at a mutually agreeable time and place.
9

10
11 *Continuances*

12
13 Upon a showing of good cause, the hearing officer, at his/her discretion may grant a continuance of the
14 hearing date and set a new hearing date.
15

16 *Legal Representation at Hearing*

17
18 If a parent/guardian is represented by a licensed attorney at the due process hearing, he/she must
19 inform the Section 504 coordinator and the appointed hearing officer of that fact, in writing, at least
20 seven (7) calendar days prior to the hearing date, or the hearing can be continued upon the
21 coordinator's request. The school system shall not have legal representation at the hearing unless the
22 parent provides notice that he/she will have legal representation.
23

24 *Pre-Hearing Conference*

25
26 The hearing officer may order a Pre-Hearing Conference during which the parent/guardian or his/her
27 representative will state and clarify the issues to be addressed at the hearing. The Pre-Hearing
28 Conference will also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the
29 parties' questions regarding the hearing process. The Pre-Hearing Conference can be held via
30 telephone or in person depending on the hearing officer's decision based on the convenience to both
31 parties.
32

33 *Dismissals*

34
35 If, after the Pre-Hearing Conference, the hearing officer finds that the parent, as a matter of law,
36 alleges and/or raises no factual claims or legal issues that come within his/her jurisdiction as a Section
37 504 hearing officer, he/she may dismiss the hearing and issue an order to that effect explaining the
38 basis for such finding.
39

40 *Hearing*

41
42 The hearing shall be conducted in an informal, non-adversarial manner. The hearing shall be closed to
43 the public unless the parent/guardian requests an open hearing. The hearing officer may reasonably
44 limit testimony and introduction of exhibits for reasons or relevance.
45

46 *Recording*

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

7 8 *Witnesses*

9
10 Witnesses will present their information in narrative form, without the traditional question and answer
11 format of legal proceedings. Cross-examination of witnesses will not be allowed, but a party may
12 request that the hearing officer, at his/her discretion, ask a witness a certain question.

13 *Format of Presentation*

14
15 Each side will have an equal amount of time to present their positions as determined by the hearing
16 officer. The parent/guardian will present his/her case first by making an opening statement outlining
17 the issues, calling witnesses, and making a closing argument. The school system will present its side
18 next. At the end of the school system's presentation, the parent/guardian may offer a short response.
19 Each side may present personally or through their representatives.

20 21 *Submission of Exhibits*

22
23 As part of their presentations and at the discretion of the hearing officer, the parties may submit any
24 reports, evaluations, correspondence, notes, or any other documents that may support their positions.
25 Exhibits submitted to the hearing officer by either party must be marked. The hearing officer may, in
26 the exercise of his/her discretion, reasonably limit the number of documents to be submitted for his/
27 her review, as well as the number of witnesses and the length and/or scope of their presentations or
28 statements.

29 30 *Closing Arguments*

31
32 The hearing officer may allow or request written closing arguments summarizing and characterizing
33 the information presented at the hearing.

34 35 *Decision*

36
37 The hearing officer may make an oral ruling at the conclusion of the hearing or take the case under
38 advisement and issue a written opinion. Such decision shall address all of the issues raised by the
39 parent/guardian as well as any corrective actions, if any, the school system must take. Any issue or
40 claim raised by the parent/guardian that is left unaddressed by the hearing officer in his/her decision
41 will be deemed to have been denied. The decision must be issued within forty-five (45) days after the
42 date the Request for a Due Process Hearing is received by the district. The hearing officer may not
43 award attorneys' fees as a part of the relief granted to a parent/guardian or the district.

44 45 *Review Procedure/Appeal*

46
47 If the parent/guardian is not satisfied by the decision of the hearing officer, he/she may seek review of
48 the decision in a court of competent jurisdiction.

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Legal References:

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

Hamilton County Board of Education			
Monitoring: Review: Annually, in September	Descriptor Term: Smoke-Free and Tobacco-Free Schools	Descriptor Code: 1.803	Issued Date: 09/20/18
		Rescinded:	Revised: 10/10/22

1
2 The Hamilton County Board of Education prohibits students, staff and visitors from using,
3 promoting or selling any tobacco product on all Hamilton County Board of Education
4 owned property, at any school or district-sponsored event, whether on or off-campus, and in
5 any publicly owned or leased district vehicle.¹
6
7 The use of any tobacco product shall also be prohibited at all other times, places and events at,
8 on, about or conducted at, on or about school grounds in any public seating areas including, but
9 not limited to, bleachers used for sporting events, the areas immediately adjoining the
10 bleachers/athletic fields/gymnasiums or auditoriums, and public restrooms.²
11
12 Tobacco products include but are not limited to cigarettes, cigars, pipe tobacco, chewing
13 tobacco, snuff, snus, smokeless tobacco, electronic smoking devices and/or associated
14 paraphernalia. Students are prohibited from possessing or displaying tobacco products at any
15 time and at any location on district property or at any off-campus, school- or district-sponsored
16 event and in district vehicles.
17
18 All employees of Hamilton County Board of Education and students enrolled in the district's schools
19 will not be permitted to use tobacco or tobacco products, including smokeless tobacco, electronic
20 cigarettes and associated paraphernalia while they are participants in any class or activities in which
21 they represent such schools or the Hamilton County Board of Education.
22
23 No one on behalf of the district may solicit or accept any contributions, gifts or money from
24 the tobacco industry to include, but not be limited to, donations, monies for
25 sponsorships/scholarships, advertising, promotions, loans or support for equipment, uniforms
26 and sports and/or training facilities. No one on behalf of the district may solicit or accept
27 curricula or other educational materials of any kind that are created by or with input from the
28 tobacco industry.
29
30 Age-appropriate, evidence-based, cross-curricular school-based tobacco product education shall
31 be included in the education provided to all students in K-12 in the district at least once per year.
32
33 Parents and students shall be notified of this policy at the beginning of each school year.
34
35
36 Signs will be posted throughout the district's facilities to notify students, employees and all other
37 persons visiting the school that the use of tobacco and tobacco products is forbidden on the entire
38 campus.¹
39
40 The district shall address violations of this policy by students with a graduated set of evidence-based,
41 supportive disciplinary practices that promote recovery and reduction of tobacco product addiction
42 and dependence. Policy violations by students will be tracked each school year.
44

45 _____
46 Legal References:

47

48 1. Section 1042 of the Environmental Tobacco Smoke/Pro-Children Act of 1994

49 2. TCA 39-17-1604(6)(10); TCA 39-17-1605; TCA 39-17-1606

50

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Drug-free Workplace	Descriptor Code: 1.804	Issued Date: 12/16/04
		Rescinded:	Revised: 10/19/23

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No employee shall unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace¹ any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in federal law. “Workplace” shall include any school building or any school premise; any school-owned or any other school-approved vehicle used to transport students to and from school or school activities; an off-school property during any school-sponsored or school-approved activity, event, or function.

As a condition of employment, each employee who is arrested, is indicted, has charge filed, is convicted, pleads guilty, or pleads no contest as a result of a criminal drug offense shall provide notice of such no later than 48 hours after the infraction. If the employee is engaged in the performance of a federal program, the Chief Talent Officer shall, within ten (10) days of the above notice, notify the funding agency of such conviction, arrest, indictment, or filed charges. Appropriate disciplinary action shall be taken within thirty (30) days of the initial notice.

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

The Director of Schools or his/her designee shall be responsible for providing a copy of this policy to all school system employees.

Legal References:

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

Cross References:

- 1. Drug and Alcohol Testing, Employees-Board Policy 5.403
- 2. Drug and Alcohol Use, Students- Board Policy 6.307

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Use of Electronic Mail (e-mail)	Descriptor Code: 1.805	Issued Date: 12/16/04
		Rescinded:	Revised: 10/20/22

1
2 Electronic mail capability among board members and district staff exists for the purpose of enhancing
3 communication to better perform tasks associated with their positions and assignments. Therefore all
4 staff and board members who have access to the district network shall adhere to the following
5 guidelines when sending or receiving messages via system wide-electronic mail (e-mail):
6

- 7 1. Because all computer hardware and software belong to the Board, all data including e-mail
8 communications stored or transmitted on school system computers shall be monitored.
9 Employees/board members have no right to privacy with regard to such data.
10 Confidentiality of e-mail communication cannot be assured. E-mail correspondence may be
11 a public record under the public records law and may be subject to public inspection.¹
12
- 13 2. E-mail shall not be used to circumvent requirements of the Open Meetings Act.²
14
- 15 3. The content of email messages shall pertain only to legitimate board/district business.
16
- 17 4. District e-mail shall never be used to send or receive personal information or any other
18 information unrelated to board/district business.
19
- 20 5. Staff/board members will be asked to sign an application for terms and conditions for *Use*
21 *of the Internet*. Staff/board members shall not reveal their passwords to others in the net-
22 work or to anyone outside of it. If anyone has reason to believe that a password has been
23 lost or stolen or that e-mail has been accessed by someone without authorization, he or she
24 shall submit a help desk ticket immediately.
25
- 26 6. It is the responsibility of the sender not to violate copyright laws.
27
- 28 7. Messages shall not be sent that contain material that may be defined by a reasonable
29 person as obscene or that are racist, sexist or promote illegal or unethical activity.
30

31 Any usage contrary to the above shall be reported immediately to the Director of Information Technology
32 and may result in the suspension and/or revocation of system access or if deemed necessary, appropriate
33 disciplinary action may be taken.
34

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38 _____
39 Legal References:
40 1. TCA 10-7-512
2. TCA 8-44-102

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Advertising and Distribution of Materials in the Schools	Descriptor Code: 1.806	Issued Date: 12/16/04
		Rescinds:	Issued: 10/20/22

1 No part of the school system, including the facilities, the name, the staff, and the students, shall be used
2 for advertising or promoting the interests of any commercial, political or other non-school agency or
3 organization except that:

- 4
- 5 1. The school, with the approval of the director of schools or his or her designee, may cooperate in
6 furthering the work of any nonprofit, community-wide social service agency, provided that such
7 cooperation does not restrict or impair the educational programs of the schools;
8
- 9 2. The school, with the approval of the director of schools or his or her designee, may participate
10 in radio or television programs under acceptable commercial spon-sorship when such programs
11 are educationally beneficial;
12
- 13 3. Community, educational, charitable, recreational and other similar civic groups, with the approval of
14 the principal, director of schools or his or her designee, may advertise events pertinent to students'
15 interests or involvement. Such advertisement, including the distribution of materials, shall be
16 subject to any procedures related to time, place and manner established by the principal;
17
- 18 4. The principal shall screen all materials prior to distribution to ensure their appropriateness. The
19 principal, with the approval of the director of schools or his or her designee, may prohibit
20 materials that:
 - 21
 - 22 a. would likely to cause substantial disruption of the operation of the school;
 - 23 b. violate the rights of others;
 - 24 c. are obscene, lewd or sexually explicit; or
 - 25 d. students would reasonably believe to be sponsored or endorsed by the school.
- 26
- 27 5. The school may, upon approval of the director of schools or his or her designee, cooperate with any
28 governmental agency in promoting activities which advance the education or other best interests
29 of the students;
30
- 31 6. Political literature shall not be distributed through the school to students, nor sent home to par-
32 ents, nor placed in teachers' mail boxes, lounges, or on school premises;
33
- 34 7. Political signs for people who are running for public office shall not be allowed on school prop-
35 erty except those being held by poll workers on election day;
36
- 37 8. School publications may accept and publish paid advertising under procedures established by the
38 director of schools;
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- 9. The principal shall at his/her discretion make one place available for the distribution of such material or may refuse to distribute material. Any exception to this policy shall require Board approval; and
- 10. Principals are not to use school time to distribute materials to students which are not related to the school system and/or the instructional program.
If a principal receives a request to distribute non-school related material, the principal will determine, with the approval of the director of schools or his or her designee, if appropriate to distribute to students. If so, the principal will place the material in a common area of the building and make the students aware that such material may be picked up by the students, if interested.
- 11. The school directory of employed personnel will be distributed to school and district administrators, and education-related agencies which have been authorized by the Director of Schools. The distribution of personnel directories in which names and addresses of employees are listed is restricted. Distribution of the directories for political, solicitation, sales or commercial purposes is prohibited.

Cross References:

- Board-Community Relations 1.500
- Vendor Relations 2.809
- Staff-Community Relations 5.606
- Student Publications 6.704

Hamilton County Board of Education

2 - FISCAL MANAGEMENT

Descriptor Code	Policy Title	Revised Date
2.100	Fiscal Management	04/18/24
2.101	Duties of School System Employees	04/18/24
Budget		
2.200	Annual Operating Budget	04/18/24
2.201	Line Item Transfer Authority	04/18/24
2.300	State and Federal Aid Eligibility Determination	02/16/23
Revenue		
2.400	Revenues	04/18/24
2.4001	Placement of Wireless Transmission Facilities	04/18/24
2.401	Gifts and Bequests	04/18/24
2.402	Investment Earnings	04/18/24
2.403	Personal Property Sales	04/18/24
2.500	Deposit of Funds	04/18/24
2.600	Bonded Employees	04/18/24
Accounting		
2.700	Accounting System	04/18/24
2.701	Financial Reports and Records	04/18/24
2.702	Inventories	04/18/24
2.703	Audits	04/18/24
Expenditures and Purchasing		
2.800	Expenditure of Funds	04/18/24
2.801	Petty Cash Accounts	02/16/23
2.803	Salary Deductions	04/18/24
2.804	Expenses and Reimbursements	04/18/24
2.805	Purchasing	04/18/24
2.806	Bids and Quotations	04/18/24
2.808	Purchase Orders and Contracts	02/16/23

2.900	Student Activity Funds Management	04/18/24
2.910	School Support Organization	03/14/19

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Fiscal Management	Descriptor Code: 2.100	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

1
2 Mission Statement: The Board shall practice sound fiscal management, provide for accountability, and
3 optimize school system resources that will result in high student achievement.

4
5 The Board shall practice sound fiscal management procedures which guarantee maximum use of all
6 resources provided. The Board assumes responsibility, within its financial capabilities, for providing at
7 public expense all items of equipment, supplies, and services that may be required in the interest of
8 education in the schools under its jurisdiction.

9
10 In fiscal management, the Board seeks to achieve the following goals:

- 11 1. To engage in advance planning, with broad-based staff and community involvement;
 - 12 2. To explore all practical sources of revenue and establish levels of funding which will provide
13 resources to provide a high-quality education for all students in accordance with goals
14 established through strategic planning;
 - 15 3. To use the best possible procedures for strategic budget development and management;
 - 16 4. To provide timely and appropriate information to all staff with fiscal management
17 responsibilities; and
 - 18 5. To establish efficient and effective procedures for accounting, reporting, purchasing,
19 payroll processing, and all other areas of fiscal management.
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Legal References:

- 35 1. TCA 49-3-314(c)(1);
- 36 2. Internal Schools Funds Manual

Cross Reference:

Hamilton County Board of Education			
Monitoring: Review: Annually in March	Descriptor Term: Duties of School System Employees	Descriptor Code: 2.101	Issued Date: 08/19/10
		Rescinded:	Revised: 04/18/23

1
2 Every school-based employee holds a position that may necessitate the handling of school funds.
3 Accordingly, each school-based employee must become familiar with the Tennessee Internal
4 School Funds Manual, paying particular attention to the provisions governing the receipt of funds
5 from students or their parents or guardians, the importance of writing receipts, the necessity of
6 maintaining collection logs, and the requirement to submit funds to the principal or bookkeeper by
7 the end of the school day. School-based employees should also familiarize themselves with rules
8 governing purchasing, including when competitive bids are necessary, how to complete a purchase
9 order, and how to maintain an appropriate log of expenditures and their supporting documentation.
10 If any employee is uncertain regarding what the Tennessee Internal School Funds Manual requires,
11 he or she should speak to the school bookkeeper and/or someone in the office of the Chief Financial
12 Officer to obtain clarification.

13
14 The Board considers an employee’s duty to safeguard the integrity of school funds to be of
15 paramount importance. If an employee fails to follow the specific requirements of the Tennessee
16 Internal School Funds Manual, and if the employee is unable to account for school funds, the Board
17 presumes that the employee, at a minimum, is guilty of neglect of duty. If the Chief Financial
18 Officer has probable cause to believe that the employee acted willfully, fraudulently, intentionally,
19 or for his or her own personal gain, then the Chief Financial Officer shall report the matter to the
20 Tennessee State Comptroller and, if appropriate to local law enforcement officials. The
21 Administration shall then proceed with appropriate disciplinary action against the employee.

22
23 In case of a teacher who handles school funds in his or her capacity as a coach, sponsor, or other
24 role that does not require a teaching license, the teacher’s failure to maintain the integrity of school
25 funds shall serve as the basis for appropriate disciplinary action against the teacher in connection
26 with both the teacher’s certified and classified positions of employment.

27
28 To secure the enforcement of this policy, the Superintendent of Schools shall hold principals
29 accountable for providing his or her faculty and staff with training regarding the rules contained
30 within the Tennessee Internal School Funds Manual and other principles governing the integrity
31 of school funds. The principal shall also be responsible for overseeing the record-keeping of the
32 school’s books and the integrity of the school’s purchasing procedures.

33
34 As part of each principal’s performance contract, the Director of Schools or his/her designee shall
35 develop a component pertaining to school finance. This component shall include, but need not be
36 limited to, a requirement that every member of the staff and faculty be trained on a regular basis
37 and that the goal is for the school’s books to be free from any audit exceptions.

38
39 _____
Legal References:

Cross Reference:

Hamilton County Board of Education			
Monitoring: Review: Annually in January	Descriptor Term: Annual Operating Budget	Descriptor Code: 2.200	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

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General

All school system budgets are the operational plans stated in financial terms which describe the programs to be conducted during the fiscal year beginning July 1 and ending June 30 the following year.

Central Office

PREPARATION PROCEDURES

Budget planning shall include a comprehensive analysis of available funding, staffing, curriculum, facilities, projections, performance goals, and priorities.

The budget proposal should be balanced, consistent with board policy and contract conditions, to include provisions for:

1. Programs to meet the needs of the entire student body
2. Staffing arrangements adequate for proposed programs
3. Maintenance of the district's equipment and facilities
4. Efficiency and economy

Budget preparation shall be the responsibility of the Director of Schools or his/her designee and the finance department. The director of schools will establish procedures for the involvement of staff, including requests from department heads and principals, all of whom shall seek advice and suggestions from other staff and faculty members.

The director of schools and the chairman of the board shall develop a budget preparation calendar no later than January 1 of the current school year. The calendar shall be used as a guide for coordinating and completing budgetary activities collecting budget data, aligning activities with priorities, and making budget decisions.

HEARING AND REVIEWS

The proposed budget will be available for inspection by various interested citizens or groups in the office of the director of schools and on the Hamilton County Department of Education website.

FINAL ADOPTION PROCEDURE

The Board shall adopt a budget and submit it to the County Commission no later than forty-five (45) days prior to the actual date the budget is to be adopted by the county commissioners¹ in June.

1 The Director of Schools or his/her designee shall file with the Commissioner of Education a copy of the
2 budget within the required time period.²
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18 Legal References:
19 1. TCA 49-2-203(a)(9)
20 2. TCA 49-2-301(b)(1)(X): TRR/MS 0520-1-2-.13(2)(a)

Cross Reference:
Executive Committee 1.301

Hamilton County Board of Education			
Monitoring: Review: Annually in January	Descriptor Term: Line Item Transfer Authority	Descriptor Code: 2.201	Issued Date: 12/16/01
		Rescinded:	Revised: 04/18/24

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Central Office

Line-item transfers within major categories shall be made upon the recommendation of the Director of Schools or his/her designee and approval by the Board.

Transfer between major budget categories shall be made with the approval of the County Commission.¹

Legal References:

1. OP Tenn. Atty. Gen. 83-464 (Oct 26, 1983);
Bandy v. State ex. rel. Sullivan County Board;
186 TN 11, 207 S. W. 2d 1011 (1948)

Cross Reference:

Hamilton County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: State and Federal Aid Eligibility Determination	Descriptor Code: 2.300	Issued Date: 12/16/04
		Rescinds:	Issued: 02/16/23

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General

In order to ensure comparability of services¹ from local and state funds in all of its schools, the Board shall ensure that:

1. A system wide salary schedule is adopted annually;
2. Teachers, principals, and support personnel are assigned to schools on an equitable basis according to grade levels and need; and
3. Curriculum materials and instructional supplies are provided to schools on an equitable basis according to grade levels and need.

Legal Reference:

1. TCA 49-3-353

Hamilton County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Revenues	Descriptor Code: 2.400	Issued Date: 12/16/04
		Rescinds:	Issued:

General

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

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

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

FEES

School fees are to be kept to a minimum and may be expended only for the purposes for which they were collected. The purpose and amounts of all fees must have the approval of the Board. No fees shall be required of any student as a condition to attend the school or use its equipment.³ School fees shall be waived for students who receive free or reduced-price lunches.⁴ No student will be penalized for nonpayment of any materials fee. Equipment and supply costs for elective courses such as art, band vocational studies etc. are not subject to fee waiver. Fee requirements should be met for elective courses.

EXTENDED SCHOOL PROGRAM

Extended school funds may be collected at the individual schools and receipted and deposited in the school bank account or in the system-wide fund. The principal shall report the collections and pay the Board by school check.⁵

FINES

A student will be held responsible for the cost of replacing any materials or property which the student loses or damages,⁶ including textbooks, library books, equipment and buildings. All money collected as fines shall be placed in the system-wide school fund.

TUITION INCOME

Tuition collected from nonresident students shall be placed in the system-wide school fund.

RENTAL INCOME

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The principal will collect and account for all money received for use of a particular school facility or other school property.

GRANTS

Grants for educational purposes made available by the state and/or federal government may be sought by the school system but only when the conditions of their availability are in harmony with the purposes and policies of the Board and the laws of the state and county. Principals may apply for and receive grants, in accordance with procedures but funds must be recorded in a separate restricted fund account.⁷

Legal References:

- 1. TCA 49-2-110(a)
- 2. TCA 67-6-102
- 3. TCA 49-6-3001(a) ; TCA 49-2-110(b)
- 4. TCA 49-2-114
- 5. *Tennessee Internal School Uniform Accounting Policy Manual*; Section 4-32
- 6. TCA 37-10-101; 102
- 7. *Tennessee Internal School Uniform Accounting Policy Manual*; Section 4-31

Cross References:

- Student Activity Fund Management 2.900
- Nonresident Students 6.204
- Student Solicitations/Fund-Raising 6.701
- Student Fees and Fines 6.709

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Placement of Wireless Transmission Facilities	Descriptor Code: 2.4001	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

1
2 Whenever a request is received to place a wireless transmission facility on property owned by the
3 Department of Education, the Board shall review the request. The review shall include, but not be limited
4 to, the following;

- 5
6 a. The safety of the students, school personnel, and general public shall be ensured.
7
8 b. The facility shall be aesthetically pleasing.
9
10 c. The location of the facility shall not interfere with the normal functions of the school.
11
12 d. The concerns of the neighboring property owners shall be considered.
13
14 e. The location shall not interfere with any projected expansion of the school building or school
15 facilities.
16
17 f. The location of the facility meets with the approval of the Chief Operations Officer, the school's
18 principal, and, when appropriate, the community council.

19
20 Prior to the Board granting final approval, the wireless transmission company shall have received
21 approval for the site by the appropriate local governing body(ies) and shall have secured all applicable
22 licenses and/or permits.

23
24 If a company requests to place a device on an existing tower, the same approved process is to be followed.

25
26 The wireless transmission company shall indemnify the Department of Education and its employees,
27 agents, contractors, and the members of the Board for any personal loss and/or property damage caused
28 by the erection, maintenance, or any other operations associated with the facility.

29
30 At least one-half (1/2) of the rental revenue received shall be given to the school located on the same
31 property as the facility.

32
33 Any increased costs caused by the location of the facility shall be a liability of the wireless transmission
34 company.

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37 Legal References:

Cross Reference:

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Gifts and Bequests	Descriptor Code: 2.401	Issued Date: 12/16/04
		Rescinded:	Revised: 02/16/23

1 *General*

2
3 The director of schools is authorized to accept gifts to the school system and may designate others to
4 accept gifts for particular schools on behalf of the Board.¹

5
6 In instances where the director of schools or his or her designee doubts the appropriateness or usefulness of
7 an offered gift, the gift may be declined or the matter referred to the Board.

8
9 In accepting gifts and donations, the following guidelines shall be followed:

- 10
11 1. Unless otherwise expressly specified in writing, all property contributed, given, or otherwise
12 placed on school premises shall for all intents and purposes be a gift and shall become
13 school system property subject to the same controls and regulations that govern the use of
14 other school-owned property.
- 15
16 2. Contributions of equipment or services that may involve major costs for installation,
17 maintenance, or initial or continuing financial commitments from school funds shall be
18 presented by the director of schools' office for Board consideration and approval.
- 19
20 3. Individuals or organizations wanting to contribute supplies or equipment will consult with
21 school officials about the feasibility of accepting such contributions prior to the solicitation
22 of funds or the making of budgetary appropriations.
- 23
24 4. Contributions of stock or other securities shall be sold and converted to cash as soon as
25 practical, but within 15 days.
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37 Legal Reference:

- 38 1. TCA 49-6-2006(a)

36 _____
37 Cross References:

- 38 Staff Conflict of Interest 5.601
39 Staff Gifts and Solicitations 5.605

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Investment Earnings	Descriptor Code: 2.402	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

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Individual Schools

The building principal, with consent of the, Director of Schools or his/her designee is authorized to invest excess funds of the school in savings accounts, certificates of deposit, money market accounts, etc.¹ Interest earned on general fund accounts shall be credited to general fund revenue. Interest earned on restricted fund accounts shall be credited to revenue in each restricted account.

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

All funds shall be deposited into bank accounts established and maintained in financial institutions whose deposits are federally insured. Bank account balances (including checking and investment accounts combined) must not exceed the amount federally insured unless the financial institution pledges collateral for any deposits in excess of the insured limits and the collateral is maintained in accordance with state statutes.

Central Office Funds

All income payable to the Board will be deposited with the county trustee. The county will consolidate (pool) all cash except for cash in certain restricted and special accounts (including individual school funds), to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping, and administration. The investment income derived from the pooled investment account will be allocated to the contributing funds based upon the proration of each respective fund's daily cash balances in relation to the total pooled balance. Investment earnings will be distributed to the respective funds on a monthly basis.²

Legal References:

1. Tennessee Internal School Funds Manual; Section 6-1
2. Investment Policy – 2019 Update – County Government

Cross References:

- Deposit of Funds 2.500
- Food Service Management 3.500

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Personal Property Sales	Descriptor Code: 2.403	Issued Date: 07/12/12
		Rescinded:	Revised: 04/18/24

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2 **General**

3
4 When equipment, books, materials, and other personal property no longer have an intended use by
5 the system or are no longer capable of being used because of condition, the Board shall declare them
6 surplus property and authorize their disposal.¹

7
8 All items which have a value above \$500.00 shall be sold, within ninety (90) days of being declared
9 surplus, to the highest bidder after advertising in a local newspaper at least seven (7) days prior to the
10 sale. Sales may also be conducted through online auctions as allowed by state law.²

11
12 Surplus property which has no value or has a value of less than \$500.00 may be disposed of without
13 the necessity of bids. In order for such disposal without bids, the principal of the school and/or the
14 appropriate director with the surplus personal property, the director of schools, and the Board Chair
15 must all agree in written form that the property is of no value or is less than
16 \$500.00 in value.³

17
18 Other schools operated by the Board shall have priority in sale or transfer of surplus property.

19
20 The Board may also transfer surplus real or personal property to the county or to any municipality within
21 the county for public use without the requirement of competitive bidding or sale.⁴

22
23 If reasonable attempts to dispose of the surplus property fail to produce a monetary return to the system,
24 the staff shall dispose of it in one of the following manners:

- 25
- 26 1. Remove salvageable parts.
 - 27
 - 28 2. Take the material to the county dump.
 - 29
 - 30 3. Document description and disposal date.
 - 31
 - 32 4. Donate computers removed from inventory to low-income families in the school district after the
33 hard drives have been sanitized.⁵
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Legal References:

- 37 1. TCA 49-6-206(b)(3);
- 38 TCA 49-6-2007; TCA 49-6-2208;
- 39 TCA 12-2-403(a)(1)-(4)
- 40 2. TCA 49-6-2007(b)

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Cross References:

- 1 3. TCA 49-6-2006(d)
- 2 4. TCA 49-6-2007(e)
- 3 5. TCA 49-6-2007(f)

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Deposit of Funds	Descriptor Code: 2.500	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

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Central Office

All income payable to the Board will be deposited with the county trustee, who will credit it to the appropriate account.

Accounting staff shall deposit funds daily, if possible, but no later than three (3) days after the funds are received. A copy of the check will be scanned into the cash receipt module.

Individual Schools

All money collected at the school building level must be cleared through the principal's office, and the source of revenue must be listed on the deposit slip.

The principal or his/her designee shall deposit funds daily, if possible, but no later than three (3) days after the funds are received. Deposit slips will be filed along with other permanent records. Each deposit slip must show the various receipt numbers. The total amount of the deposit shall be shown on the last receipt deposited.¹

Monies collected at the school building level must be deposited to no more than three bank account types:

1. General School Fund/Restricted Accounts;
2. School Food Service; and
3. Savings, certificate of deposits, and insured money markets.

Legal References:

1. *Tennessee Internal School Funds Manual*; Section 6-2

Cross Reference:

Hamilton County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Bonded Employees	Descriptor Code: 2.600	Issued Date: 12/16/04
		Rescinds:	Issued:

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General

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

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

Legal References:

1. TCA 8-19-101 through 103, TCA 49-2-110(a)(1)
2. *Tennessee Internal School Uniform Accounting Policy Manual*; Section 4-16

Hamilton County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Accounting System	Descriptor Code: 2.700	Issued Date: 12/16/04
		Rescinds:	Issued: 02/16/23

1 *Central Office*

2
3 The director of schools shall maintain a system of accounting, arranged according to the regulations
4 prescribed by the Commissioner of Education, which provide a detailed and accurate account of all
5 receipts and disbursements of the schools.¹

6
7 *Individual Schools*

8
9 The Board authorizes each respective school under its jurisdiction to receive activity and other internal
10 funds, such as athletic ticket money, school lunch funds and school class funds.²

11
12 The Board shall hold each principal responsible for the management of all internal accounts under his/
13 her jurisdiction in accordance with the *Tennessee Internal School Uniform Accounting Policy Manual*.³

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Legal References:

1. TCA 49-2-301(b)(1)(D); TCA 49-3-316(a)(1)
2. TCA 49-2-110(a)
3. TCA 49-2-110(c)(d)

Cross References:

Student Activity Funds Management 2.900

Hamilton County Board of Education			
Monitoring: Review: Annually in January	Descriptor Term: Financial Reports and Records	Descriptor Code: 2.701	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

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FINANCIAL REPORTS

Central Office

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

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

The Director of Schools or his/her designee shall submit monthly financial reports to the Board and to state and federal agencies as required.³

Individual Schools

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

FINANCIAL RECORDS

General

The Director of Schools or his/her designee shall maintain all financial records as required by regulation and applicable state and federal law. The Board, from time to time, may determine to extend the retention time for certain records.⁴

Legal References:

- 1. TCA 49-2-206(5)
- 2. TCA 49-2-301(b)(1)(Q)
- 3. TCA 49-2-301(b)
- 4. *Tennessee Internal School Funds Manual*; Section 24

Cross Reference:

School Board Records 1.407

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Inventories	Descriptor Code: 2.702	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

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2 *General*

3
4 The Director of Schools or his/her designee shall establish an accurate inventory procedure for all school
5 real and personal (e.g., material and equipment) property, and this system shall be implemented at each
6 school facility. The Chief Financial Officer shall be responsible for maintaining the fixed assets records.
7 The Chief Operations Officer shall be responsible for maintaining the real property records.
8 Administrative personnel shall ensure that a physical count of all such property is taken at the end of
9 each fiscal year, and this inventory shall be properly entered on the appropriate records for accounting
10 purposes.¹ The Chief Financial Officer will develop procedures to ensure that when property or
11 equipment is transferred from one location to another, the permanent inventory file reflects said transfer.
12 Assets with a cost or market value of \$5,000 or greater shall be capitalized and depreciated. Records of
13 capitalized assets shall be maintained in the fixed asset management system. Records shall be maintained
14 for tracking and usage of sensitive minor equipment with cost or market value of less than \$5,000.

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16 Each school shall maintain a complete inventory with a duplicate maintained in the central office.
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Legal References:

35 1. *Tennessee Internal School Funds Manual*; Section 4-16
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Cross Reference:

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Audits	Descriptor Code: 2.703	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

1
2 *General*

3
4 An audit of all fiscal accounts, including accounts and records of all school student activity funds, shall
5 be made by a certified public accountant following the end of each fiscal year.¹

6
7 The Director of Schools or his/her designee shall furnish or make copies of the audit available to the
8 proper authorities as prescribed by law.²

9
10 When an administrative change occurs during the fiscal year and the position is responsible for the
11 expenditure of funds, a special audit of accounts involved shall be conducted by accounting staff or as
12 may be designated by the Director of Schools or his/her designee.

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14 The special audit shall be as extensive as the Board may determine.
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37 Legal References:

- 38 1. TCA 49-2-112(a)(1); TCA 49-2-110(a); TCA 49-2-112(c)(1)
39 2. TCA 49-2-112(d)(2); TRR/MS 0520-01-02-.13(3)(d)
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Cross References:

- Student Activity Funds Management 2.900
Student Solicitations/Fund-Raising 6.701

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Expenditure of Funds	Descriptor Code: 2.800	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

Central Office

All expenditures shall be approved by the Board or the Director of Schools or his/her designee when authorized. No expenditures shall be made except on an approved purchase order, purchase voucher, purchase card, or contract. No expenditure may be authorized or made which exceeds the appropriation for any fund of the budget as adopted or amended. Employees of this system will not create or authorize creation of a deficit in any fund. Expenditures or encumbrances will not be authorized, made, or incurred in excess of any fund balance.

Individual Schools

General funds shall be expended in accordance with the Tennessee Internal School Funds Manual. Internal activity funds shall not be expended without written approval by the membership of the group. All such expenses shall be in accordance with the Tennessee Internal School Funds Manual. Restricted account expenditures require the account sponsor's approval prior to expense. Board of Education employees may not be compensated directly by individual schools from internal school funds. One exception is: employees who officiate at athletic events through contract with TSSAA. Any supplemental compensation owed to the Board for extracurricular activities must be processed through the director of schools' office in the same manner as salary and other payroll payments. The Board will invoice the school for reimbursement. Substitute teacher's salaries related to restricted class and club accounts will be paid by the Board and shall be reimbursed by the school from the appropriate class or club account.¹

Employees who authorized or contracted for any obligation in violation of this policy shall assume personal responsibility for the payment of the obligation, shall be subject to dismissal from employment, and shall be subject to applicable civil and criminal proceedings. Any obligation, authorization for expenditure, or expenditure made in violation of the law and this policy shall be illegal and void.¹

Legal References:

1. *Tennessee Internal School Manual, Section 5*

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Payroll Procedures	Descriptor Code: 2.802	Issued Date: 09/18/14
		Rescinded:	Revised: 03/14/19

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2 *Central Office*

3 If the end of a pay period falls on a nonworking day, employees will be paid on the last working day
4 prior to the end of the pay period. However, checks will be dated to coincide with the end of the pay
5 period.

6
7 Payroll procedures shall be as follows:

- 8
9 1. Teachers:
- 10 • Regular 201 days shall receive 26 equal installments.
 - 11 • More than 201 days shall be paid in 26 equal installments.
 - 12 • The first paycheck shall be issued on the 20th day and biweekly thereafter.
- 13
14 2. 12-month employees shall be paid 26 times a year.
- 15
16 3. Support personnel shall be paid either 20, 22 or 26 times per year depending
17 on type of position.

18
19 No advance payments of salary shall be made. Upon resignation or retirement of school personnel,
20 final salary payment shall be withheld until all records and assets in custody of the employee are
21 satisfactorily transferred to his successor or another designated person.

22
23 Specific approval by the Board is required for payroll deductions, except as otherwise provided by law.

24 All supplements shall be paid according to the negotiated teacher contract.

25 **Payroll Discrepancy**

26
27 Hamilton County Schools takes all reasonable steps to ensure that employees receive the correct
28 amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

29
30 In the unlikely event that there is an error in the amount of pay, the employee should promptly bring
31 the discrepancy to the attention of the payroll office so that corrections can be made as quickly as
32 possible. Should the payroll office discover an error, it will notify the employee.

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Cross References:

Compensation Guides and Contracts 5.110
Resignation 5.204
Retirement 5.205
Overtime Pay 5.604

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Salary Deductions	Descriptor Code: 2.803	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

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Central Office

Upon appropriate written or electronic authorization, the Board shall make deductions approved by the Board from the salary of the employee. Authorization must be made on forms provided by the Director of Schools or his/her designee.

An employee may change or terminate any salary deduction according to administrative procedures.

Legal References: _____

Cross References:
3.600 Insurance Management

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Expenses and Reimbursements	Descriptor Code: 2.804	Issued Date: 09/20/07
		Rescinded:	Revised: 04/18/24

CENTRAL OFFICE

The Board may assign Central Office employees HCDE vehicles or, as part of their compensation package, award certain employees automobile allowances. All other Central Office employees, except those with an assigned vehicle or automobile allowance, who incur expenses in carrying out their authorized duties within the county will be reimbursed upon submission of an approved employee expense claim and supporting receipts.

All Central Office employees may be reimbursed for travel outside Hamilton County where this travel has the advance authorization of the Director of Schools or his/her designee. The Director of Schools or his/her designee may grant this authorization without prior Board action when a travel expense has been anticipated and incorporated into the operational budget of the particular program involved.

Reimbursement for mileage shall be at the published and approved rate established by the Internal Revenue Service.

The Board shall be responsible for all expenses pertaining to staff development. Student activity funds shall not be used for this purpose.¹

SCHOOL PERSONNEL

School personnel who incur expenses in carrying out their authorized duties will be reimbursed upon submission of an approved employee expense claim and supporting receipts.

Expenses for travel outside Hamilton County will be reimbursed when the travel has the advance authorization of the Director of Schools or his/her designee. The Director of Schools or his/her designee may grant this authorization without prior board action when the travel expense has been anticipated and incorporated into the operational budget of the particular program involved.

Reimbursement for mileage shall be at the published and approved rate established by the Internal Revenue Service.

The Board shall be responsible for all expenses pertaining to staff development. Student activity funds shall not be used for this purpose.¹

The members of the Board shall be paid for transportation, lodging, meals, and other pertinent expenses when traveling on business for the Board. Salary and other benefits shall be determined by the local funding body.² Attendance out-of-state at conventions or other educational meetings or travel out-of-state for other school purposes shall be authorized in advance by the Board³ up to the maximum amount allowed in the budget.

1 Expenses shall be submitted to the director of schools' office within thirty (30) days of the date of
2 completion of such travel. The rate of payment shall be the same as the rate for members of the
3 professional staff.
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38 Legal References:

- 39 1. Tennessee Internal School Funds Manual, Section 5-17
- 40 2. TCA 49-2-202(d)
- 41 3. TCA 49-2-2001(c)

Cross Reference:

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Purchasing	Descriptor Code: 2.805	Issued Date: 02/10/11
		Rescinded:	Revised: 04/18/24

General

The Hamilton County Board of Education is committed to doing business with all vendors including female, small and minority vendors, and encourages these vendors to participate in the procurement program of the Hamilton County Department of Education. The school system will purchase competitively and seek maximum educational value for every dollar expended. Authorization to purchase shall be provided by the Board and will be based on the procedures set forth in the HCS Procurement Rules Handbook and this policy. The Director of Purchasing shall serve as purchasing agent for the system-wide purchasing.¹ Principals shall serve as purchasing agents for individual schools.

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

- No person officially connected with or employed by the school system will be an agent for or have any financial compensation or reward of any kind from any vendor for the sale of supplies, materials, equipment, or service.

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

To ensure that the applicable individual responsible for a department and/or program budget ("budget manager") is responsible for the development and awarding of contracts which utilize funds from the budget for which they are responsible; the School District's Purchasing Department will not approve a Purchase Requisition to a Purchase Order unless each of the following items are completed:

- The purchase requisition must be approved by the applicable budget manager, and
- Any contract, agreement, or any other document evidencing the terms and agreement of the transaction providing the supporting documents of the Purchase Requisition must be approved by the applicable budget manager.

The Board will purchase locally whenever other conditions are comparable.

Individual Schools

The Director of Schools or his/her designee must approve the following purchases:

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

1 **Central Office**

2
3 **ROUTINE PURCHASES**

4
5 Routine purchases shall include expenditures for supplies, salaries, and routine expenditures required for
6 operation of the school system. These expenditures shall be anticipated and provided for in the budget
7 and will normally be authorized by the Board at the beginning of the fiscal year. The director of schools
8 shall make all routine purchases without further Board authorization; however, the Board shall be
9 promptly informed if any substantial variation from budgeted estimates becomes necessary.

10
11 **EMERGENCY PURCHASES**

12
13 The head of a User Department and/or his/her designee are authorized to purchase or lease any services,
14 supplies, materials, or equipment in actual emergencies arising from unforeseen causes, including delays
15 by contractors, delays in transportation, unanticipated volume of work, and acts of God. Emergency
16 Purchases do not require public posting or competitive bidding. In the event of an Emergency Purchase,
17 the following procedures are required:

- 18
19 1. A record of any emergency purchase shall be made by the person or body authorizing such
20 emergency purchase and shall specify the amount paid, the items purchased, from whom the
21 purchase was made, and the nature of the emergency.
- 22 a. A report of any emergency purchase shall be prepared as soon as possible by the User
23 Department and submitted to the Director of Procurement. The Director of Procurement
24 then compiles the documentation relative to the emergency for submittal to the
25 appropriate approval authority
 - 26 i. Emergency purchases less than \$250,000.00 shall be submitted to and ratified by
27 the Director of Schools or his/her designee and the Executive Committee.
 - 28 ii. Emergency purchases of \$250,000.00 or more shall be submitted to and ratified
29 by the Director of Schools or his/her designee, Executive Committee, and Board.
 - 30 b. If the purchase is of such significant magnitude as to impact on the integrity of the budget,
31 the Director of Schools or his/her designee may seek the Board to call a special or
32 emergency meeting of the Board to deal with the matter.
- 33 2. When requesting financial assistance through FEMA or TEMA, the User Department along with
34 the Procurement Department must ensure compliance with procurement standards relative to
35 FEMA or TEMA. The User Department's documentation shall be sufficient and adequately
36 detailed to provide FEMA or TEMA with an understanding of the purchase and to allow for their
37 respective audit reviews and potential subsequent reimbursements.

38
39 **PURCHASING OF SURPLUS PROPERTY**

40
41 The director of schools and other employees designated by the Board shall be authorized to act for the
42 Board in acquiring federal surplus property through the Tennessee General Services Department for
43 surplus property and in entering into agreements, certifications and covenants of compliance concerning
44 the use of federal surplus property. Further, the Director of Schools or his/her designee is authorized to
45 purchase any needed items through suppliers approved on the state bid list.

46
47 **COOPERATIVE PURCHASING**

1
2 HCS may participate in, sponsor, conduct or administer cooperative purchasing agreements or contracts
3 without public posting and additional competitive bidding when such contracts or agreements are open
4 to HCS and, in the sole discretion of the Purchasing Department, such action being in the best interest
5 of HCS.²
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- 21 Legal References:
22 1. TCA 49-2-206(3)
23 2. TCA 12-3-1205
24

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Bids and Quotations	Descriptor Code: 2.806	Issued Date: 12/17/15
		Rescinds: 2.806	Issued: 02/16/23

1 General
2 All purchases of supplies, materials, equipment, and contractual services fifty-thousand dollars
3 (\$50,000.00) or more, including those of individual schools, shall be based on competitive bids. These
4 bids shall be solicited by advertisement in a newspaper of general circulation within the school system.
5 However, said newspaper advertisement may be waived by the purchasing agent in an emergency.
6 Where appropriate, the purchasing agent may satisfy these advertising and bid requirements by use of
7 a comprehensive list of vendors seeking to provide supplies, furniture, fixtures, and every other kind of
8 material to the school system on a unit cost basis or otherwise; provided, however, that the purchasing
9 agent must advertise periodically for prospective vendors in a newspaper of general circulation and
10 update the list of vendors following each advertisement.¹
11
12 All purchases of less than \$50,000.00, including those of individual schools, may be made in the
13 open market without newspaper notice, but shall, whenever possible, be based on at least three
14 (3) competitive bids. The Board of Education recognizes responsibility to account for public
15 funds, and additionally recognizes responsibility of State law to secure three (3) competitive bids
16 on purchases less than \$50,000.00, whenever possible; however, given the volume of transactions, it
17 is not possible or good stewardship of employees time to require three (3) competitive
18 bids of less than \$10,000.00. The practice of splitting an order or dividing items to be purchased
19 in order to avoid the use of bidding or other purchasing procedures is prohibited.
20
21 The lowest and best bid shall be accepted, provided the purchaser reserves the right to reject any or all
22 bids or any part of any bid and, if applicable, to accept that bid which is best as evidenced by reasons
23 relative to the purpose of the purchase. Any bid may be withdrawn prior to the scheduled time for the
24 opening of bids. Any bid, which does not conform to specifications or received after the time and
25 date specified shall not be considered. The bidder to whom the award is made may be required to
26 enter into a written contract.
27
28 The Performance and Payment Bond for the Maintenance Department construction projects will be
29 \$100,000.00.
30
31 Contracts for legal services, educational consultants, and similar services by professional persons
32 or groups of high ethical standards shall not be based upon competitive bids but shall be awarded
33 on the basis of recognized competence and integrity.²
34
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36

37 Legal References:

Cross Reference:

1. TCA 12-3-1212(a)(c)(d); TCA 49-2-203(a)(3);
TCA 49-2-203(a)(3)(A)(B); TCA 49-2-206(b)(2)
2. TCA 12-4-106

Hamilton County Board of Education

Monitoring: Review: Annually in February	Descriptor Term: Purchase Orders and Contracts	Descriptor Code: 2.808	Issued Date: 12/16/04
		Rescinded:	Revised: 02/16/23

1
2 *General*

3
4 All purchases made by the school system shall be by purchase order, purchase card, request for check,
5 or formal contract, and no purchase shall be made, nor payment approved unless covered by one of these
6 mechanisms.

7
8 Purchase orders will include the following essentials:

- 9
10 1. A specification which adequately describes to the supplier the characteristics and the quality
11 standards of the item required.
12
13 2. A firm, quoted, net delivered price, whenever possible; and
14

15 Signature of Chief Financial Officer and the Director of Schools or the Purchasing Agent.

16
17 Contracts shall be made only with responsible suppliers with the following considerations:

- 18
19 1. The supplier has the potential ability to perform successfully under the terms and conditions
20 of a proposed procurement;
21
22 2. A system for contract administration shall be maintained to assure supplier conformance with
23 terms, conditions, and specifications of the contract or purchase order, and to assure adequate
24 and timely follow-up of all purchases;
25
26 3. Contracts shall contain such provisions or conditions which will allow for administrative,
27 contractual, or legal remedies in instances where suppliers violate or breach contract terms,
28 and provide for such sanctions and penalties as may be appropriate.
29
30 4. All contracts, including those of individual schools, will meet all requirements of state and
31 federal laws, rules, and regulations.¹
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Legal References:

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Student Activity Funds Management	Descriptor Code: 2.900	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

Individual Schools

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

Whatever the source, all student activity funds shall be under the jurisdiction of the Board and under the specific control of the school principals. Contracts with fund-raising agencies must comply with board policy and be approved in writing by the Director of Schools or his/her designee.

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

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

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

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

Any unencumbered class or activity funds automatically revert to the general activity fund of the school when a class graduates or activity is discontinued.⁵

Funds derived from activities sponsored by parent-teacher associations, parent-teacher organizations, or other support organizations are not subject to this policy unless such funds are in the sole custody of the school.⁶

Legal Reference:

1. *Tennessee Internal School Funds Manual*; Section 4-2629
2. TCA 49-2-110(c)(d)(e)
3. *Tennessee Internal School Funds Manual*; Section 3 and 5-21
4. TCA 49-2-112(a)
5. *Tennessee Internal School Funds Manual*; Section 5-21
6. TCA 49-2-110(f)

Cross Reference:

- School Support Organization 2.910
Student Solicitations /Fund-Raising 6.701

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: School Support Organization	Descriptor Code: 2.910	Issued Date: 11/20/14
		Rescinded:	Revised: 03/14/19

To ensure the continued support of academic, arts, athletic, and social programs, which help educate the children of Hamilton County, the Hamilton County Department of Education adopts this policy to comply with Tenn. Code Ann. § 49-2-601, et seq., also known as the Tennessee School Support Organization Financial Accountability Act (“SSOFAA”).

SCHOOL SUPPORT ORGANIZATION

In compliance with Tenn. Code Ann. § 49-2-601, et seq., a “school support organization” shall be defined as follows:

A booster club, foundation, parent teacher association, parent teacher organization, parent teacher support association or any other nongovernmental organization or group of persons whose primary purpose is to support a school district, school, school club, or academic, arts, athletic or social activities related to a school which collects or receives money, materials, property or securities from students, parents or members of the general public.

ORGANIZATION ADMINISTRATION

All organizations either in existence or created for the sole purpose of providing financial support for a Hamilton County Department of Education school shall provide to the District’s Financial Officer the following:

- A letter indicating the non-profit status of the organization.
- A prospectus that includes:
 - the goals and objectives of the organization.
 - the telephone number, address, and position of each officer of the organization.
 - procedures for accounting for and protecting the money raised.
- A preliminary statement of receipts and disbursements

The above information will be provided to the District’s Financial Officer on or before May 15 of each year.

1 The District's Financial Officer will annually post electronically a list of all approved school support
2 organizations in the Hamilton County Department of Education. If an organization is not on this list,
3 it cannot raise or donate money to a school, schools or the HCDE.
4

5 In addition, all organizations will provide to the District's Financial Officer an income statement
6 detailing receipts and disbursements for the twelve month period ending on June 30th.

7 The income statement will be provided by September 30th.
8

9 The organization will additionally maintain for a period of at least four (4) years the following:

- 10 • The organization Charter.
- 11
- 12 • The organization Bylaws.
- 13
- 14 • The organization Minutes.
- 15
- 16 • The organization documentation regarding non-profit status.
- 17
- 18 • The organization accounting records, including all receipts and
- 19 disbursements.
- 20
- 21

22 FUNDRAISING

23 All fundraising activities of the organization must be approved by the Superintendent or the Chief
24 Financial Officer prior to commencement of the fundraiser.
25

26 HAMILTON COUNTY DEPARTMENT OF EDUCATION EMPLOYEES

27
28 Under no circumstances shall any employee of the Hamilton County Department of Education act as
29 a treasurer or bookkeeper of the school support organization. Further, no Hamilton County
30 Department of Education employee will act as a signatory on any draft or check of the organization.
31

32 AGREEMENT

33
34 Each School Support Organization shall execute an agreement with the School Board in accordance
35 with the provisions of this policy.
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Hamilton County Board of Education

3 - SUPPORT SERVICES

Descriptor Code	Policy Title	Revised Date
3.100	Support Services Goals	12/16/04
Facilities Management		
3.200	Buildings and Grounds Management	11/17/22
3.201	Safety	11/11/21
3.202	Emergency Preparedness Plan	12/14/23
3.203	Crisis Management	11/17/22
3.205	Security	11/17/22
3.206	Community Use of School Facilities	11/17/22
3.208	Facilities Planning	11/17/22
3.209	Estimating Facility Costs	12/14/23
3.210	Naming New Facilities	02/18/16
3.212	Facilities Planning: Involvement of Architects	12/16/04
3.213	Lead Testing in Drinking Water	11/21/19
Equipment and Supplies Management		
3.300	Equipment and Supplies Management	11/17/22
3.3001	Use of Cellular Phones	04/18/24
3.301	Equipment and Tools Use	12/16/14
3.302	Service Animals in District Facilities	11/17/22
Transportation Management		
3.400	Student Transportation Management	12/16/04
3.401	Scheduling and Routing	11/17/22
3.402	Special Use of School Buses	09/20/07
3.403	Traffic and Parking Controls	11/11/21
3.404	Private Vehicles	09/20/07
3.405	Owner/Operator Bus Service	11/17/22
Food Service Management		
3.500	Food Service Management	09/19/19
3.5011	Water Access	03/18/21
3.502	Offer Versus Serve	11/17/22
3.503	Food Services Employee Health Policy	09/16/21
Insurance Management		

3.600

Insurance Management

12/14/23

3.601

Student Insurance Program

11/17/22

Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Support Services Goals	Descriptor Code: 3.100	Issued Date: 12/16/04
		Rescinds:	Issued:

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The Board establishes these general goals for the conduct of its management program:

1. To develop a plan for the management of buildings and grounds which provides a safe, secure, comfortable, and clean environment for instruction and administration;
2. To provide a building maintenance program which protects the taxpayer's investment in facilities and ensures their continued use;
3. To provide sufficient supplies and equipment for effective teaching and learning within the approved budget;
4. To provide a student transportation system which meets state requirements which may include contracting out bus service;
5. To design and implement a program of food services which emphasizes nutritional needs of children as the basis of growth and development of bodies and minds;
6. To collect and maintain data pertinent to educational planning; and
7. To provide a sound program of insurance protection for system employees, students, and property.

Cross Reference:
School District Goals 1.700

Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Buildings and Grounds Management	Descriptor Code: 3.200	Issued Date: 12/16/04
		Rescinded:	Revised: 11/17/22

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
4 The Chief Operations Officer shall develop and implement a continuing program of
5 maintenance of all district-owned buildings and grounds which shall provide for the following:

- 6
7 1. Adequate custodial programs for all schools, which may include an outside contractor for this
8 service;
- 9
10 2. Improvement and maintenance of school buildings and grounds;
- 11
12 3. Repairs, including repairs of equipment, and painting; and
- 13
14 4. Determination of obsolete equipment and proper disposal of such equipment subject to the
15 approval of the executive committee of the Board.

16
17 The following are responsibilities of building principals:

- 18
19 1. To oversee the operation of the school plant and require that personnel assigned to the building
20 keep it in a clean, healthful, and pleasant condition;
- 21
22 2. To make continuing checks for hazardous conditions, including safety and operation of equipment,
23 and prevention of hazardous situations caused by carelessness; and
- 24
25 3. To request, on a timely basis, appropriate maintenance and repairs through appropriate channels.

26
27 All school buildings will be inspected periodically to assure that all are maintained at the highest level
28 of safety.

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Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Safety	Descriptor Code: 3.201	Issued Date: 11/15/18
		Rescinded:	Revised: 11/11/21

1
2 Within board policy, the principal shall develop procedures for keeping school facilities safe and free
3 from hazards.

4
5 All staff members shall report current and potential hazards to their immediate supervisors.

6
7 Each principal is responsible for seeing that the practice of safety is a part of the instructional program
8 of the school and that it is appropriately geared to students at different grade levels. ¹

9
10 The program shall include:

- 11 1. Fire prevention
- 12 2. Accident prevention
- 13 3. Warning systems
- 14 4. Emergency drills (Fire, severe weather, earthquake, bomb threat, and active shooter.)
- 15 5. Emergency closings
- 16 6. Traffic safety
- 17 7. Traffic and parking controls
- 18 8. Safety inspections
- 19 9. First aid
- 20 10. A disaster preparedness plan for a nuclear or other major emergency.

21
22
23 School officials shall work in consultation with local law enforcement and first responders to
24 review safety procedures annually and update as appropriate.

25
26 Only students assigned to the school, the staff of the school, parents of students, and other persons
27 with lawful and valid business on the school premises shall enter onto the grounds or into the
28 buildings of the schools during the hours of student instruction. All staff members shall report all
29 persons appearing to be improperly on school premises to the principal. ²

30
31 The principal shall secure assistance from School Resource Officers/School Safety Officers and/or law
32 enforcement officials when he deems it necessary in order to maintain order or security during the
33 school day or during extracurricular activities at school.

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39 Legal References:

- 40 1. TCA 49-6-1024
- 41 2. TCA 49-6-2008

40 Cross References:
41 Visitors to the School 1.501

Hamilton County Board of Education

Monitoring: Review: Annually in November	Descriptor Term: Emergency Preparedness Plan	Descriptor Code: 3.202	Issued Date: 11/15/18
		Rescinded:	Revised: 12/14/23

1
2 The Director of Schools shall be responsible for developing, maintaining and acquiring Board approval
3 of the District Emergency Preparedness Plan, ¹ which shall include procedures for an intruder, weapon
4 on campus, nuclear plan emergency, bomb threat, civil disturbance, earthquake, fire, tornado, or other
5 sever weather, and medical emergencies such as pandemic flu outbreak.

6
7 Emergency preparedness drills will be developed and implemented by each principal, with approval of
8 the Director of Schools, and when appropriate, be held in conjunction with emergency response agencies.
9 These procedures shall be in written form and distributed to all staff, students and parents.

10
11 The principal shall be responsible for ensuring that a sufficient number of drills is conducted in order to
12 give instruction and practice in proper actions by staff and students. For all schools, one fire drill
13 requiring full evacuation shall be conducted every thirty (30) school days during the school year, with
14 an additional fire drill requiring full evacuation within the first thirty (30) school days of
15 operation. Additionally, four (4) fire safety educational announcements will be conducted throughout
16 the year. Schools within the City limits of Chattanooga must conduct two (2) fire drills per month. Three
17 (3) additional safety drills shall be given during the school year. These drills may include inclement
18 weather, earthquake, intruder or other emergency drills that do not require full evacuation.² Active
19 shooter drills shall be conducted at least once annually. The dates and times of these drills shall be
20 recorded and sent to the Safety Coordinator.

21
22 In the event of any threats to safety, students will be retained at school when less than one hour of
23 warning time is given, unless parents or persons authorized by the parents pick up their children.

24
25 Safety/Compliance shall regularly check the quantity, locations, and conditions of fire extinguishers, and
26 shall give all school personnel instructions in the proper use of them in their building.

27 28 **MEDICAL EMERGENCIES/PANDEMIC FLU**

29
30 In the event of medical emergencies, such as a pandemic flu outbreak, school officials shall cooperate
31 and consul with the local and state health departments and other local emergency or healthcare providers
32 in protecting students and the community from further infection. The Director of Schools shall develop
33 procedures for health emergencies using as reference the state's 2006 Pandemic Influenza Response
34 Plan.³

35 36 37 38 39 Legal References:

- 40 1. TRR/MS 0520-01-02-.03
- 41 2. TCA 68-102-137(b)(f)
- 42 3. Tennessee Department of Health Pandemic Influenza Response Plan

Cross References:

- Emergency Closings 1.8011
- Community Use of School Facilities 3.206

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Crisis Management	Descriptor Code: 3.203	Issued Date: 12/16/04
		Rescinded:	Revised: 11/17/22

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Each school and the district shall develop a Crisis Management plan for use in response to a school crisis such as suicide, gun violence, and death of a student, parent or faculty member. Within the development of such plan, each school and the district shall appoint a Crisis Team which shall deal with specific situations, assist in decision making and disseminate information in the event of a crisis. Members of each school team shall consist of the principal, school counselor, and at least two other staff members designated by the principal.

The principal of each building shall be responsible for the development and implementation of emergency procedures which shall be distributed to building employees, parents, and members of the Crisis Team. Training for all school employees in the crisis management procedures shall be conducted annually during in-service sessions prior to the beginning of school.

In the event of a crisis, the principal shall notify the school Crisis Team, and the appropriate district staff, including the director of schools. The principal shall also document his/her actions in regards to the management of any crisis. If he/she determines it to be necessary, the principal shall contact the appropriate emergency services (police, fire, ambulance, etc.).

All media inquiries shall be directed to the director of schools' office.

Legal References:

Cross References:
News Releases, News Conferences and Interviews 1.503

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Security	Descriptor Code: 3.205	Issued Date: 11/15/18
		Rescinded:	Revised: 11/17/22

1
2 The director of schools shall establish procedures as required to adequately protect school property
3 which shall include, but not be limited to:

- 4
- 5 1. Closing and securing teacher work areas when being left unattended or at the end of the day;
 - 6
 - 7 2. Denying students permission to use the classrooms, laboratories, gymnasiums or other
8 school facilities or equipment without appropriate faculty supervision;
 - 9
 - 10 3. Controlling the issuance of building keys and master keys; and
 - 11
 - 12 4. Developing programs which contribute to the proper care and use of school facilities and
13 equipment.

14
15 The principal shall call School Resource Officers, School Safety Officers, and/or law enforcement
16 officials in cases involving illegal entry, theft or vandalism.

17
18 The principal shall notify the director of schools within 48 hours after each case of vandalism, theft,
19 building damage and illegal entry.

20
21 The director of schools, or his/her representative, is authorized to sign a criminal complaint and to
22 press charges against trespassers, perpetrators of vandalism against school property.

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41 Legal References:

Cross References:
Visitors to the Schools 1.501

Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Community Use of School Facilities	Descriptor Code: 3.206	Issued Date: 07/20/17
		Rescinds:	Revised: 11/17/22

1 Subject to rules and regulations that may be adopted by each principal, school facilities may be used by
2 the public for charitable, civic, recreational, cultural, community and other purposes when not in use for
3 a regular school day.^{1, 2, 3} This policy sets forth the guidelines pursuant to which school facilities may be
4 used by the public.

5 Outdoor Facilities

6
7 During daylight hours on any day school is not in session, the public is permitted to access the play-
8 grounds, outdoor basketball courts, and/or outdoor tracks of any school; provided, however, that any
9 recognized school group shall have the right to reserve any such property for its exclusive use in
10 accordance with procedures established by the school principal; and further provided that the
11 principal of each school shall have the right to establish rules and regulations governing the conduct
12 of the public on the school campus.

13 Use of School Facilities by Groups

14
15 If any group wishes to use a school building or grounds or portions thereof, the group shall complete a
16 school facilities use form available at the school office. The following terms and conditions shall apply to
17 the use of any school facilities by any group:

- 18 1. Any group seeking to use a school building or ground or any portion thereof must complete a
19 school facilities use form and have it approved by the principal, Office of Risk Management,
20 and a Community Superintendent prior to use of the facilities.
- 21 2. The school system will charge any group using the school facilities a fee to offset the school
22 system's costs arising out of this use; provided, however, that student clubs and activities,
23 parent/teacher associations and any recognized school support organization shall be permitted
24 to use the school facilities without charge.
- 25 3. Any group receiving permission for use of the school facilities are restricted to the dates and
26 hours approved unless the principal, Office of Risk Management, or a Community
27 Superintendent approves a change in the proposed date and time of use.
- 28 4. Groups receiving permission for the use of any facilities are responsible for the observance of
29 all rules and regulations established by the school system and the principal. Groups are also
30 responsible for their use of the facilities and will be liable for any damage to the building or
31 any equipment. Under no circumstances will groups allow the use of alcoholic beverages,
32 drugs, tobacco, or profane language at any time during their use of school facilities, and no
33 group will permit gambling in any form during its use of school facilities.
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- 5. If a group is to use a school kitchen, at least one member of the cafeteria staff must be present to supervise the use of the cafeteria equipment. Contact the School Nutrition Department to complete their "Special Activity Function" form.
- 6. Each building principal is responsible for assigning a school employee to be present during a group's use of school facilities. The assigned employee shall be compensated for their time, and this cost will be included in fees assessed to use school facilities. At all times, there will be appropriate adult supervision over any use of school facilities.
- 7. School facilities may not be used for private profit; provided, however, that this restriction does not prevent a group using a school facility from paying an honorarium or de minimis compensation to someone where the payment is incidental to an otherwise acceptable public charitable, civic, recreational or cultural use of the facilities; and further provided that a principal may allow the operation of private daycare centers and kindergartens which provide educational and childcare services to the community. ²
- 8. School facilities may be used for memorial services if approved by the principal. Funeral services are not to be held in school facilities. A funeral service is defined as any activity that includes remains of the deceased in any form.
- 9. Any use of any school facility will comport with the requirements of state and federal law including but not limited to the First Amendment to the United States Constitution.

Legal References:

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

Cross References:

Tobacco-Free Schools 1.803

Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Facilities Planning	Descriptor Code: 3.208	Issued Date: 12/16/04
		Rescinds:	Revised: 11/17/22

1 The director of schools shall present a facility needs assessment to the Board as needed. The needs assess-
2 ment shall include a review of the appropriate school site. Each principal shall be involved in the needs
3 assessment for his/her school with input from staff, parents and community leaders. Appropriate system-wide
4 staff will be made available as needed.

5
6 The individual school needs assessment shall include the following information:

- 7
- 8 1. building deficiencies
- 9 2. site deficiencies
- 10 3. utility deficiencies
- 11 4. maintenance deficiencies
- 12 5. curriculum and educational concerns including projected changes
- 13 6. number of oversized classrooms as well as projected class sizes
- 14 7. student mapping
- 15 8. population and enrollment projections
- 16 9. community needs
- 17 10. cost projections
- 18 11. other information as directed

19
20 The system-wide needs assessment shall include the following information:

- 21
- 22 1. individual school assessments
- 23 2. system-wide curriculum needs
- 24 3. population growth projections
- 25 4. industrial and business forecasts
- 26 5. other information as deemed necessary
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Hamilton County Board of Education

Monitoring: Review: Annually in November	Descriptor Term: Estimating Facility Costs	Descriptor Code: 3.209	Issued Date: 11/15/21
		Rescinded:	Revised: 12/14/23

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When new construction, renovation and/or a building addition is proposed, the Director of Schools, or his/her designee, shall secure cost estimates for each project and submit such estimates to the Board for approval.

Estimates are to include the following:

1. cost of new construction
2. cost of renovation
3. cost of addition
4. cost of site preparation
5. fees charged by governmental agencies
6. fees charged by utility companies
7. cost of landscaping
8. architect or construction management fees
9. school transportation costs
10. other costs and/or fees as required

Qualified consultants and/or consulting firms are to be involved when cost estimates are submitted. Utilization of such consultant and/or consulting firms shall follow District procurement and contracting policies and procedures.

The cost of each project shall be presented to the Board as a part of the project recommendation. In addition, consideration is to be given to costs of future maintenance, to any warranties that might be involved in construction and the determination of easements.

All change orders, in excess of the contract award, shall be approved by the Board prior to commencing the change. In the event of an emergency situation that would cause a serious delay in the project, the Chief Operations Officer or Director of Facilities shall have authority to approve the change up to \$5,000 for each item requiring change. If the cost of the work exceeds \$5,000 the project change order will be referred to the Director of Schools and the Chairman of the Board for their approval prior to commencing work. In either case, the change orders would be presented to the Board for their concurrence at the next meeting.

Legal References: _____

Cross References: _____

Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Naming New Facilities	Descriptor Code: 3.210	Issued Date:
		Rescinds:	Issued: 2/18/16

- 1 Facilities of the school system shall be named through Board action, based upon the following criteria:
2
3 1. Schools shall not be named for living persons, except for those who have rendered exemplary
4 service to public education as recognized and attested by a vote of the Board.
5 2. Two schools in the system shall not be given the same name and care should be taken to avoid
6 similar names.
7 3. Schools shall be named for:
8 a. The area or community in which the school is located, or
9 b. The street on which the school is located, or a street bordering the school site, if
10 that street is well known in the community, or
11 c. Presidents, governors or recognized national, state and local leaders who have made
12 an outstanding contribution to the field of education.
13 4. A single building on a campus with multiple buildings or a specific area on the campus
14 may be named for a living person, provided s/he has made an outstanding contribution to
15 that school. The naming of such building or specific area shall not supplant the facility's name.
16 5. Facilities other than school shall be given names which describe the facility or the
17 geographic location in the city.
18 6. If in the judgement of the Board an existing facility should be renamed, the criteria of this
19 policy will apply.
20

21 When a new school or facility is to be named, the chairperson will appoint a committee composed of the
22 Board member in whose district the facility is located, community supporters of the school, alumni,
23 faculty members, and the school principal. Names for consideration by the committee may be submitted
24 by any citizen, board member or school personnel and must be accompanied by a petition that will include
25 a minimum of 50 signatures from the community representing that school zone.
26

27 The chairperson shall have the authority to recommend the naming of a portion of a facility, such as a
28 section of a building, a single building on a campus with multiple buildings or a specific area on campus
29 within a school.
30

31 The chairperson shall submit a recommendation to the Board along with supporting reasons and the
32 petition for its consideration and approval at a regular meeting. The Board will vote on the new name at
33 the next scheduled meeting.
34

35 The Board may determine that all recommendations for names be considered at a specific time of the year.
36 The final decision on all names shall rest with the Board.
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Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Facilities Planning: Involvement of Architects	Descriptor Code: 3.212	Issued Date: 12/16/04
		Rescinds:	Issued:

1 Believing that several separate architects or architectural firms will produce a wider range of experience
2 and talent which should result in development of better or more efficient plans, the Board shall recommend
3 one or more qualified architects or firms to be assigned to buildings projects.
4

5 In recommending architects the following criteria will be considered:
6

- 7 1. Training and experience;
- 8
- 9 2. Planning ability;
- 10
- 11 3. Promptness;
- 12
- 13 4. Specification in writing, accuracy and sufficiency of detail;
- 14
- 15 5. Design, appearance and utility;
- 16
- 17 6. Ability to meet budget requirements;
- 18
- 19 7. Past performance;
- 20
- 21 8. Relation with contractors;
- 22
- 23 9. Location;
- 24
- 25 10. Work load;
- 26
- 27 11. Volume of work previously awarded by the school system with the objective of effecting an eq-
28 uitable distribution of contracts among qualified firms; and
- 29
- 30 12. Experience with government agencies.
31

32 When it becomes necessary to secure the services of an architect or firm, the Board and/or county commission
33 shall request submission of proposal(s) including qualifications and services from interested architectural
34 firms. Public announcements of the proposed projects shall be made.
35

36 After review of the proposal(s) submitted and interviews with selected firms under consideration by the
37 superintendent and based upon the superintendent's recommendation(s), the Board shall make a recom-
38 mendation(s) to the City/County Commission.
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The Board may hire a construction manager. The selection process will be the same as used to select an architect. Only those firms with previous expertise in construction management will be considered.¹

Legal References:

1. TCA 62-2-107; TCA 49-2-203(4)(C)(3)(ii); TCA 62-6-102 & 103

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Lead Testing in Drinking Water	Descriptor Code: 3.213	Issued Date: 11/21/19
		Rescinded:	Revised:

1
2 Hamilton County Board of Education has developed and implemented a program to reduce the
3 potential sources of lead contamination in drinking water in schools by incorporating, at a minimum,
4 testing every 24 months of lead levels in drinking water sources at all HCDE school facilities built
5 prior to January 1, 1998. School facilities built after January 1, 1998 are to be tested periodically, not
6 to exceed forty-eight months between testing cycles. Samples will be taken from all water fountains,
7 food preparation sinks, & any noted water dispensing fixtures deemed necessary for testing during a
8 building survey. Samples will consist of the first two hundred fifty milliliters (250 mL) drawn of water
9 that has been standing in plumbing overnight to identify lead levels.

10
11 If the result of a drinking water lead level test exceeds fifteen parts per billion (15 ppb) but is less than
12 twenty parts per billion (20 ppb), HCDE will conduct lead level tests on an annual basis until retesting
13 confirms that the level is less than fifteen parts per billion (15 ppb).

14 If the result of a lead level test conducted is equal to or exceeds twenty parts per billion (20 ppb),
15 HCDE will:

16
17 (A) Immediately remove the drinking water source from service. The drinking water source
18 will remain unavailable for use until subsequent retesting confirms the lead level of
19 drinking water from the source does not exceed twenty parts per billion (20 ppb).

20
21 (B) Notify:

22
23 (1) The commissioner of environment and conservation, the commissioner of health, the
24 local department of health, the local governing body, and the department of
25 education within twenty-four (24) hours of the test result; and

26
27 (2) The parents and guardians of students enrolled at the school, in accordance with this
28 policy within five (5) business days of the test result; and

29
30 (C) Retest the lead level of the drinking water source within ninety (90) days of any corrective
31 action.

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Legal References:

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41 1. TN Code Annotated 49, Chapter 2, Part 1

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Equipment and Supplies Management	Descriptor Code: 3.300	Issued Date: 12/16/04
		Rescinded:	Revised: 11/17/22

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All equipment and materials placed in school buildings by any group or organization become the property of the Board. The Board reserves the right to transfer property to other schools if the school in which it was originally placed is discontinued or if there is no longer any need for the equipment or materials where originally placed. Restrictions may apply if the equipment or materials were purchased with federal funds.

The director of maintenance shall develop procedures promoting the useful life of equipment and supplies by establishing a thorough, effective and economical operations and maintenance program and providing adequate insurance coverage.

Each employee of the system shall be responsible for the materials, equipment and supplies assigned to him. In addition, he/she is responsible for the preservation and protection of materials, equipment and supplies not under his/her direct control when such are endangered and when the system employee having direct control is not present or is otherwise unable to act.

The Chief Financial Officer shall be responsible for establishing procedures for fixed asset management.

Legal References: _____

Cross References: _____
Inventories 2.702

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Use of Cellular Phones	Descriptor Code: 3.3001	Issued Date: 12/16/04
		Rescinded:	Revised: 04/18/24

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Cellular phones shall be provided to a limited number of employees when essential to the operation of the school system. Whenever possible, other methods of more economical, immediate communication shall be considered (i.e., two-way radios or other current technology). The assignment of cellular phones shall be approved by the Director of Schools or his/her designee.

System-assigned phones are for conducting the business of the school system. Personal calls made with these phones shall be the responsibility of the employee.

The Director of Schools or his/her designee shall develop procedures for assignment and use of phones, billing disputes, and lost or damaged cellular phones. These procedures shall be given to any employee requesting a cellular phone.

Use of cellular phones shall be in accordance with all required state law. If an employee is involved in a motor vehicle crash while using a cellular device, HCS assumes no liability.¹

Legal References:
1. TCA 55-8-199

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Equipment and Tools Use	Descriptor Code: 3.301	Issued Date: 12/16/04
		Rescinds:	Issued:

- 1 **USE OF EQUIPMENT & TOOLS**
- 2
- 3 Equipment and tools purchased and/or owned by Hamilton County Department of Education are for use
- 4 only on property belonging to Hamilton County Department of Education, Hamilton County Government
- 5 or other property belonging to a municipal body.
- 6
- 7 **PERSONAL USE OF EQUIPMENT & TOOLS**
- 8
- 9 Equipment and tools belonging to HCDE cannot be borrowed by or loaned to any individual or group
- 10 for use on their personal property or for their private use.
- 11
- 12 Motor operated equipment and tools, personnel lifts, scaffolds, ladders, platforms, etc. will not be made
- 13 available for use of individual schools, parent groups, PTA's etc. due to the inherent danger in the use
- 14 of such equipment. When schools need tools of this nature for parent work days, etc. the maintenance
- 15 department will operate the needed equipment, if the budget will allow for overtime work. Requests
- 16 for use of this equipment and operator must be made to the department director/manager.
- 17
- 18 Nothing in this policy will prohibit use of HCDE Equipment & Tools by other branches of a government,
- 19 including Hamilton County Government, Chattanooga and other Municipal Governments, or Parks and
- 20 Recreation Departments, or other recognized groups such as sports or band boosters for use only on
- 21 government owned or managed projects.
- 22
- 23 **VIOLATION OF POLICY**
- 24
- 25 Any employee who willingly and knowingly violates this policy will be subject to disciplinary action
- 26 up to and including termination.
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Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Service Animals in District Facilities	Descriptor Code: 3.302	Issued Date: 11/11/21
		Rescinded:	Revised: 11/17/22

1
2 In accordance with the provisions of the Americans with Disabilities Act, service dogs and trained
3 miniature horses¹ (hereinafter referred to as service animals) are permitted for use by individuals with
4 disabilities on district property and in district facilities provided the individuals and their animals meet
5 the requirements and responsibilities covered in this policy.

6
7 When an individual with a disability seeks to bring a service animal into a district facility, the district
8 is entitled to ask the individual if the animal is required because of a disability and what work or task
9 the animal has been trained to perform.² The district is not entitled to ask for documentation that the
10 animal has been properly trained, but the individual bringing the animal into the district facility will be
11 held accountable for the animal's behavior.

12
13 Any service animal brought into a district facility by an individual with a disability must have been
14 trained to do work or perform tasks for the individual. The work or tasks performed by the service
15 animal must be directly related to the handler's disability. Examples of work or tasks include, but are
16 not limited to, assisting individuals who are blind or have low vision with navigation and other tasks,
17 alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing
18 non-violent protection, pulling a wheelchair, assisting an individual during a seizure, alerting
19 individuals to the presence of allergens, retrieving items such as medicine, providing physical support
20 and assistance with balance and stability to individuals with mobility disabilities, and helping persons
21 with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive
22 behaviors.

23
24 The crime deterrent effects of an animals' presence and the provision of emotional support, well-being,
25 comfort, or companionship do not constitute work or tasks for the purposes of this policy.

26
27 Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas
28 of a public entity's facilities where members of the public, participants in services, programs or
29 activities, or invitees, as relevant, are allowed to go.

30
31 A service animal shall be under the control of its handler. A service animal shall have a harness, leash,
32 or other tether unless either the handler is unable because of a disability to use a harness, leash, or
33 other tether, or the use of a harness, leash, or other tether would interfere with the service animal's
34 safe, effective performance of work or tasks, in which case the service animal must be otherwise under
35 the handler's control by means of voice control, signals, or other effective means.

36
37 District staff may ask an individual with a disability to remove a service animal from the premises if;

- 38 1. The animal is out of control and the animal's handler does not take effective action to control
39 it;
 - 40 2. The animal is not housebroken; or
 - 41 3. The animal's presence would fundamentally alter the nature of the service, program, or activity.
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1 If the district excludes a service animal due to the reasons listed above, the district shall give the
2 individual with a disability the opportunity to participate in the service, program, or activity without
3 having the service animal on the premises.

4
5 The district and its staff are not responsible for the care or supervision of a service animal brought onto
6 district property or into district facilities by an individual with a disability.

7
8 The district shall not ask or require an individual with a disability to pay a surcharge, even if people
9 accompanied by pets are required to pay fees, or to comply with other requirements generally not
10 applicable to people without pets.

11
12 Students and employee making use of a service dog must provide annual proof of a negative result
13 from a fecal test of intestinal parasites, and annual proof of the following vaccinations: DHLPPC
14 (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Coronavirus), Bordetella, and Rabies.

15
16 All service animals must be:

- 17 1. Spayed or neutered (dogs only);
- 18 2. Treated for, and kept free of, fleas, ticks, and other parasites; and
- 19 3. Kept clean and groomed to avoid shedding and dander.

20
21 The employee or parent of student making use of a service dog is liable for any damage to district or
22 personal property and any injuries to individuals caused by their service animal. The employee, student's
23 parent, or adult student who uses a service animal on district property will hold the district
24 harmless and indemnify the district from any such damages.

43 Legal References:

- 44 1. 28 CFR 35.136
- 45 2. 28 CFR 35.104

Cross References:

Americans with Disabilities (ADA) 5.1041

Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Student Transportation Management	Descriptor Code: 3.400	Issued Date: 12/16/04
		Rescinds:	Issued:

1 School buses shall be maintained and operated in accordance with state law and State Board Rules and
2 Regulations.¹

3
4 To avoid the financial burden of replacing an aging bus fleet at any one time, the Board shall replace a
5 certain number of buses each year on a rotating basis. The use of an outside contractor may eliminate
6 this need.

7
8 The school transportation program shall be monitored daily by the principals and the manager of trans-
9 portation and subjected to periodic evaluations by them as necessary. An overall evaluation shall be
10 conducted by the manager of transportation on or before November 1 and June 15 of each school year,
11 and a summary report of same submitted to the director of schools and the Board.

12
13 All buses and other vehicles owned and operated by the Board shall be given safety inspections by the
14 assigned driver and the transportation manager on a regular basis. The transportation manager shall
15 develop and maintain a safety inspection record which shall be filled out and signed by the individual
16 who conducts the inspection. In addition, all buses shall be available for regular state inspections. Any
17 defects noted by either the regular local or state inspection shall be remedied immediately.

18
19 All accidents, regardless of the damage involved, must be reported to the transportation manager, in-
20 cluding incidents in which any part of the bus rubs, scrapes or touches any other object or vehicle.

21
22 The director of transportation shall develop procedures for the operation of the student transportation program.

23
24 Failure by a student to comply with the rules and regulations for student transportation may result in sus-
25 pension from the bus by a school administrator.

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33 Legal Reference:

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35 1. TCA 49-6-2101 through 2113; TRR/MS 0520-1-5-.01(4)

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Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Scheduling and Routing	Descriptor Code: 3.401	Issued Date: 12/16/04
		Rescinds:	Revised: 11/17/22

1 All school bus routes shall be arranged in such a way as to travel the safest and most efficient route
2 from the time the first student is picked up until the trip is complete. The director of schools or his or
3 her designee shall have sole authority to create, eliminate, revise, or combine bus routes.

4
5 The transportation manager will be responsible for surveying all bus routes and scheduling bus
6 transportation, including the determination of bus stops and the assignment of students.

7
8 Appeals of transportation decisions shall be made to the director of schools or his or her designee and
9 then to the Board.

10
11 Students shall not be in transit to and from school more than one and one-half hours each way.²

12
13 Where practical, transfers may be made from one bus to another. Both buses shall be present while
14 the transfer is in process, unless the transfer point is a school campus. Leaving students at a home or
15 place of business for transfer shall be permitted only after approval has been obtained from the
16 Transportation Manager.

17
18 Bus routes shall not overlap unless necessary to reach some other portion of each respective route or
19 unless overlapping results from the necessity to travel the main highway to school centers. When more
20 than one bus travels a main highway and each bus picks up some students along such routes, each bus
21 shall be assigned a certain portion of the route and all students within this section shall ride the bus to
22 which assigned.

23
24 Once the official route is begun, stops shall only be made to take on, discharge or
25 transfer students. Buses are not to stop at stores (or make any other non designated stops
26 except for emergencies) when transporting students.

27
28 Students who ride school buses shall attend the school designated for that bus route. If a parent chooses
29 to send his/her child to another school in the system, the parent must provide transportation to and from
30 that school.

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35 Legal References:

- 36 1. TCA 49-6-2106; TCA 49-6-2102(a)-(c)
37 2. TCA 49-6-2105
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Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Special Use of School Buses	Descriptor Code: 3.402	Issued Date: 09/20/07
		Rescinded:	Revised: 11/11/21

1
2 For purposes of Hamilton County Board policies, "extracurricular trips" shall mean "any school
3 approved trip other than transportation of students to school in the morning and from school in the
4 afternoon". All standard rules of student and driver conduct shall apply to all extracurricular trips. The
5 principal will make all transportation arrangements for extracurricular trips with approved vendors.
6 The Board may establish special rates for extended trips or in special cases.

7
8 Only owner/operators under contract with the Superintendent or coaching services duly approved by
9 the Board may provide transportation for extracurricular trips.

10 11 **Extracurricular Trips by Contractors**

12
13 Principals shall have discretion to request from the director of transportation a contractor or a board-
14 approved coach service to transport students on school sponsored extracurricular trips.
15 Notwithstanding the discretion that the school principal has whether to utilize a contractor, the principal
16 may not offer to pay, and the contractor may not agree to accept, any more or less than the standard
17 rate as established for each school trip.

18
19 Whenever a contractor uses his/her bus for an extracurricular trip which is school sponsored or
20 sanctioned by the Department of Education, the contractor will abide by the same rules and regulations
21 required in the normal school bus route operation.

22 23 **Private Trips by Contractor**

24 Whenever a contractor uses his/her bus for a trip that is not school sponsored or not sanctioned by
25 the Department of Education he must abide by the following:

- 26
27 1. Contractor will cover the words "Hamilton County Schools" on each side of the bus and
28 the words "School Bus" on the front and rear in such a manner as not to be visible to the
29 general public and operate his bus in any manner he desires.
- 30
31 2. Contractor shall comply with all applicable state and federal regulations for the transport
32 of persons.

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38 Legal References:

37 _____
38 Cross References:
39 Extracurricular Activities 4.300
40 Interscholastic Athletics 4.301
Field Trips and Excursions 4.302

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Traffic and Parking Controls	Descriptor Code: 3.403	Issued Date: 11/15/18
		Rescinded:	Revised: 11/11/21

1 The principal of each school shall develop and implement a plan to ensure maximum vehicular
2 and pedestrian safety for his/her campus and shall submit it to the director of schools for approval.
3 The plan shall include a sketch showing various parking areas, traffic flow, areas reserved for
4 school bus loading and unloading; the location of any safety hazards as areas to be avoided by
5 vehicles or students; and dismissal times for car and bus students.

6
7 Students who ride bicycles or drive motor vehicles to school must leave the vehicles parked in
8 designated areas until the end of the school day, unless permission is obtained from the principal
9 to use said vehicle.

10
11 Parking regulations for each school will be developed by the principal and published in the school
12 handbook. Any vehicle on campus or any school is subject to search to preserve the safety and
13 security of the students of Hamilton County Schools if school administrators determine such a
14 search is necessary based upon reasonable, individualized suspicion.

15
16 The school system assumes no responsibility for any damage to or loss of personal property from
17 the vehicles while on school property.

18
19 The following regulations shall be in effect for all schools:

- 20 a. A principal may prohibit a student from operating a vehicle on school grounds for a specific
21 period of time for violations(s) of any school regulations.
22
23 b. A student shall permanently lose the privilege to operate a vehicle on school grounds if the
24 student is involved, directly or indirectly, in any manner with:
25
26 1. a controlled substance,
27 2. alcoholic beverages, and/or
28 3. a weapon.
29
30 c. A student must present a valid license and proof of insurance in order to purchase and/or
31 receive a parking pass.

32
33 A student may lose the privilege to operate a vehicle on school property permanently if the
34 student is convicted of a driving violation on school grounds which results in bodily injury or
35 property damage.

36
37 A student shall lose the privilege to operate a vehicle on school property for reckless driving. The
38 seriousness of the offense will dictate the period of time for loss of driving privilege on campus.
39

1 A student who loses the right to operate a vehicle on school grounds, whether for a specific time
2 period or permanently, shall not be entitled to a refund on any parking fee paid.

3
4 A vehicle which has been prohibited from parking on school property, whether for a specific
5 period or permanently, may be towed at owner’s expense if parked on school property.

6
7 This policy shall be applicable to:

- 8
9 1. A student operating his/her vehicle.
10 2. A student operating another student's vehicle.
11 3. A non-student operating a student's vehicle.
12 4. A student operating a non-student's vehicle.
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44 Legal References:

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44 Cross References:
45 Code of Behavior and Discipline 6.300
46 Interrogations and Searches 6.303

Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Private Vehicles	Descriptor Code: 3.404	Issued Date:
		Rescinds: 3.404	Issued: 9/20/07

1 The Board recognizes that certain employees may voluntarily choose to use their private vehicles for
2 school purposes. Any such use, however, must be subject to the following:

- 3
4 1. The Board does not accept responsibility for the use of private vehicles for school purposes:
 - 5
6 a. Employees' personal insurance will be in effect for using their personal vehicle for school
7 related trips; and
 - 8
9 b. A specific permit must be obtained from the principal for each trip involving students, in-
10 cluding field trips.
- 11
12 2. The school system shall assume no responsibility for liability in case of accident.
- 13
14 3. The Board specifically forbids any employee to transport students for school purposes without
15 appropriate insurance coverage.
- 16
17 4. Privately-owned school buses and drivers of such shall meet all requirements of state law and
18 state Board Rules, Regulations, and Minimum Standards.¹
- 19
20 5. No student shall be sent on errands, personal or school-related, in a vehicle owned by the student,
21 an employee, or the school system.
- 22
23 6. No employee may ask for or give permission to students to transport other students to and from
24 any school or school-related activity without written parental permission and proof of student
25 insurance.
- 26
27 7. No employee may seek or receive reimbursement for mileage expenses related to the use of his
28 or her private vehicle unless the travel is exclusively for school purposes, to and from a
29 designation outside Hamilton County, and has the advance authorization of the director of schools.
30 The director of schools may authorize reimbursement of mileage expense for private vehicles at
31 the published and approved rate established by the Internal Revenue Service, and this
32 authorization does not require Board approval if the travel expense has been anticipated and
33 incorporated in the operational budget of the particular program involved.

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Legal Reference:

- 38 1. TRR/MS 0520-1-5
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Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Owner/Operator Bus Service	Descriptor Code: 3.405	Issued Date: 09/19/19
		Rescinded:	Revised: 11/17/22

1
2 The director of schools will contract annually with individual owners of buses to provide student
3 transportation services.²

4 5 **RESPONSIBILITIES OF BUS OWNERS**

- 6
- 7 1. Each school bus and all related equipment shall be maintained in condition to operate safely at
8 all times during the school year and shall conform to specifications as set forth by the State Board
9 of Education¹ and National Highway Traffic Safety Administration.
 - 10 2. Each bus driver shall obey all applicable state rules and regulations.
 - 11 3. A school bus owner shall give 30 calendar days written notice to the Board when he/she wishes
12 to terminate his/her bus operation contract.
 - 13 4. A school bus owner shall secure the approval of the director of schools before he may sell his bus
14 during the period of his/her contract. The sale of a bus does not obligate the director of schools
15 to enter into contract with the new owner.
 - 16 5. Each school bus owner shall have on file in the director of schools' office a current statement
17 of liability and property damage insurance coverage carried on the bus, bus driver and bus
18 contractors.
 - 19 6. Each school bus owner must specify for the director of schools' approval the name of the designated
20 driver and at least one substitute driver of his/her bus.
 - 21 7. Each school bus driver shall submit to the director of schools or his or her designee, the results
22 of his latest physical examination.
 - 23 8. By the end of the first month of each school year, each bus owner shall file with the director
24 of schools on forms approved by the Board a report giving an accurate record of the names of
25 all students transported on his/her bus and the school to which each student is transported.
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40 Legal References:

- 41 1. TRR/MS 0520-1-5
42 2. TCA 49-6-2101

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Food Service Management	Descriptor Code: 3.500	Issued Date: 12/13/18
		Rescinded:	Revised: 09/19/19

1
2 School food service will be operated on a nonprofit basis and will comply with all rules and
3 regulations pertaining to health, sanitation, internal accounting procedures, and service of foods and
4 will meet all state and federal¹ requirements necessary for participation.

5
6 The system's food service director will oversee the program. The cafeteria manager, in cooperation
7 with the school principal, is responsible for administering the Child Nutrition program in individual
8 schools. All products and services necessary for the operation of the food service department shall
9 be procured under the direction of the cafeteria manager.

10
11 School food service receipts will be used only to pay regular food service operating costs. When food
12 service facilities are used by outside agencies, an adequate fee approved by the Board will be charged
13 and the manager will ensure that no USDA commodities or supplies provided for the regular program
14 are used.

15
16 The principal shall correlate the food service program with areas of instruction.

17
18 Students will be permitted to bring their lunches from home and to purchase beverages and incidental
19 items at school.

20 21 **FREE OR REDUCED PRICE MEALS**

22
23 The criteria and procedures for determining a student's need and steps in securing for students no-
24 cost or reduced-cost lunches as established at the state/federal level will be outlined and made
25 known by the principal.

26
27 Students who participate in no-cost or reduced-cost meals will not be distinguished in any way from
28 students who pay the regular price. Their names will not be made known to any person except such
29 staff member(s) as needed to make the special arrangements for them.

30 31 **COMPETITIVE FOODS/VENDING MACHINES**

32
33 Applicable State Law and State regulations will apply to any sale of food and beverages during
34 school hours (competitive foods). Revenue from the sale of food purchased from the school food
35 service account will be deposited to the food service account.

36
37 The sale of all competitive foods and beverages to students during the school hours, including
38 vending machines, shall be limited to those approved by the Secretary of Agriculture and controlled
39 by the principal.

1 Vending machines accessible to students in the schools will be controlled so that they will not offer
2 competition to the school lunch program or encourage poor eating habits.

3
4 Vending machines may be operated by the school without restriction in the employee lounge for
5 employee use only.

6 7 **SANITATION**

8
9 The Food Service Director and managers shall be responsible for implementing regulations from
10 the Department of Health and seeing that school cafeterias meet acceptable standards of
11 cleanliness at all times.

12 13 **MEAL CHARGES**

14
15 It is the intent of the Board that the School Nutrition Program provides the opportunity for each
16 student to have a nutritious meal every day. However, if circumstances require it, students may
17 charge their meal in accordance with the following:

- 18 1. Elementary and middle school students will be allowed to charge.
- 19 2. High school students may charge meals such that the charge balance does not exceed \$40.
- 20 3. Only one meal may be charged per meal service per school day.
- 21 4. Adult charges are not allowed with the exception of principal approved, special event and/or
22 Teacher Appreciation Day.
- 23 5. A la Carte items may not be charged.
- 24 6. A la Carte purchases cannot be made if there is a negative charge balance.
- 25 7. Procedures to be used system-wide to collect overdue charges shall be designed, distributed,
26 and monitored by the School Nutrition Department.

27
28 Procedures for implementing local board policies are on file in the district food services procedures
29 *manual*.

30 31 32 33 34 35 36 37 38 Legal Reference:

- 39 1. *Child Nutrition & Food Distribution*,
- 40 2. 210.11 Competitive Food Services (1994)

Cross References:

- 41 1. Deposit of Funds 2.500
- 42 2. Financial Reports and Records 2.701
3. Wellness Policy 6.402

Hamilton County Board of Education

Monitoring: Review: Annually in February	Descriptor Term: Water Access	Descriptor Code: 3.5011	Issued Date: 11/16/17
		Rescinded:	Revised: 03/18/21

1
2 Because water is essential to maintain, optimize, and improve health as well as mitigate germs and
3 disease, the Hamilton County School District shall ensure clean, drinking water is available to all
4 students without charge.

5
6 The school district shall require those public schools described below to have water bottle filling stations
7 consistent with the requirements:

8
9 The director of schools shall not approve the plans and specifications for a new public school building
10 or for any major renovation of an existing school building (50 percent or more of a school), unless the
11 plans and specifications provide for the following:

- 12 1. A minimum of one (1) water bottle filling station on each floor of each school building
13 and a minimum of three (3) water bottle filling stations per school building described
14 below, and
- 15 2. A minimum of one (1) water bottle filling station located in or near gymnasiums and
16 outdoor activity areas, and cafeterias; and
- 17 3. A minimum of one (1) water bottle filling station for every two-hundred (200) building
18 occupants as determined by intended student capacity for the building at the time
19 construction or renovation commences.

20
21 A water bottle filling station in a public school must:

- 22 1. Dispense filtered and cooled, clean water; and
- 23 2. Be regularly cleaned and maintained to ensure sanitary conditions and encourage
24 consumption by students.

25
26 Water bottle filling stations may be integrated into water fountains. Touchless water bottle filling stations
27 may be encouraged for sanitary reasons.

28
29 Additionally, the district will allow students and staff to carry a refillable, water bottle while on campus
30 (Wellness Policy 3.501).

31
32 This section applies to:

- 33 1. New school buildings where the construction commences on or after March 1, 2021; and
- 34 2. Existing school facilities that undergo major improvements (50 percent or more of a
35 school) to renovate, repair, remodel or enlarge a school building commencing on or after
36 March 1, 2021

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40 Legal References:

Cross References:
Wellness Policy 6.402

Hamilton County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Offer Versus Serve	Descriptor Code: 3.502	Issued Date: 8/15/13
		Rescinds:	Issued: 11/17/22

1 Hamilton County School System implements “Offer Versus Serve” in all schools to all grade levels,
 2 Kindergarten(K) through Twelve (12). The policy reflected below will only impact Grades K-12.
 3
 4 Breakfast: A school breakfast eligible for federal reimbursement shall offer three (3) food components.
 5 The components are grains (with optional meat/meat alternate allowed); juice/fruit/vegetable; and milk.
 6 A minimum of four (4) food items (from the three components) must be offered. Students are allowed to
 7 take a minimum of three food items, with one item required to be a fruit or juice. The student’s decision
 8 to take three or more items shall not affect the price charged for the meal. The breakfast is priced as a
 9 unit based on the student taking a minimum of three items. If less than three items or more than five are
 10 taken, the student will pay a la carte prices.
 11
 12 Note: A meat/meat alternate may be offered as either an optional grain OR an extra item (not counting
 13 toward the components, but does count toward nutrient requirements). The menu planner will determine
 14 how the meat/meat alternate counts toward the reimbursable meal.
 15
 16 Lunch: A School lunch eligible for federal reimbursement shall offer five (5) components (milk, fruits,
 17 vegetables, grains, meat/meat alternates) in the appropriate amounts per grade groupings. Students are
 18 allowed to decline two (2) of the five(5) required food components, but must select at least ½ cup of
 19 either a fruit (or fruit combination) or a vegetable (or vegetable combination). After selecting the ½ cup
 20 fruit or vegetable requirement, students must select two (2) additional components in the full amounts as
 21 required per age/grade group to count toward the reimbursable meal. Students may not choose two (2) of
 22 the same fruit or vegetable to count toward the required amount of that component. The student’s
 23 decision to accept all five (5) components or to decline two (2) components shall not affect the price
 24 charged for the meal. The lunch is priced as a unit.
 25
 26 If a student chooses to take less than the minimum required for a reimbursable breakfast or lunch meal, or
 27 more than the maximum, those foods will be priced at a la carte prices and will have to be paid for at the
 28 time of purchase. A la Carte items cannot be charged.
 29
 30 All Pre-K students are exempt from the “Offer Versus Serve” Policy.
 31
 32

33 _____ 34 Legal Reference: 35 1. <i>Child Nutrition & Food Distribution</i> , 36 210.11 Competitive Food Services (1994) 37 38 39 40	_____ Cross References: Deposit of Funds 2.500 Financial Reports and Records 2.701
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Hamilton County Board of Education

Monitoring: Review: Annually in July	Descriptor Term: Food Services Employee Health Policy	Descriptor Code: 3.503	Issued Date: 11/19/15
		Rescinded:	Revised: 09/16/21

1
2 **PURPOSE**
3

4 The purpose of the Food Service Employee Illness Reporting Policy is to ensure that all food
5 service employees notify the “Person In Charge” (PIC) such as their Cafeteria Manager (or the Area
6 Supervisor if the manager is not available) when they experience any of the conditions listed so that
7 appropriate steps are taken to preclude transmission of Foodborne illness or communicable diseases.
8

9 **POLICY**
10

11 The Hamilton County Department of Education School Nutrition department is committed to
12 ensuring the health, safety, and well-being of our employees and customers and complying with all
13 health department regulations, State of Tennessee and federal regulations. All food service
14 employees shall report if they are experiencing any of the following symptoms to their Cafeteria
15 Manager or Area Supervisor:

- 16 • Diarrhea
- 17 • Vomiting
- 18 • Jaundice (yellow skin or eyes)
- 19 • Sore throat with fever of 100.0 degrees Fahrenheit or greater
- 20 • Lesions (such as boils and infected wounds, regardless of size) containing pus on the fingers, hands or
21 wrists.

22
23 For the below conditions, the Cafeteria Manager and/or Area Supervisor will work with the Human
24 Resources (HR) department. The HR department will partner with the Hamilton County Health
25 Department to determine next steps prior to the employee returning to work.
26

27 Food service employees should first notify their Cafeteria Manager or Area Supervisor whenever
28 diagnosed by a healthcare provider as being ill with any of the following diseases that can be
29 transmitted through food or person-to-person casual contact such as:
30

- 31 • Salmonella Typhi (typhoid-like fever)
- 32 • Nontyphoidal Salmonella
- 33 • Shigellosis
- 34 • Escherichia coli (E. Coli)
- 35 • Hepatitis A Virus
- 36 • Norovirus, or
- 37 • Corona Virus

38
39 In addition to the above conditions, food service employees shall notify their Cafeteria Manager or
40 Area Supervisor if they have been exposed to the following high-risk conditions:

- Exposure to or suspicion of causing any confirmed outbreak involving the above illnesses.
- A member of their household is diagnosed with any of the above illnesses.
- A member of their household is attending or working in a setting that is experiencing a confirmed outbreak of the above illnesses.

FOOD EMPLOYEE RESPONSIBILITY

All food service employees shall follow the reporting requirements specified above involving symptoms, diagnosis and high risk conditions specified. All food service employees subject to the required work restrictions or exclusions that are imposed upon them as specified in Tennessee law, the local Hamilton County Health Department, regulatory authority or PIC, shall comply with those requirements as well as follow good hygienic practices at all times.

PIC RESPONSIBILITY

The PIC shall take appropriate action as specified in Tennessee Department of Agriculture State Retail Food Safety Act to exclude, restrict and /or monitor food service employees who have reported any of the aforementioned conditions. The HR department shall ensure these actions are followed and only release the ill food service employee once evidence, as specified in the food code and after the employee is cleared by the Hamilton County Health Department, is presented demonstrating the person is free of the disease causing agent or the condition has otherwise resolved.

The PIC shall cooperate with the regulatory authority during all aspects of an outbreak investigation and adhere to all recommendations provided to stop the outbreak from continuing. The PIC will ensure that all food service employees who are employed acknowledge awareness of this policy. The PIC will continue to promote and reinforce awareness of this policy to all food service employees on a regular basis to ensure it is being followed.

Legal References:

- TCA 68-14-704 (8) (iii)
- 2009 FDA Food Code, Part 2-2 (US Department of Health and Human Services)

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Insurance Management	Descriptor Code: 3.600	Issued Date: 12/16/04
		Rescinded:	Revised: 12/14/23

The insurance program will provide coverages in a minimum of the following broad categories:

- Property: Buildings and contents against fire, extended coverage, vandalism and malicious mischief, boiler and machinery explosion; and vehicles;
- General Liability: Bodily injury, personal injury, and damages on premises;
- Liability: Board members, director of schools and employees resulting from discharging their duties; and
- Fidelity: Blanket bond and fiscal agent's bond as required by statute.

The director of schools will continually review the insurance program to ensure that adequate protection is being provided at a reasonable price. All insurance programs shall be governed by the contract with the carrier or provider.

GROUP HEALTH

The Board shall offer group health insurance for all full-time employees.¹

Board approval of group insurance for which the Board makes full or partial payment shall be given on recommendation of a committee.

LIFE

The Board will pay all or part of the individual premium for each employee for group life insurance and accidental death and dismemberment (ADAD) coverage.

RETIREEES

Payment for group health insurance coverage shall be available for any retiring employee in accordance with current HCDE health plans and rates shall be based on years of service.

Legal References:

1. TCA 49-2-209
2. TCA 49-5-906

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Student Insurance Program	Descriptor Code: 3.601	Issued Date: 11/15/18
		Rescinded:	Revised: 11/17/22

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Hamilton County Board of Education provides limited insurance coverage for students who may be injured during regular school day activities and for students who may be injured during interscholastic athletics.

This insurance is secondary to any personal or group medical insurance coverage. In order for claims to be considered, all accidents must be reported within 24 hours to the Risk Management Department.

All student and athletic injuries must be documented on the Athletic and Student Accidents Form and emailed to Safety at safety_reports@hcde.org. and Risk Management at studentinjuries@hcde.org.

Legal References:

Cross References:

Hamilton County Board of Education

4 - INSTRUCTIONAL PROGRAM

Descriptor Code	Policy Title	Revised Date
4.100	Instuctional Goals	12/16/04
Curriculum Development and Programs		
4.200	Curriculum Development	12/8/22
4.201	Basic Program	12/13/18
4.202	Exceptional Education	11/9/23
4.203	Federal Programs	12/13/18
4.204	Career & Technical Programs	12/8/22
4.205	Magnet Programs	12/21/17
4.206	Early Postsecondary Opportunities	12/8/22
4.2061	Enrollment in Advanced Courses	08/17/23
4.207	Supplementary Programs	12/8/22
4.208	Virtual Education Program	12/8/22
4.210	Credit Recovery	12/8/22
4.211	Work-based Learning Program	12/8/22
4.212	Charter School Application Process	11/9/23
4.2121	Charter School Renewal	11/9/23
4.2122	Charter School Intervention Policy	07/20/23
4.213	Open Enrollment	11/11/21
Extracurricular Programs		
4.300	Extracurricular Activities	08/17/23
4.301	Field Trips and Excursions	05/19/16
4.302	Intramural Athletics	12/16/04
4.303	School Sponsored Student Publications	12/16/04
4.304	High School Athletics	07/21/22
Instructional Materials and Services		
4.400	Instructional Resources and Materials	12/16/04
4.401	Textbook Selection, Distribution and Care	04/22/10
4.402	Selection of Instructional Materials (Other Than Textbooks)	12/8/22
4.403	Reconsideration of Instructional Materials and Textbooks	08/17/23
4.404	Use of Copyrighted and Licensed Materials	12/13/18
4.405	Employee-Developed Materials	12/16/04
4.406	Use of the Internet	12/16/04
4.407	Audio, Video & Digital Recordings	12/13/18
Community Instructional Resources		
4.500	Community Instructional Resources	12/16/04

4.501	School Volunteers	12/08/22
4.502	Parental and Family Engagement Policy	07/19/18

Academic Information

4.600	Academic Information	12/16/04
4.601	Grading System	09/20/18
4.602	Reporting Student Progress	12/13/18
4.603	Drivers License Revocation	12/16/04
4.604	Parent Conferences	12/16/04
4.605	Lottery Scholarships	12/8/22
4.606	Graduation Requirements	04/20/17
4.607	Graduation Activities	12/13/18
4.608	Class Ranking	01/16/14
4.609	Promotion and Retention K-8	12/8/22

Testing and Evaluation

4.700	Testing Programs	12/16/2004
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Controversial Issues and Materials

4.800	Controversial Issues	12/16/04
4.801	Religion in Curriculum	12/16/04

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Instructional Goals	Descriptor Code: 4.100	Issued Date: 12/16/2004
		Rescinds:	Issued:

1 The Board approves the following broad-based instructional goals for students:
2

- 3 • To develop the basic skills of reading, writing, computation, spelling, speaking and
4 problem solving.
5
- 6 • To develop a positive attitude toward learning as a lifelong endeavor.
7
- 8 • To develop the skills necessary to function as a self-directed person.
9
- 10 • To acquire the knowledge and attitude necessary to achieve and maintain good physical
11 and mental health.
12
- 13 • To learn the rights and responsibilities of citizens of the community, state, nation, and
14 world.
15
- 16 • To know the principles involved in making moral and ethical choices.
17
- 18 • To learn to identify personal talents and interests, make appropriate career choices, and
19 develop career skills.
20
- 21 • To acquire knowledge and to develop skills in the management of personal and public
22 resources necessary for meeting obligations to self, family, and society.
23
- 24 • To develop the capacity to cope with change through an understanding of the arts,
25 humanities, and scientific processes.
26
- 27 • To learn to understand, respect and interact with people of different cultures,
28 generations, and ethnicities.
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- 30 • To learn to act in a responsible manner.
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38 Cross Reference:

39 School District Goals 1.700
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Hamilton County Board of Education

Monitoring: Annually, in November	Descriptor Term: Curriculum Development	Descriptor Code: 4.200	Issued Date: 12/16/04
		Rescinded:	Revised: 12/08/22

1 “What” teachers teach is defined by state academic standards approved by the State Board of
2 Education. “How well” students are mastering those standards is measured through aligned
3 assessment. Teachers have autonomy in terms of the “how” through their pedagogy – or
4 instructional practice. We must ensure that our teachers understand best practices and are able to
5 integrate them in their classrooms to facilitate student learning.

6
7 Administration supports curriculum development through providing curriculum guides, assessment
8 items, and other instructional materials that are aligned to state academic standards.¹

9
10 In the development of curriculum guides, Hamilton County will work to ensure each teacher's ability
11 to succeed in addressing the educational needs of all students as they continue to advance in the
12 general curriculum. Teachers in each school shall participate in the system-wide development of the
13 curriculum guides in their appropriate subject areas. Assignments for curriculum guide development
14 will be made by directors in the Teaching and Learning department, in consultation with principals.

15
16 The curriculum guides will be revised and updated regularly through professional development
17 programs and curriculum planning sessions.

18
19 The complete curriculum guide shall be accessible to each school. Copies of the portion which
20 pertains to their area of teaching shall be available to all teachers. Curriculum guide orientation shall
21 be provided for all new teachers.

22 **SPECIAL COURSES**

23 A special course is defined as a high school elective course that is intended to meet the unique needs
24 of a school or district that cannot be met using the courses and standards approved in the State Board
25 of Education (SBE) Approved High School Courses Policy (SBE Policy 3.205) and listed in the
26 Correlation of Course Codes.

27
28
29 Effective January 2017, the SBE approved a policy change to adjust the length of approval for special
30 course applications. The revised policy allows for the approval of special courses for one, three,
31 or six years after which time the district is required to submit a special course application to continue
32 offering the course.

33
34 The state department opens the application process in early spring. Applications and their developed
35 curriculum are submitted to the Executive Director of Teaching and Learning, Deputy Superintendent of
36 Schools and the Hamilton County Board of Education. Special Course requests are then submitted to the
37 state board of education for consideration of approval.

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IMPLEMENTATION

The primary responsibility for the effective operation of the curriculum program and activities shall be delegated to the director of schools and/or his designee.

The school principals shall be responsible for administering the established instructional programs and for the development and supervision of a coordinated plan for the improvement of instruction in their schools.

_____ **Legal References and Cross References:**

- 1. TCA 49-1-302(a);(1);(2);(3);(8)
- 2. TCA 49-2-301(b)(1)(H)
- 3. Board Policy 5.113 - In-Service & Staff Development Opportunities

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Basic Program	Descriptor Code: 4.201	Issued Date: 12/16/04
		Rescinded:	Revised: 12/13/18

1 No otherwise qualified individual shall solely on the basis of his or her gender, ethnicity, national origin,
2 creed, age, marital status or disability be denied participation in, be denied the benefits of, or subjected
3 to discrimination under any program or activity sponsored by the Board.

4
5 Curriculum material utilized shall reflect the cultural and ethnic diversity present in the United States and
6 the variety of careers, roles, and life-styles open to women as well as men in our society. One of the
7 objectives of the total curriculum and teaching strategies is to reduce stereotyping and to eliminate bias
8 on the basis of sexual orientation/gender identity, ethnicity, religion, and disability. The curriculum shall
9 foster respect of and appreciation for cultural diversity found in our country and an awareness of the
10 rights, duties, and responsibilities of each individual as a member of a pluralistic society. ¹

11
12 The courses of study in the schools shall include those subjects required by the Legislature and the
13 Tennessee State Board of Education as follows: language arts, mathematics, science, social studies, health,
14 physical education, wellness, fine arts, computer technology, career and technical education, foreign
15 language, black history and culture, character education, American history and government, Tennessee
16 history, federal and state constitutions, and the free enterprise system.

17
18 Specific topics required in the schools include: displaying of the American flag; history and usage of the
19 pledge of allegiance to the flag of the United States of America; human reproduction, hygiene, health
20 concerns and abstinence (in Sex Education courses, if offered); and defensive driving/highway safety (in
21 driver education courses, if offered). ²

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33 Legal References:

- 34
35 1. Public Law 101-336; 42 U.S.C. 12101
36 2. TCA 49-6-1001 through 49-6-1205
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Cross References:

Student Goals and Objectives 6.100

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Exceptional Education	Descriptor Code: 4.202	Issued Date: 12/08/22
		Rescinded:	Revised: 11/09/23

1
2 The Board shall provide access to a free appropriate public education to all students with disabilities
3 ages 3-21 who reside within the jurisdiction of the district and who are in need of exceptional education
4 and related services. Implementation of appropriate instruction and exceptional education services shall
5 be based upon the Individualized Education Program for each student and provided in accordance with
6 applicable and current federal¹ and state laws,² rules and regulations ensuring that the rights of disabled
7 students and their parents are protected.³

8
9 To the maximum extent appropriate, students with disabilities eligible for exceptional education
10 services, shall be educated with students who are not disabled. Special classes, separate schooling or
11 other removal of students with disabilities from the regular education environment shall occur only if
12 the nature or the severity of the disability is such that education in regular classes cannot be achieved
13 satisfactorily with the use of supplementary aids and services.

14
15 A continuum of services shall be available to meet the needs of students with disabilities who are eligible
16 for exceptional education and related services. Placement determinations for students eligible for
17 exceptional education and related services shall be made by a group of persons, including the parents (or
18 adult student) and others knowledgeable about the student. The IEP team will review all data including
19 evaluation data, the placement option³, and the current IEP. At least every three years, the IEP team will
20 determine the eligibility of the student. Placement decisions must be made in conformity with the least
21 restrictive environment, determined at least annually, based on the student's IEP, and as close as possible
22 to the student's zone school. Students with disabilities who are eligible for exceptional education and
23 related services shall not be removed from education in age-appropriate regular classrooms solely
24 because of needed modifications in the general education curriculum.

25
26 Each student with a disability who is eligible for exceptional education and related services must be
27 given the opportunity to participate with nondisabled students in nonacademic, career and technical, and
28 extracurricular activities to the maximum extent appropriate to the individual needs of that student.

29 30 Legal References:

- 31 1. Education of Individuals with Disabilities 20 U.S. C. Sections 1400-1485.
- 32 2. Section 504 of the Rehabilitation Act of 1973. (Note: 504 of the Rehabilitation Act of 1973 has been
33 interpreted by the courts to include individuals with contagious diseases to be handicapped.)
- 34 3. TCA 49-10-101 et. seq.
- 35 4. TRR/MS 0520-1-3-.09

Hamilton County Board of Education

Monitoring: Annually, in November	Descriptor Term: Federal Programs	Descriptor Code: 4.203	Issued Date: 12/16/04
		Rescinded:	Revised: 12/13/18

1 The Board shall comply with all regulations of the Every Student Succeeds Act of 2015 in its
2 execution of the following programs:

- 3
- 4 • **Title I-A** – Purpose: Improving academic achievement for economically disadvantaged
5 students.
- 6 • **Title II-A** – Purpose: Recruiting, preparing, and training high quality teachers and leaders
- 7 • **Title III-A** – Purpose: Supporting language instruction for limited English proficient and
8 immigrant students
- 9 • **Title I-A Neglected** – Purpose: Supporting academic achievement and enrichment of students
10 identified as neglected in designated facilities
- 11 • **Title I-D** – Purpose: Supporting academic achievement and enrichment of students identified
12 as delinquent in designated facilities
- 13 • **Title IV Part A** – Purpose: Supporting academic enrichment, improved conditions for learning,
14 and improved use of technology
- 15

16 In accordance with the Act, a committee consisting of administrators, teachers, parents, support
17 personnel, and community representatives shall assist the appropriate directors in determining the
18 needs of the district and utilization of funds.

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Hamilton County Board of Education

Monitoring: Annually, in November	Descriptor Term: Career & Technical Education	Descriptor Code: 4.204	Issued Date: 12/16/04
		Rescinded:	Revised: 12/08/22

The Board shall offer sequenced career and technical educational programs that provide individuals with the academic and technical skills required in pursuing further education and careers in current or emerging employment sectors. Those employment sectors shall align with state approved career clusters and associated programs of study. The approved career clusters are as follows:

- Advanced Manufacturing
- Agriculture, Food, & Natural Resources
- Architecture & Construction
- Arts, Audio/Visual Technology, & Communications
- Business Management & Administration
- Education & Training
- Finance
- Government & Public Administration
- Health Science
- Hospitality & Tourism
- Human Services
- Information Technology
- Law, Public Safety, Corrections, & Security
- Marketing, Distribution and Logistics
- STEM (Science, Technology, Engineering and Math)
- Transportation

Our district's goal is that every student graduates high school prepared for postsecondary coursework and qualified for quality employment. To achieve this, we will seek to place students in career-aligned learning pathways through robust career and technical education (CTE) programs that culminate in the achievement of nationally recognized industry certifications, capstone work-based learning experiences, and/or attainment of postsecondary credit hours through early postsecondary opportunities (EPSOs), reference policy 4.206.

The district will offer industry certification opportunities aligned to the certifications that have been vetted and promoted by the state department of education. The Board will continue to review and add programs of study and industry certifications that reflect future workforce demand in our region.

Implementation of appropriate programs shall be provided in accordance with applicable and current federal and state laws, rules, and regulations of the State Board of Education.

Cross References:

1. Board Policy 4.206 – Early Postsecondary Opportunities

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Magnet Programs	Descriptor Code: 4.205	Issued Date:
		Rescinds:	Issued: 12/21/17

1 Magnet school programs represent a viable choice for all students who reside in the Hamilton County school
2 zone and attend Hamilton County Schools. Hamilton County curriculum standards and benchmarks form
3 the foundation around which each magnet school theme and philosophy is developed while allowing each
4 magnet school to be unique in its approach to instruction.
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Hamilton County Board of Education

Monitoring: Annually, in November	Descriptor Term: Early Postsecondary Opportunities	Descriptor Code: 4.206	Issued Date: 12/16/04
		Rescinded:	Revised: 12/08/22

1 Early postsecondary opportunities (EPSOs) provide students with the opportunity to earn college credit
2 while in high school, develop the confidence and skills necessary for success in postsecondary, make
3 informed postsecondary and career decisions, and decrease the time and cost of completing a
4 certificate of degree.

5 6 **ADVANCED PLACEMENT, INTERNATIONAL BACCALAUREATE, CAMBRIDGE 7 INTERNATIONAL AND COLLEGE LEVEL EXAM PROGRAM COURSES**

8 College Board's Advanced Placement (AP) courses, International Baccalaureate (IB) Diploma
9 Programme courses, Cambridge International Examination (CIE) courses and College Board's College
10 Level Examination Program (CLEP) exams offer motivated high school students the opportunity to
11 take challenging college level courses while in high school. Courses follow the learning objectives
12 and course descriptions as defined by the College Board, International Baccalaureate, or Cambridge
13 International and prepare students for culminating national exams that, if passed, can provide students
14 college credit, advanced standing, or both. The cost of AP courses to the student is the examination
15 fee and the cost of IB course work is the registration fee and any individual course costs.

16
17 While these courses are open to all students, those who choose to take Advanced Placement,
18 International Baccalaureate, or Cambridge International courses, as well as their parents, must be
19 committed to the college level academic demands necessary to the course as defined by the respective
20 programs. In addition, students are expected to complete the exams that are required for students to
21 earn college credit. Whenever possible, the district will seek to support families who need financial
22 assistance to pay examination fees, through waiver applications with program sponsors and/or direct
23 funding from school or district budget.

24
25 Grades earned in college level courses will be included in determining class rank, grade point average,
26 and class valedictorian or salutatorian.

27 28 **LOCAL DUAL CREDIT**

29 Local dual credit is a high school course aligned to a local postsecondary institutions course and exam.
30 Students who pass the exam earn credits that are accepted and/or recognized by the specific
31 postsecondary institution(s) participating in the articulation agreement. Courses are taught by licensed
32 high school teachers or certified college instructors approved by Hamilton County Schools and the
33 postsecondary institution.

34
35 Grades earned in college level courses will be included in determining class rank, grade point average,
36 and class valedictorian or salutatorian.

37 38 **STATEWIDE DUAL CREDIT**

39 A statewide dual credit (SDC) course is a high school course that incorporates postsecondary learning
40 objectives and is aligned with an approved dual credit challenge exam. These college level courses are
41 taught at the high school level by trained high school teachers.

42

1 All students enrolled in an identified statewide dual credit course offered through the district must sit
2 for the challenge exam. Students which meet or exceed the exam 'cut score' receive college credit
3 that can be applied to any Tennessee public postsecondary institution. Grades earned in college level courses
4 will be included in determining class rank, grade point average, and class valedictorian or salutatorian.
5

6 7 **DUAL ENROLLMENT**

8 Dual enrollment (DE) is a postsecondary course, taught either at the postsecondary institution or at the
9 high school, by postsecondary faculty or credentialed adjunct faculty. Dual enrollment instructors
10 must meet postsecondary requirements, but do not have to meet specific TN teacher licensure or
11 endorsement requirements. Dual enrollment courses can be taught at the postsecondary campus, the
12 high school, or online. The location of the course does not affect its status as a dual enrollment course.
13

14 Students who are in good standing in their high schools and who met the registration requirements of
15 the college and successfully complete the course earn both college credits and credits toward their high
16 school diploma. Approval by the principal shall be required before enrollment. The state
17 department of education currently provides funding for five enrollment courses for all students.
18 Beyond those state funds, students are expected to pay college tuition, purchase college textbooks, and
19 provide transportation when the college class is not on the high school campus.
20

21 Grades earned in college level courses will be included in determining class rank, grade point average,
22 and class valedictorian or salutatorian.
23

24 **INDUSTRY CERTIFICATION**

25 Industry certifications (IC) are earned through secondary and postsecondary career and technical
26 education programs and courses. High school students are encouraged to focus their elective credits on
27 robust, career-aligned learning pathways. Robust learning pathways should culminate with the
28 achievement of nationally recognized industry certifications, meaningful work-based learning
29 experiences, and/or attainment of postsecondary credit hours through early postsecondary
30 opportunities. As it pertains to industry certifications, all department-promoted certifications are
31 aligned with postsecondary and employment opportunities and with the competencies and skills that
32 students should have acquired through their chosen programs of study.
33

34 **HAMILTON COUNTY COLLEGIATE HIGH**

35 Hamilton County Collegiate High is a partnership between the Hamilton County Schools and
36 Chattanooga State Community College where students earn both a high school diploma and college
37 credits with the potential of earning an associate's degree. Students who attend the Hamilton County
38 Collegiate High and who meet the admission requirements for the sponsoring college pay tuition,
39 purchase textbooks, and furnish transportation. Students must meet Hamilton County graduation
40 requirements.
41

42 **EARLY ADMISSION**

43 In keeping with the State Board of Education's endorsement of the Early Admission Program, a high
44 school student may complete the twelfth grade at a participating institution of higher learning.¹ The
45 student will earn a year's credit in college at the same time that he earns credit for his/her senior year
46 in high school.
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Legal References:

1. TRR/MS 0520-1-3-.06(4)(a)
2. TRR/MS 0520-1-3-.04(3)(h)

Hamilton County Board of Education

Monitoring: Review: Annually in August	Descriptor Term: Enrollment in Advanced Courses	Descriptor Code: 4.2061	Issued Date: 08/17/23
		Rescinded: 4.205	Revised:

General

Students in grades seven through twelve (7-12) may enroll in available advanced courses including, but not limited to, advanced English language arts, mathematics, or science courses.¹

Guidance for placement should not be considered as limitations to enrollment in advanced courses, academic programs, or career-technical pathways. Students are encouraged to challenge themselves academically and avail themselves of the most rigorous curricular offerings that are available.

In instances where multiple advanced course options exist, students will be encouraged to enroll in the one most aligned to their postsecondary aspirations.

Students meeting the following academic indicators will be automatically eligible for enrollment in these courses:

1. Honors Courses: a grade of B or higher and/or TCAP scores of on-track or mastery in the preceding academic course
2. Dual Credit Courses: a grade of C or higher and/or TCAP scores of on-track or mastery in the preceding academic course
3. Industry Certification-Aligned Courses: a grade of C or higher
4. Dual Enrollment: a grade of C or higher and/or TCAP scores of on-track or mastery in the preceding academic course
5. Advanced Placement: a grade of B or higher and/or TCAP scores of on-track or mastery in the preceding academic course
6. College Level Exam Program: a grade of C or higher and/or TCAP scores of on-track or mastery in the preceding academic course
7. International Baccalaureate/Cambridge: a grade of B or higher and/or TCAP scores of on-track or mastery in the preceding academic course

The district shall have the authority to consider additional factors, such as, but not limited to; student interest, attendance, and post-graduation plans, for the enrollment in advanced courses to fit the needs of the students within the school. Decisions regarding enrollment in advanced courses will support our commitment to opportunity and access.

1 **NOTIFICATION¹**

2
3 Parent(s)/guardian(s) shall be provided with written notification of a student’s eligibility to enroll in
4 advanced courses. The notification shall state that a student will remain enrolled in the course unless the
5 parent/guardian timely submits a written request for removal. The Director of Schools or his/her designee
6 shall determine the process and deadline to submit the request for removal.
7

8 **COLLEGE LEVEL COURSES²**

9
10 Students may earn credit by enrolling in a postsecondary institution and taking college level courses.
11 Students who take and pass any EPSO course including dual enrollment courses at a postsecondary
12 institution shall have their postsecondary credits accepted for high school credit as a substitution for an
13 aligned graduation requirement course.
14

15 These courses may be offered at the high school, postsecondary institution, or online. If not offered on
16 the high school campus, the Board shall not be responsible for transportation. Any tuition or fees due to
17 enrollment in college level courses are the responsibility of the parent(s)/guardian(s).
18

19 Grades earned in such college level courses shall be used to determine class rank, grade point average,
20 and class valedictorian or salutatorian.
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31 Legal References:

- 32 1. T.C.A. 49-6-1012; State Board of Education Policy 3.301
- 33 2. TRR/MS 0520-01-03-.03(8)
- 34

Cross References:

Hamilton County Board of Education

Monitoring: Annually, in November	Descriptor Term: Supplementary Programs	Descriptor Code: 4.207	Issued Date: 12/16/04
		Rescinded:	Revised: 12/08/22

1 The district provides supplemental programs to support student learning, promotion and
2 credit attainment beyond standard enrollment during the traditional school day or school
3 calendar.

4 **SUMMER PROGRAMS**

5 Summer programs shall be under the control and management of the Board and shall comply with
6 Rules and Regulations of the State Board of Education.¹ The summer programs shall provide
7 opportunities for remediation and enrichment at the elementary, middle, and high school levels and
8 special programs funded by state, federal, and/or private grants.
9

10 **GRADUATION SUCCESS PROGRAM**

11 An alternate program may be provided to enable students to meet graduation
12 requirements. The director of schools will appoint a member of the staff to coordinate, plan, and
13 develop the program.
14

15 **EVENING EDUCATION PROGRAMS**

16 Evening programs shall be made available for students who have a need for additional options to earn
17 credits and/or other concerns as identified by school staff.²
18

19 Evening education programs are managed at the school level. Principals in consultation with the
20 appropriate executive director should coordinate, plan, and develop the program.
21

22 **VIRTUAL LEARNING PROGRAMS**

23 Virtual Learning Programs provide an alternative way for students to earn academic credits. The
24 Director of Schools will appoint a member of the staff to coordinate, plan, and develop the program.
25

26 Legal References:

- 27 1. 2. TRR/MS 0520-1-3-.03(7)(A)
 - 28 2. TCA 49-6-501
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Hamilton County Board of Education

Monitoring: Review: Annually in November	Descriptor Term: Virtual Education Program	Descriptor Code: 4.208	Issued Date: 08/19/21
		Rescinded:	Revised: 12/08/22

In order to provide students of the Hamilton County Schools a broader range of educational opportunities, the Hamilton County Board of Education hereby authorizes the development of virtual education programs in accordance with T.C.A. §§ 49-16-101-49-16105 and the Rules of the Tennessee Board of Education. For purposes of this policy, "virtual education program" means a course or series of courses offered using technology and does not mean full time attendance at a virtual school.

Providing students a broader range of educational opportunities includes any of the following:

1. Academic remediation or enrichment, or providing students access to a wider range of courses.
2. Continuity of educational service for students who are homebound pursuant to the Rules of the Tennessee Board of Education.
3. Continuity of educational service for students enrolled in an alternative education program.

Unless a student has an IEP that requires otherwise, virtual education programs must be comprised of individual courses accessed by students in an entirely virtual setting. However, teachers of virtual education program courses may meet with students in-person for non-instructional time such as office hours.

Remote instruction via a virtual education program shall not constitute the majority of a student's total instructional time per school semester unless the student meets one of the following criteria:

1. The student is temporarily receiving all of their instruction via a virtual education program pursuant to a homebound or an alternate educational placement.
2. The student is taking course coursework virtually so they may participate in a work-based learning program or internship that takes place during regular school hours;
3. The student is accessing Advanced Placement (AP) courses or similar advanced coursework virtually; or
4. The student is taking virtual coursework for purposes of credit recovery.

A student may participate in a virtual education program without enrolling a virtual school; provided, however, that the student must be enrolled at the school where the student receives the majority of

1 his/her instruction each school year. A student's participation in a virtual education program shall be
2 at the discretion of the Administration.

3
4 Each school shall maintain attendance policies and procedures for determining when a student is
5 present in a course offered via the virtual education program. Methods of confirming attendance
6 include two or more of the following:

- 7
8 1. Students participating in a phone call with a teacher, with parent or legal guardian support as
9 appropriate for the age of the student;
- 10
11 2. Students participating in synchronous virtual instruction;
- 12
13 3. Students completing work in a learning management system;
- 14
15 4. Students submitting work via hard-copy or virtual formats; or
- 16
17 5. Students complete or submit other work as assigned by the school which shows evidence of
18 engagement with virtual learning.

19
20 A student that meets the attendance requirements set forth in the previous paragraph will be considered
21 present and marked with the appropriate attendance code in the district's student information system.
22 A student who fails to meet these requirements will be considered absent according to Hamilton
23 County Board of Education policy 6.200, "Attendance."

24
25 Virtual education programs must be taught using district-approved textbooks and instructional
26 materials. Schools must ensure students participating in virtual education programs are given access to
27 instructional materials, technology such as a computer that may be necessary for participation in the
28 virtual program, and offered an internet connection. Students with special needs, including students
29 with disabilities and limited English proficiency, shall not be excluded from enrolling and participating
30 in virtual education programs and must receive all services required by the student's Individualized
31 Education Program (IEP), Section 504 Plan, or Individual Learning Plan (ILP).

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44 Legal References:
45 T.C.A. §§ 49-16-101–49-16-105
46 Tennessee State Board of Education Policy 0520-01-03

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44 Cross References:
45 HCDE Board Policy 6.200, Attendance
46 HCDE Board Policy 6.310, Alternative School Program
47 HCDE Board Policy 6.506, Homebound Instruction

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Credit Recovery	Descriptor Code: 4.210	Issued Date: 04/20/17
		Rescinds:	Revised: 12/08/22

GENERAL

Credit recovery is a course-specific, standards based extended learning opportunity for students who have previously been unsuccessful in mastering the standards required to receive course credit or earn promotion. Credit recovery programs, in general, have a primary focus of helping students stay in school and graduate on time.

The director of schools shall ensure that credit recovery facilitators receive training regarding course organization, online instruction management and related technology.

Credit recovery teachers shall comply with all State Board of Education certification requirements.

ADMISSION AND REMOVAL¹

No student shall be admitted to or otherwise enrolled in credit recovery courses unless:

1. The student's parent/guardian gives written consent for the student to enroll in the proposed credit recovery course. Parents/guardians should be informed that not all postsecondary institutions will accept credit recovery courses for credit and that the NCAA Clearinghouse will not accept credit recovery courses for credit; and
2. The student has previously taken an initial, non-credit recovery section of the proposed course and received a grade of at least fifty percent (50%). Students who receive a grade of below fifty percent (50%) in the non-credit recovery section of the course must re-take the course.

If a student is seeking to recover credit for the first semester of a two-semester course, the student may not receive the full credit for the course until he/she has enrolled in and passed the second semester of the course and taken any applicable End of Course examinations.

The board shall track students enrolled in credit recovery courses as directed by the Tennessee Department of Education.

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Credit Recovery	Descriptor Code: 4.210	Issued Date: 04/20/17
		Rescinds:	Revised: 12/08/22

1 INSTRUCTION AND CONTENT

2
3 Credit recovery teachers shall work closely with credit recovery facilitators to correlate class content
4 and instruction.

5
6 The director of schools shall ensure that all credit recovery courses:

- 7
8 1. Align with Tennessee's current academic standards for the relevant course content area, as
9 approved by the State Board of Education; and
- 10
11 2. Differentiate instruction to address individual student growth needs based on diagnostic
12 assessment or End of Course data.

13
14 Students in credit recovery programs shall:

- 15
16 1. Complete a course skill-specific diagnostic to determine skill-specific goals;
- 17
18 2. Meet individual skill-specific goals in a flexible time frame as established by identified
19 student need; and
- 20
21 3. Master all individualized skill-specific goals as established by the diagnostic process in order
22 to earn credit.

23 GRADES

24
25
26 The director of schools shall establish a grading formula for credit recovery courses that includes the
27 original failing grade in the calculation of the final credit recovery grade.

- 28
29 • Students passing credit recovery shall receive a grade of sixty percent (60%).
- 30
31 • The student transcript shall denote that the credit was attained through credit recovery.
- 32
33 • The original failing grade may also be listed on the transcript, but shall not factor into the
34 students GPA, in accordance with the State Board of Education's Uniform Grading Policy
(3.103).

35
36 Grades awarded in credit recovery courses shall adhere to the State Board of Education's Uniform
37 Grading Policy.

38
39 Legal Reference

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41 1. SBOE Policy 2.103

Hamilton County Board of Education

Monitoring: Annually, in November	Descriptor Term: Work-based Learning and Apprenticeship Program	Descriptor Code: 4.211	Issued Date: 04/20/17
		Rescinded:	Revised: 12/08/22

1 Students shall have access to a system of structured work-based learning (WBL) experiences that allow
2 them to apply classroom theories to practical problems as well as explore career options.

3
4 The overarching policy guidance for work-based learning programs are as follows:

- 5
6 • Capstone WBL experiences and training must be aligned with the student's area of elective
7 focus and updated Plan of Study (as required in state board high school policy), equate to a full
8 time equivalent credit, meet the standards of the Career Practicum or other WBL course in
9 which they are enrolled, and facilitate intentional progress toward the attainment of knowledge
10 and skills necessary to pursue the student's postsecondary and career goals.
- 11 • Participating students must be on track to meet the requirements for graduation as adopted by
12 the state board and may earn WBL credit over the summer term if all WBL program
13 requirements are met.
- 14 • Structured WBL experiences may be paid or unpaid, may occur in public, private, or non-profit
15 organizations, or on-site at the school; they may occur during or outside of school hours and
16 may result in the attainment of academic credit when WBL course standards are met. In all
17 instances, all federal and state labor laws shall be observed.
- 18 • WBL programs shall align with general and implementation policies detailed in the *Work-*
19 *Based Learning Policy Guide* published by the Tennessee Department of Education, May 2017
20 (www.tn.gov/education/career-and-technical-education/work-based-learning.html).

21
22 The director of schools shall develop administrative procedures to govern the administration
23 of the WLB program. Such procedures shall include, among other things: (a) supervision of students;
24 (b) development of personalized learning plans; (c) student assessment using multiple measures; and
25 (d) evaluation of program to ensure that it is of high quality and meets the needs of students.¹

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28 Legal References:

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30 1. State Board of Education Policy 2.103
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Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Charter School Application Process	Descriptor Code: 4.212	Issued Date: 11/11/21
		Rescinded:	Revised: 11/09/23

1
2 In the district's capacity as a Tennessee Charter School Authorizer, any prospective charter school
3 sponsor shall send the Superintendent of Schools and Office of Access & Choice a letter of intent prior
4 to December 1 of the year preceding the year in which the proposed charter school plans to begin
5 operation as a public charter school.

6
7 A sponsor seeking board approval of an initial charter school application must complete the form
8 provided by the Tennessee Department of Education. In the application, the sponsor must demonstrate
9 that the proposed charter school meets the purpose prescribed by law for the formation of a charter school
10 and the proposed charter school will be able to implement a viable program of quality education for its
11 students.

12
13 Completed applications must be submitted to the board on or before February 1 by submitting two hard
14 copies of the application and one electronic copy to the Office of Access & Choice. The sponsor shall
15 pay an application fee of \$2500. This fee shall be added to the Authorizer Fee Budget maintained by the
16 Office of Access & Choice, Charter School Office for the primary purpose of covering expenses
17 associated with the application review team and process.

18
19 If December 1 or February 1 falls on a Saturday or Sunday, the due date shall be the first business day
20 following that date.

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24 _____
Legal References:

- 25 1. TCA 49-13-107 (f)

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in February	Descriptor Term: Charter School Renewal	Descriptor Code: 4.2121	Issued Date: 03/16/23
		Rescinded:	Revised: 11/09/23

1
2 **RENEWAL APPLICATION**

3
4 Any school that seeks renewal from the HCS Board of Education (“the Board”) as its authorizer pursuant
5 to T.C.A. 49-13-121, shall submit a renewal application in accordance with T.C.A. 49-13-121 and any
6 charter renewal guidance issued by the HCS or the Department of Education. The guidance (found in
7 HCS Charter School Handbook) shall also include the standards and criteria that shall guide the HCS
8 Board of Education’s renewal decisions. A school may choose not to submit a renewal application to the
9 Board of Education, in which case the charter school shall close at the end of its current charter term.

10
11 The deadline for the submission of all renewal application is no later than April 1 of the year prior to the
12 year in which the charter expires. This is the 9th year of enrollment.

13
14 The renewal application shall provide a school with the opportunity to make a clear and compelling case
15 for renewal, respond to its cumulative performance report, and to submit any corrections or clarifications
16 for the report. The renewal application shall require the charter school to present evidence supporting its
17 case for charter renewal that is aligned with the HCS Board of Education’s renewal standards and the
18 charter school’s performance standards and goals in the charter agreement, as well as any additional
19 evidence and improvements undertaken during the charter term. The renewal application shall also
20 require each charter school to present its plan for the next charter term.

21
22 **RENEWAL CRITERIA**

23
24 The HCS Board of education shall ensure that renewal decisions are based on demonstrable merit and
25 grant renewal only to charter schools that have sufficiently met the Board’s high standards, sufficiently
26 achieved the targets stated in the charter agreement, are organizationally and fiscally viable, have been
27 faithful to the terms of their charter agreement and applicable law, and present sound academic, financial,
28 and organizational plans for the next charter term.

29
30 The Board shall not make renewal decisions on the basis of political or community pressure or solely on
31 promises of future improvement.

32
33 Ongoing monitoring, data collection and reporting requirements shall be aligned with the Board’s
34 renewal standards and criteria.

35
36 The renewal application shall be evaluated using the TN Model Scoring Rubric for Charter School
37 Renewal, found in the TN Department of Education’s guidance on “Charter School Renewal
38 Application.”

39
40 **RENEWAL APPLICATION REVIEW COMMITTEE**

1 The Charter Schools Coordinator, under direction of the Board, shall assemble a renewal application
2 review committee comprised of teams of internal and external evaluators with relevant and diverse
3 educational, organizational (governance and management), financial and legal expertise, as well as a
4 thorough understanding of the essential principles of public-school autonomy and accountability. The
5 Board, or it’s designee, shall provide training to the Renewal Review Committee members to ensure
6 consistent standards and fair treatment of all renewal application reviews.
7

8 The Renewal Review Committee shall review the renewal application received directly by the Board as
9 the authorizer.
10

11 The Board shall ensure that the renewal review process, Renewal Review Committee members, and
12 decision-making processes are free of conflicts of interest and shall require full disclosure of any
13 potential or perceived conflicts of interest between Renewal Review Committee members and applicable
14 charter schools.
15

16 The Renewal Review Committee members, led by the Charter Schools Coordinator, shall provide an
17 evidence-based recommendation to the Chair of the HCS Board of Education.
18

19 The Board shall consider the recommendation of the Renewal Review Committee when rendering a
20 decision on the renewal, but the Board is not bound by the recommendation. The Board shall meet and
21 render a decision on or before February 1 of the year following submission of the charter renewal
22 application. If the Board grants the renewal application, the school shall continue to operate for the
23 prescribed period of ten (10) academic years (subject to the right of the Board to revoke the charter
24 agreement), and the Board shall continue to the authorizer.
25

26 If the Board denies the renewal application, the charter school may appeal to the Tennessee Public
27 Charter School Commission within ten (10) days of the date of the decision to deny.
28

29 **RENEWAL CHARTER AGREEMENT**
30

31 For all charter schools where the HCS Board of Education serves as the authorizer, the Board’s approval
32 of a charter school’s renewal application is separate and distinct from the Board’s approval of its renewal
33 charter agreement and a school’s right to remain open.
34

35 Once a renewal application is approved by the Board, the Board shall negotiate a renewal charter
36 agreement with the school’s governing body that must be signed by both parties and submitted to the
37 board for approval.
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41 Legal References:

- 41 1. T.C.A. 49-13-121
- 42
- 43

40 _____
41 Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Charter School Intervention Policy	Descriptor Code: 4.2122	Issued Date: 07/20/23
		Rescinded:	Revised:

Hamilton County Board of Education has set forth criteria and processes for the Administration of Hamilton County Schools' interventions and decisions with regard to its authorized charter schools. The Board has established this intervention policy stating the general conditions that may trigger intervention and the type of actions and consequences that may ensue. To the extent possible, this plan shall limit the administrative burden on schools. If there is reason for concern, the Administration shall monitor as often and vigorously as needed to ensure the charter school remedies serious issues in a timely manner. In cases where intervention is warranted, it shall be proportionate to the identified problem, adhere to provisions of the charter agreement and respect the autonomy of the charter school. The table of interventions is found in this policy.

Interventions Procedures

1. The Administration shall give the charter schools in the district timely notice of any charter agreement violations or performance deficiencies justifying intervention. Notices shall state the deficiency; the applicable regulatory, performance or contractual provision(s) not satisfactorily met; the expected remedy, including whether a Performance Improvement Plan is required (as further described below); and the timeframe by which the Administration expects a deficiency to be remedied and/or a Plan of Correction submitted.
2. The Administration shall provide its charter schools with reasonable time and opportunity for submission of Performance Improvement Plan and/or remediation in non-emergency situations.
3. Where intervention is needed, the Administration shall engage in intervention strategies that preserve charter autonomy and responsibility by identifying what the charter school must remedy without prescribing solutions.
4. Depending on the severity of the concern or deficiency, the Board reserves the right to revoke the charter agreement in accordance with the terms and provisions of the charter agreement and TN Code Annotated 49-13-122. If the Board deems that an intervention other than contract revocation is appropriate, it may begin at any level of intervention and shall be permitted to jump levels.
5. The Administration or the Board, as appropriate, shall notify the governing board of any charter school that requires an intervention. The notice shall describe the intervention and may include additional consequences if the deficiency and/or concern(s) are not remedied within the stated timeline.
6. A Performance Improvement Plan shall include specific improvement objectives, responsible person(s) for each action, technical assistance requirements (if applicable), a schedule, and indicators of success. The charter school shall submit its Plan of Correction within the timelines prescribed.
7. If a charter school is unable to meet timeframes for remediation and/or submission of a Performance Improvement Plan, it shall provide a written response within the stated timelines, which shall include a justification for its inability to meet the timeframe together with a proposed timeframe for remedying deficiencies. The Administration shall consider the Charter school's justification and either approve, approve with modifications, or reject the charter school's proposed timeframe.
8. Charter schools shall be responsible for notifying the Administration when a deficiency has been remedied, if the charter school requires an extension of time to remedy a deficiency, or if the charter school requires a modification to its Performance Improvement Plan.

Table of Intervention Procedures for addressing deficiencies in Charter School Performance

Status*	Possible Triggers	Possible Actions/Consequences
Notice of Concern	Signs of weak performance: identified through routine monitoring, through implementation, compliance, or performance review, or by other means identified by HCS	Letter to the governing board detailing areas of concern
Notice of Deficiency	Failure to meet multiple performance targets; Failure to comply with applicable state laws and/or district policies; Failure to comply with terms of the charter contract.	Letter to the governing board detailing areas of deficiency with a requirement that a Performance Improvement Plan is developed and implemented (with specific improvements, objectives, timelines, measures). The Performance Improvement Plan must be approved by the charter school office.
Notice of Probation	Continued failure to meet performance targets; failure to meet objectives set forth in the Performance Improvement Plan; continued failure to comply with applicable state laws and/or district policies; continued failure to comply with conditions of the charter agreement	Letter to governing board to serve as notification of probationary status and outlining terms of probation; charter school office creates a Corrective Action Plan with the charter school that addresses deficits and has measurable outcomes, and a timeline with <u>very specific improvement expectations.</u>
Charter Review	Failure to successfully address the terms of the probation; material violation of any conditions, standards, or procedures set forth in the charter agreement; flagrant disregard of the charter agreement; failure to meet generally accepted standards of fiscal management; extended pattern of failure to comply with applicable law. (TCA 49-13-122(b)(1-3). Additionally, an expanded pattern of failure to comply with the terms of the charter, or inclusion on the Priority list of the bottom 5% of schools in the state may trigger a review or a closure.	Recommendation to revoke, or not to revoke, the charter, or impose lesser sanctions (at this, or any point in the process, a school may also voluntarily surrender its charter).
Charter Revocation	Charter Review results in recommendation to revoke or school has done any of the following: committed a material violation of any conditions, standards or procedures set forth in the charter agreement; failed to meet or make adequate yearly	Letter stating reasons for proposed revocation to governing board. Revocation to take place at the end of the school year unless an immediate closure must take place under the terms outlined in charter law § 49-13-122.

	<p>progress toward achievement of the state's accountability system; failed to meet generally accepted standards of fiscal management.</p> <p>Except in cases of fraud, misappropriation of funds, flagrant disregard of the charter agreement or the provisions of chapter 49-13-122 or similar misconduct, a decision to revoke shall become effective at the close of the academic year.</p>	
<p>*NOTE: The outlined procedures are <u>not</u> a step by step process. The Board and/or the Administration reserve the right to put schools at any status without going through the steps if more immediate actions are warranted.</p>		

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Legal References:

1. 49-13-121
2. 49-13-122

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Open Enrollment	Descriptor Code: 4.213	Issued Date: 11/11/21
		Rescinded:	Revised:

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2 Before the start of each school year, Hamilton County Schools shall identify each school that, based on
3 the school's capacities at the building, grade, class, and program levels, has space available to enroll
4 and serve additional students.

5 Hamilton County Schools will post the number of spaces available for enrollment in each school by
6 grade, class, and program levels on its website at least 14 days before the beginning of the open
7 enrollment period. This post shall not include the spaces reserved for the reasons specified
8 immediately below.

9 Hamilton County Schools may reserve a reasonable number of enrollment spaces each school year
10 from the number of spaces, if any, determined by Hamilton County Schools to be available for
11 enrollment for purposes of this section, to accommodate the potential enrollment of students who may
12 relocate within the respective school zone, students who may have a sibling enrolled at the respective
13 school, and students who may have a parent who teaches at the respective school.

14 Before the start of each school year, Hamilton County Schools will conduct an open enrollment period
15 of at least 30 days during which a parent/guardian of a student residing within Hamilton County may
16 apply for enrollment of the parent's/guardian's student in a school that the student is not zoned to
17 attend. During the open enrollment period, a parent or guardian may submit an application for transfer
18 to a school that has space available to enroll and serve additional students.

19 At the end of the open enrollment period, Hamilton County Schools shall approve an application for
20 transfer if space is available for the student at the requested school. If the number of applications for
21 transfer to a school exceeds the number of spaces available for enrollment in the school at the building,
22 grade, class, or program level, as identified by Hamilton County Schools, then Hamilton County
23 Schools will conduct a lottery to select the students who may transfer to the school.

24 If Hamilton County Schools grants a transfer to a student, then the parent or guardian of the student is
25 responsible for transportation to the new school. The student must maintain satisfactory attendance,
26 behavior, and effort to remain in the new school.

27 Hamilton County Schools shall not deny a student who is zoned to attend or who was enrolled in a
28 school during the previous school year enrollment and attendance in the school.

29 Hamilton County Schools shall not admit a nonresident student seeking to transfer into the district
30 from outside the district under this policy before all applications for transfer as outlined above have
31 been acted upon.

32 Notwithstanding the above, Hamilton County Schools may enroll an in-district teacher's nonresident
33 student before all applications for transfer as outlined above have been acted upon.

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1 This policy is applicable beginning with the 2022-23 school year.
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42 Legal References:

- 43 1. TCA § 49-2-128
- 44 2. TCA § 49-6-3104
- 45 3. TCA § 49-6-3105
- 46 4. TCA§ 49-6-3113
- 47

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in November	Descriptor Term: Extracurricular Activities	Descriptor Code: 4.300	Issued Date: 12/16/04
		Rescinded:	Revised: 08/17/23

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Extracurricular activities are defined as any activities which occur on school property under the sponsorship of the school or those activities which occur off school property involving activities which are organized and planned on school property and on school time with instructional personnel involved in the planning process. Student activity programs shall not include secret organizations. Student activities sponsored by outside groups or agencies will be approved only if they are co-sponsored by the school.

A school shall not allow a student who is not eighteen (18) years of age or older to become a member or participate in any activity of a club or organization, unless the student's parent or legal guardian first provides consent to the student's membership or participation in a dated, written consent.²

No otherwise qualified person shall, on the basis of disability, ethnicity, religion, sexual orientation, gender identity, or national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination regarding entry and participation in extracurricular activities.¹ Nor shall a student be required to attend a school-sponsored student activity that is scheduled at a time which conflicts with his religious practices.

It is the basic responsibility of the building principal to approve all extracurricular activities and to request central office approval from the appropriate director for activities which require travel. All overnight activities require Board approval with proof of adequate liability coverage.

Legal References:

- 20 USC 1703
- TCA 49-6-1031 (b)

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Field Trips and Excursions	Descriptor Code: 4.301	Issued Date: 5/19/16
		Rescinds:	Issued:

SCHOOL FIELD TRIPS

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

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

1. Value of the activity to the particular class group or groups;
2. Relationship of the field trip activity to a particular aspect of classroom instruction;
3. Suitability of the activity and distance traveled in terms of the age level;
4. Mode and availability of transportation; and
5. Cost. School officials are reminded that they may not require the payment of any fee as a condition of any student attending any field trip that occurs during any portion of the regular school day or that is offered in connection with a class offered for credit even if the trip is voluntary.

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

1. Any teacher desiring to take a group of students on a school field trip must obtain advance approval of the principal and the director of schools. All overnight activities require Board approval;
2. The trip must have a definite purpose and reflect careful planning. Students should be prepared by general class discussion and/or research;
3. If bus transportation is required, the principal or his/her designee shall make the necessary arrangements. All outside carriers must be on the approved carrier list.
4. Signed parental permission forms must be obtained for every student making an off-campus trip beyond the immediate vicinity of the school. The principal shall ensure that these forms are kept on file for the remainder of the school year. The form for parental permission must include: purpose, date, time of departure and return, travel plans, destination, number of chaperones, personal expense involved, and other facts necessary for parents to be fully informed. This information is to be completed by the school before the form is signed by the parent. *The Hamilton County Code of Acceptable Behavior* and all board policies shall be applicable to school field trips;

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Field Trips and Excursions	Descriptor Code: 4.301	Issued Date: 5/19/16
		Rescinds:	Issued:

5. For school field trips (day and overnight), groups must be accompanied by at least one certified employee. The chaperones shall be responsible for student conduct for the duration of the trip. Only certified employees can be chaperones on overnight field trips. For day trips that do not extend beyond the school day, classified employees may be included as chaperones.
6. For overnight school trips, chaperones must be approved by the principal and the director of schools in advance. There must be at least one female and one male chaperone if the trip is for a mixed group.
7. Students shall not be penalized for participating in approved school-sponsored trips and activities. Teachers shall permit students to make up class assignments missed because of a trip or activity;
8. All accidents that occur on a school-sponsored trip must be reported by the teacher to the principal immediately. Serious accidents involving personal injury must be reported immediately to the principal and/or director of schools. An emergency shall be dealt with promptly by the teacher or other members of the school staff by taking appropriate action, including sending the student to the hospital or summoning medical aid or ambulance. In cases where it is necessary to send the student to the hospital, reasonable effort must be made to notify the parents;
9. Any school-sponsored trip not meeting the “educationally beneficial” criteria as defined in this section must have prior approval of the director of schools or his/her designee;

SPECIAL RULES FOR ATHLETIC AND BAND TRIPS

1. Except as otherwise set forth in this section, the same policies governing school field trips shall govern athletic and band trips.
2. Athletic and band trips that do not extend beyond the school day must be approved by the principal and the director for the schools. In addition to the previous approvals, overnight athletic and band trips must also be approved by the Hamilton County School Board. The Board of Education recognizes, however, that in some unusual situations, school officials will not be able to secure advance approval of the Board for these trips. The Board cautions school officials, however, to be especially diligent to adhere to the terms of Board policy in those situations in which the trip must occur prior to the Board’s approval.

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Field Trips and Excursions	Descriptor Code: 4.301	Issued Date: 5/19/16
		Rescinds:	Issued:

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2 3. There should be at least one chaperone to every fifteen students on athletic and band overnight
3 trips. Parent volunteers may serve as chaperones on athletic and band overnight trips; provided,
4 however, that these volunteers must first submit to a background check; and further provided
5 that the trip organizer shall be responsible for familiarizing these volunteers with the Hamilton
6 County Code of Acceptable Behavior and other provisions of Board policy applicable to
7 supervision of students.
8

9 **TRIPS AND EXCURSIONS NOT SANCTIONED BY THE SCHOOL**

10
11 The Board of Education does not sanction any field trip or other excursion outside the scope of this
12 policy and disclaims any legal and financial responsibilities for any such trips. Any employee who
13 organizes any such privately planned trip, whether on his or her own initiative or as an agent or
14 independent contractor for another entity, is solely responsible for the trip and his or her actions.
15

16 The Board of Education cautions any employee organizing a privately planned trip regarding an
17 educator's professional duties toward the students of the Hamilton County Schools, including the
18 obligation not to use relationships with students for personal financial gain. Furthermore, the Board
19 reminds any such employee of the obligation to adhere to the highest professional standards when
20 interacting with students, even when doing so on any privately planned trip. The Board will discipline
21 any employee who breaches his or her professional duties toward any student even when on a
22 privately planned trip.
23

24 No employee may recruit students to participate in any privately planned trip except to the extent
25 that the school also permits third party vendors to recruit students for such trips. Under no
26 circumstances may an employee recruit students during class time or other portions of the regular
27 school day.
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Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Intramural Athletics	Descriptor Code: 4.302	Issued Date: 12/16/04
		Rescinds:	Issued:

1 Intramural activities are encouraged through the physical education program and the scheduling of free
2 activity periods. Intramurals are designed to promote student involvement and encourage healthy athlet-
3 ic participation.
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Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: School Sponsored Student Publications	Descriptor Code: 4.303	Issued Date: 12/16/04
		Rescinds:	Issued:

1 School sponsored student publications including but not limited to newspapers, yearbooks, literary mag-
2 azines and web pages are encouraged. All such publications are to be part of an approved curricular or
3 extracurricular activity. Such publications are to reflect the principles of responsible journalism and are
4 to be related to the goals of the school.
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Hamilton County Board of Education			
Monitoring: Annually in September	Descriptor Term: High School Athletics	Descriptor Code: 4.304	Issued Date: 09/20/18
		Rescinded:	Revised: 07/21/22

1 The Hamilton County Board of Education believes that high school athletics play an important role in
2 the development of a student’s body, mind, and character. Students are encouraged to participate in
3 intermural and interscholastic athletic opportunities available at their schools.

4

5 **GENERAL PROVISIONS GOVERNING INTERSCHOLASTIC ATHLETICS**

6

7 Bylaws of the Tennessee Secondary School Athletic Association (TSSAA) shall regulate
8 interscholastic athletics.¹

9

10 Interscholastic athletics shall be administered as a part of the regular school program and shall be the
11 principal’s responsibility. No student may be required to pay any school fee as a condition of
12 participating in interscholastic athletics. Principals may permit television and radio stations to
13 broadcast or record a school’s sporting events, provided, however, that the Board of Education retains the
14 commercial rights to any such recordings, and further provided that principals are not authorized to execute
15 any releases or waivers in connection with any such arrangements.

16

17 Athletic trips are subject to Board Policy Nos. 3.402 and 4.301. The principal or his/ her designee
18 must accompany an athletic team on trips.

19

20 No principal or teacher of any school shall dismiss his/her school or any group of students for the
21 purpose of attending the practice of any interscholastic sport during the school day without written
22 permission from the board. This does not prevent the inclusion of regular physical training lessons in
23 the daily school program.²

24

25 **COACHES**

26

27 Subject to the TSSAA’s bylaws, the policies of the Board of Education, and the delegated authority of
28 the Superintendent of Schools, principals are authorized to select coaches for sports teams. Coaches
29 need not be members of the faculty of the school; provided, however, that no classified employee of
30 the Board of Education may coach in any school in Hamilton County unless he or she is doing so as a
31 volunteer with no promise or expectation of compensation; and further provided that no classified
32 employee may coach in any school in Hamilton County if his or her job is similar to coaching.

33

34 Faculty coaches may receive a supplement for their services per the terms of Board policy or any
35 memorandum of understanding. Classified volunteers may be reimbursed for their expenses and may
36 receive a nominal stipend or honorarium subject to guidelines developed by the Superintendent of
37 Schools.

38

39 No one may coach any sports team, assist any coach in any capacity, or have unmonitored contact with
40 any student unless he or she has first been background checked pursuant to Board Policy No. 5.1061.

1 Coaches, assistants, and any other person authorized to work with student athletes are required to
2 understand Board Policy No. 6.304 prohibiting discrimination, harassment, hazing, bullying, and
3 intimidation and to teach the application of this policy to their athletes.

5 **STUDENT ATHELETES**

6 In recognition of the honor and responsibility that comes with representing his or her school, student
7 athletes are expected to be model students both on and off campus. Principals may hold student
8 athletes accountable for any conduct that reflects poorly on the school or the program whether
9 occurring off campus or outside the sports season.

10
11 Prior to participation in interscholastic athletics, every student must complete an annual physical
12 examination.³ The parents/guardians of each student shall be responsible for covering the cost of the
13 examination, and these records shall be on file in the principal's office. It shall be the responsibility of
14 the parent(s) or guardian(s) to provide health and hospitalization insurance for all students participating
15 in interscholastic athletics.

16
17 In accordance with Title IX of the Education Amendments of 1972, no person shall, on the basis of
18 sex, be excluded from participation in, be denied the benefits of, be treated differently from another
19 person, or otherwise be discriminated against in any athletic program of the school. Likewise, equal
20 athletic opportunities shall be provided for members of both sexes.⁴ In compliance with Tenn. Code
21 Ann. 49-6-310, a student's gender for purposes of participation in middle or high school athletics must
22 be classified as the student's sex at birth.⁵

23
24 Students shall not be required to attend a school athletic event, or event related to participation on a
25 school athletic team, if the event is on an official school holiday, observed day of worship, or religious
26 holiday. The student's parent or legal guardian shall notify the coach in writing three (3) full school
27 days prior to the event.⁶

31 Legal References:

- 32
33 1. TRR/MS 0520-01-02-.08(1)
34 2. TCA 49-6-1002
35 3. TRR/MS 0520-01-03-.08(2)(b)
36 4. 34 CFR § 106.41
37 5. TCA 49-6-310
38 6 . Public Acts of 2017, Chapter No. 260

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Instructional Resources and Materials	Descriptor Code: 4.400	Issued Date: 12/16/04
		Rescinds:	Issued:

1 All classrooms and learning centers shall be equipped with a wide assortment of teaching tools, textbooks,
2 laboratory and/or shop equipment and supplies, manipulatives and instructional technology selected to
3 meet instructional needs.
4

5 A list of textbooks and instructional materials used by the schools shall be maintained by building
6 administrators under the direction of the director of schools and shall be made available to the Board
7 and professional staff as a reference. The director of schools shall develop procedures for inspection of
8 textbooks and/or instructional materials. Textbooks and/or instructional materials shall be available for
9 inspection by parents or legal guardians of students enrolled in a Hamilton County School following a
10 request to the school principal.¹
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Legal References:

- 39 1. 20 USCA § 1232h(a); TCA 49-6-7003
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Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Textbook Selection, Distribution and Care	Descriptor Code: 4.401	Issued Date: 4/22/10
		Rescinds: 4.401	Issued:

1 **SELECTION**

2
3 The selection of textbooks including bound, print textbooks shall be completed according to the laws and
4 policies required by the State of Tennessee and the State Textbook Commission. The responsibility for
5 textbook selection rests with the local textbook selection committees subject to approval by the Board.¹
6

7 **DISTRIBUTION**

8
9 The director of schools shall appoint a textbook coordinator who is responsible for ordering and distributing
10 textbooks including bound print textbooks for each school. The principal should be responsible for the
11 distribution of textbooks within the school. Textbooks are purchased by the district to be distributed to
12 students in all core academic subjects. Homework will not be given in an academic class that requires
13 the use of a classroom set of textbooks.
14

15 **CARE OF TEXTBOOKS**

16
17 Textbooks and other instructional materials are property of the Board and shall be returned at the end
18 of the school year, upon completion of the course or upon withdrawal from a course or school. Lost or
19 damaged textbooks shall be paid for by the student, parent, or legal guardian.²
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21 Administrative procedures address reimbursement for restitution of textbooks and the due process af-
22 fforded students.
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37 Legal References:

- 38 1. TCA 49-6-2207
39 2. TCA 49-3-310(1)(B)
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Hamilton County Board of Education			
Monitoring: Annually, in November	Descriptor Term: Selection of Instructional Materials (Other than Textbooks)	Descriptor Code: 4.402	Issued Date: 12/16/04
		Rescinded:	Revised: 12/08/2022

1 The Board will seek to provide a wide range of instructional materials on varying levels of
 2 difficulty, with diversity of appeal, and the presentation of different points of view.

3
 4 Teachers, school administrators, and instructional supervisors/specialists will work together to
 5 select appropriate high-quality age appropriate instructional materials. Such materials could
 6 include (but are not limited to) books, magazines, newspapers, journals, and video, audio,
 7 digital, and web resources. These materials may be in the library, reading centers, or teacher’s
 8 classrooms.

9
 10 Selection of instructional materials will be based on the criteria listed below and should be
 11 continuously re-evaluated in relation to changing curriculum content, pedagogical research,
 12 and the needs of students, teachers, and administrators.

13
 14 All resources used during a course of study or in conjunction with school-wide activities will
 15 be disclosed to parents/guardians and other stakeholders sufficiently in advance of their use
 16 with students for parents to request an alternate assignment should they have a concern about
 17 the selected materials. (See note below regarding parental disclosure for Library Collection
 18 and Optional Materials.) Alternate assignments will receive the same level of instructional and
 19 assessment rigor as the primary Assignment.

20
 21 Instructional materials prescribed within the established curricula for Advanced Placement,
 22 dual enrollment, dual credit, and International Baccalaureate Program courses are on a post-
 23 secondary level and are considered appropriate for this level of academic endeavor. Enrollment
 24 in these courses constitutes acceptance of the instructional program. Alternate assignments will
 25 not be available for this level of coursework.

26
 27 The Director of Schools, or a designee, will establish an administrative procedure for review
 28 and selection of materials subject to this policy. As set forth below, particular attention will be
 29 paid to addressing the suitability of instructional materials that include content which might be
 30 considered offensive to community standards by parents or students (for example, materials
 31 that contain coarse language, graphic violence, explicit sexual content, illegal use of drugs or
 32 alcohol). Approved materials may be reconsidered per Board Policy Number 4.403.

33
 34 **CRITERIA FOR SELECTION OR RECONSIDERATION OF MATERIALS**

35
 36 The Board recognizes that some materials, even if they have educational merit, may not be
 37 suitable for inclusion in the instructional program of the school or in the library. When
 38 initially selecting materials, accepting donations of materials, or reviewing materials for
 39 their continued use per Board Pol. No. 4.403, the administration will consider the following

40 criteria:

- 41 • Educational purpose (as defined by state standards)
- 42 • Contribution the subject matter makes to the curriculum and to the interests of the
- 43 students
- 44 • Appropriateness to social, emotional, and intellectual level of intended audience
- 45 • Favorable reviews found in standard selection sources
- 46 • Favorable recommendations based on preview and examination of materials by
- 47 professional personnel
- 48 • Reputation and significance of the author, producer, and publisher
- 49 • Validity, currency, and appropriateness of the material
- 50 • Contribution the materials make to the breadth of representative viewpoints on
- 51 controversial issues
- 52 • High degree of potential user appeal
- 53 • High artistic quality and/or literary style
- 54 • Quality and variety of format
- 55 • Value commensurate with cost and/or need
- 56 • Timeliness or permanence of the content
- 57 • The extent to which the content may be considered offensive to contemporary standards,
- 58 i.e., graphic depictions of violence or sex, etc.; provided, however, that otherwise
- 59 offensive materials may still be used if their relative literary value, as measured in part by
- 60 the criteria above, outweighs the offensiveness of the content; the further provided that
- 61 the judgment of the Board, acting per Board Pol. No. 4.403, shall be final.
- 62

63 **LIBRARY COLLECTION AND OPTIONAL MATERIALS**

64
65 Parental disclosure and prior notice do not include books located in the school's library
66 collection that are intended to provide *optional* reading material on each student's individual
67 reading level. However, schools shall maintain a list of all materials covered by this policy
68 including those located in libraries, reading centers, or classrooms. This list will be posted on the
69 school's website.

70
71 The Administration will develop procedures to ensure that these materials will be monitored and
72 reviewed, and no donated materials will be entered into the library or classroom collections
73 without consideration of the criteria above; however, there may be sensitive content contained in
74 these books that were not previously reviewed by school personnel. Parents should alert the
75 administration about any sensitive content that is found in these optional materials. The
76 Administration will then undertake the reconsideration process as outlined in Policy 4.403.

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81 Legal References and Cross References:

82 1. TCA 49-3-359

83 3. Board Policy 4.403 – Reconsideration of Instructional Material and Textbooks

Hamilton County Board of Education			
Monitoring: Annually, in November	Descriptor Term: Reconsideration of Instructional Materials and Textbooks	Descriptor Code: 4.403	Issued Date: 12/16/04
		Rescinded:	Revised: 08/17/23

1
 2 The Board supports principles of intellectual freedom inherent in the First Amendment of the
 3 Constitution of the United States¹.

4
 5 The Board, though it is responsible for all instructional material purchased, recognizes the student's
 6 right to free access to many diverse types of materials. The Board also recognizes the right of
 7 teachers and administrators to select instructional materials and to make those materials available
 8 in the schools. It is therefore the policy of the Board to require instructional materials selected for
 9 and used in the schools to be in accord with the following:

- 10
 11 1. Instructional materials shall be chosen for the values of interest and enlightenment of
 12 all students in the community. Instructional materials shall not be excluded because
 13 of race, nationality, political or religious views of the writer or of the style and
 14 language.
 15 2. Every effort will be made to provide materials that present many points of view
 16 concerning the problems and issues of our times--international, national, and local.
 17 Instructional materials of sound factual authority shall not be proscribed or removed
 18 from library shelves or classrooms because of partisan or doctrinal
 19 approval/disapproval.
 20 3. Censorship of instructional materials will be discouraged to maintain the school's
 21 responsibility to provide information and enlightenment.
 22 4. Such media (films, videos, electronic media, etc.) should be used only to supplement,
 23 not supplant, other instruction. There must be a stated instructional purpose related to
 24 the approved curriculum objectives to support the use of any media and any media
 25 more than 10 minutes must be pre-approved by the Principal.
 26

27 In accordance with number three above, the Board has adopted the following policy when dealing
 28 with complaints about our censorship of instructional materials:

- 29
 30 1. That the final decision concerning controversial instructional materials shall rest with
 31 the Board after careful examination and discussion of the instructional materials with
 32 school faculties or anyone else the Board wishes to be involved;
 33 2. That no parent or guardian, group of parents or guardians, or non-school group has the
 34 right to determine the instructional materials for students other than their own
 35 children;
 36 3. The Board does, however, recognize the right of an individual parent or guardian to
 37 request that his/her child not have to use the given instructional material without being
 38 penalized academically, provided a written request is made to the Principal;

- 39 4. Any student, parent or guardian, or school employee who wishes to request review or
 40 reconsideration of the use of any instructional material in the school must make such
 41 a request in writing through the Principal of the school where the material is used.²
 42

43 Complainants who bypass the review/reconsideration procedure and who initially seek action from
 44 the Board or Director of Schools shall be informed of the policy and instructed first to seek solution
 45 to their problem with the teacher, librarian, or Principal involved. Notwithstanding any other Board
 46 policy, no one will be allowed to address the Board regarding the content of any book or other
 47 instructional material until the procedures of this policy have been exhausted.
 48

49 When a complaint is made, the following procedure is to be followed:
 50

- 51 1. Provide the complainant with a copy of this policy and make no commitments.
 52 2. Request the complainant to submit a "Request for Reconsideration of Instructional
 53 Materials" Form, which is to be developed by the Administration.
 54 3. When a complaint is filed, the Principal and teacher will review the validity of the
 55 complaint. The complaint will then be processed through the following steps to
 56 determine a final resolution.
 57 4. Inform the Director of Schools or his/her designee.
 58 5. Keep challenged materials available for use and review during the reconsideration
 59 process.
 60 6. Upon receipt of the completed form, the Principal requests a review of the challenged
 61 material within twenty working days by an ad hoc materials review committee
 62 composed as follows:
 63 a. Appropriate Executive Director and/or Director of Teaching and Learning
 64 (will serve as the chair of the committee);
 65 b. President of the school's PTA/PTO or other parent or guardian representative
 66 appointed by the principal;
 67 c. Principal of a county school serving the same grade levels and in the same
 68 learning community as the school in which the complaint was made; and
 69 d. A teacher at a county school serving the same grade levels and in the same
 70 learning community as the school in which the complaint was made.
 71
 72 7. The review committee takes the following steps after receiving the challenged
 73 materials:
 74 a. Reads, views, or listens to the material in its entirety.
 75 b. Consider the material in light of the criteria set forth in Board Pol. No. 4.402,
 76 Criteria for Selection or Reconsideration of Materials.
 77 c. Holds a hearing including complainant and any affected school employee.
 78 d. Determines the extent to which the material supports the curriculum.
 79 e. Judges the material for its strengths and values and/or objectionable content.
 80 f. Presents decision in writing to Principal, to the complainant, to affected
 81 school employees, and to the Director of Schools (for information).
 82
 83 8. If the complainant or any affected school employee wishes further action after
 84 receiving the decision of the committee, an appeal may be made to the Board within

85 fifteen (15) working days of the date of the committee's decision. This appeal should
86 be made in writing to the Director of Schools. The Board has the discretion to sustain
87 the review committee on the record or to grant a new hearing. If no appeal is filed
88 within the above deadline, the determination of the review committee shall be final.

89
90 The Director of Schools, or his/her designee, shall be responsible for the implementation of
91 procedures concerning complaints regarding instructional materials and textbooks. These
92 administrative procedures should include consideration of whether to remove materials or
93 textbooks from schools across the system based upon a sustained complaint at a particular school.

94
95 NOTE: This policy includes textbooks, library books, reference books, newspapers, magazines,
96 films, audio or videotapes, live or recorded radio or television programs, computer programs, etc.
97 including any such materials that may be in a teacher’s classroom. All instructional materials and
98 textbooks are covered within this policy

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105 Legal References:

- 106 1. Island Trees/Union Free School District v. Pico, 457 U.S. 853, 102 S. Ct. 2799 (1982)
107 2. TCA 49-6-3803 (b)

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Use of Copyrighted and Licensed Materials	Descriptor Code: 4.404	Issued Date: 12/16/04
		Rescinded:	Revised: 12/13/18

1 The Board shall require that all employees adhere to the provisions of the United States Code regarding
2 the copying and/or the use of copyrighted and licensed materials. ¹ This shall include restrictions on
3 posting copyrighted materials to district, school, or teacher websites.
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37 Legal Reference:

38 1. Title 17 of the U.S.C.A.
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37 Cross References:

38 Use of the Internet 4.406
39 Audio, Video and Digital Recordings 4.407
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Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Use of the Internet	Descriptor Code: 4.406	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The Board supports the right of staff and student to have reasonable access to various information
2 formats. The director of schools shall be responsible for developing administrative procedures which
3 govern student and employee use of the Internet.
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Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Audio, Video and Digital Recordings	Descriptor Code: 4.407	Issued Date: 12/16/04
		Rescinded:	Revised: 12/13/18

1 Recordings used for instructional purposes in a classroom must either be processed through the Board
2 approved selection procedure or have the prior approval of the principal. All recordings will be used in
3 the classroom for educational purposes only and must meet guidelines established by the principal. Any
4 recording used in the classroom should align with the instructional goals and standards set for lesson.
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Cross Reference:

Use of Copyrighted Materials 4.404

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Community Instructional Resources	Descriptor Code: 4.500	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The Board recognizes the value of community resource persons in the educational program and autho-
2 rizes the use of such persons with approval of the principal or the appropriate director.
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Hamilton County Board of Education

Monitoring: Review: Annually in November	Descriptor Term: School Volunteers	Descriptor Code: 4.501	Issued Date: 12/16/04
		Rescinded:	Revisgfg: 12/08/22

1 The Board endorses a volunteer program in the schools¹ and authorizes principals to develop such a
2 program for each school.

3 4 **IN-SCHOOL VOLUNTEERS**

5
6 All volunteers wishing to serve in the school during the regular school day or in support of a school
7 sponsored extracurricular program must be approved by the principal and shall serve under the
8 supervision and direction of the professional personnel of the school to which they are assigned. Any
9 such volunteer having unmonitored contact with children must first undergo a background check in
10 accordance with provisions set forth in Tenn. Code Ann. 49.5.413 every three years.

11
12
13 The principal shall ensure that before any volunteer performs any work, the volunteer must complete
14 the volunteer request form, which is available on the Human Resources website. While the substance
15 of this form changes from time to time, this form basically acknowledges that the individual is
16 responsible for their own health and safety while performing work on the campus of the Hamilton
17 County Schools. They understand they are not employees of the school system and shall serve without
18 compensation.

19
20 Volunteers may assist professional personnel in the performance of their teaching and administrative
21 responsibilities. They may not teach but may reinforce skills taught by the professional staff.

22
23 The principal shall ensure that appropriate recognition of volunteer services is made annually.
24 Volunteers shall serve without compensation but shall be insured by the Board against loss or
25 damage in the performance of their duties.²

26 27 **VOLUNTEER SERVICE GROUPS**

28
29 Principals may partner with any local service group, including faith-based groups, who want to
30 painting, and other manual labor.
31 organize service projects on school campuses. Some of these projects might include landscaping,
32 Any group that wants perform volunteer work in one of the schools must do the following:

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35 • The group and the principal must have a clear understanding of the type of work the group will
36 be doing. Both the group and the building principal are responsible for discussing the group's
37 plan with Ancillary Services in the event there plans for the school that might conflict with or
38 obscure the work that the group proposes to do.

- 1 • The group and the building principal should schedule the group’s work for a time students will
2 not be present on campus. If students are present, and if any of the work is to be performed in
3 close proximity to children, then each member of the volunteer group will have to undergo a
4 background check. For this reason, it is advisable to schedule any work after hours, on
5 weekends, or even during breaks or holidays. However, if a student also happens to be a
6 member of the volunteer group, such as a sixth grader who is volunteering his time to work
7 with his Scout troop, then that student may work with the group without requiring the entire
8 group to be background checked.
9
- 10 • Any time any member of the group is on campus performing work, at least one building level
11 administrator must be present. Depending upon the nature of the work being performed, the
12 building administrator should consider whether other precautions might also be necessary, such
13 as the ready availability of someone trained in CPR and basic first aid.
14
- 15 • Before any member of any volunteer group performs any work, the member must complete the
16 volunteer request form and criminal background history check form, which are available on the
17 Human Resources website. While the substance of this form changes from time to time, this
18 form basically acknowledges that the group and each of its members are responsible for their
19 own health and safety while performing work on the campus of the Hamilton County Schools.
20 They understand and agree that they are not employees of the school system and are, therefore,
21 not covered by any policy of insurance or any health benefit plan. They also agree that they are
22 responsible for any damages they cause to the property of the Hamilton County Schools or any
23 injury they cause to a student or employee of the Hamilton County Schools.
24
- 25 • With regard to any faith-based group performing work on campus, they are free to have a
26 moment of prayer, meditation, or other similar faith-based observance while on campus
27 provided that any such observance is incidental to the group’s primary purpose for being on
28 campus, i.e., to work. Furthermore, faith-based groups may not use any portion of the time they
29 are on campus to proselytize students or faculty members who are not already members of the
30 group.
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40 Legal References:

- 41 1. TCA 49-6-7001
42 2. TCA 29-20-310 (e)
43 3. TCA 49-5-413
44 4. Board Policy 6.304 - Student Discrimination/Harassment/Hazing and Bullying/Intimidation
45 5. Board Policy 6.409 - Child Abuse and Neglect

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Parent and Family Engagement Policy	Descriptor Code: 4.502	Issued Date: 6/21/08
		Rescinds:	Revised: 07/19/18

1 GENERAL EXPECTATIONS FOR ALL SCHOOLS

2 The Hamilton County Department of Education (HCDE) shall be governed by the statutory definition
3 of parent and family engagement as cited in the Every Student Succeeds ACT (ESSA), and shall carry
4 out programs, activities and procedures in accordance with this definition. As a district that receives
5 Title I, Part A funding, HCDE will develop jointly with, agree on with, and distribute to, families of
6 participating children a written parent and family engagement policy that contains information required
7 by PL 114-95 Section 1116(a)(2) of the Every Student Succeeds Act (ESSA). The policy will support
8 student academic achievement, establish the LEA's expectations for parent and family engagement,
9 and describe how the district will implement specific parent and family engagement activities.

10

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

- 12 • The school district (LEA) will put into operation activities and procedures for parent and family
13 engagement in all of its schools. Those programs, activities and procedures will be planned and
14 operated with meaningful consultation with parents and families.
- 15 • The school district shall incorporate activities and strategies that support this districtwide parent and
16 family engagement policy into its Local Education Association (LEA) Needs Assessment and the LEA
17 Plan Prioritized Goals and Strategies.
- 18 • The LEA Needs Assessment and the LEA Plan Prioritized Goals and Strategies shall include
19 procedures by which parents and families may learn about the course of study for their children and
20 have access to all learning materials.
- 21 • The LEA Needs Assessment and the LEA Plan Prioritized Goals and Strategies shall include
22 strategies for parent and family engagement in the district's schools, which are designed to improve
23 parent, family, and teacher cooperation in such areas as homework, attendance and discipline.
- 24 • If the LEA Needs Assessment and the LEA Plan Prioritized Goals and Strategies are not satisfactory
25 to parents and families, the school district shall submit any parent and family comments with the plan
26 when the school district submits the plan to the State Department of Education.
- 27 • To the extent practicable, the school district and its schools shall provide full opportunities for the
28 engagement of parents and families with limited English proficiency, parents and families with
29 disabilities, and parents and families of migratory children, including providing information and school



- 1 reports in an understandable and uniform format and including alternative formats upon request, and,
- 2 to the extent practicable, in a language parents understand.

- 3 • The school district shall appoint a Parent and Family Advisory Council that will annually assess,
- 4 through consultation with parents and families, the effectiveness of the parent and family engagement
- 5 policy and determine what action needs to be taken, if any, to increase parent and family engagement.
- 6 In order to accomplish this, the advisory council shall be composed of representatives from parents and
- 7 families of students in elementary, middle and high schools, a member of the school board, and
- 8 representatives from the school district.

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Academic Information	Descriptor Code: 4.600	Issued Date: 12/16/04
		Rescinds:	Issued:

1 It is the duty of the Hamilton County Board of Education to assign the director of schools the responsibil-
2 ity to require the use of the state course of study in all schools and a system of promotion in accordance
3 with the regulations of the commissioner.¹

4
5 The approved state curriculum frameworks shall be the basis for planning instructional program.²

6
7 The Hamilton County Board of Education shall approve the minimum and maximum units in any course
8 or subject area for which a student may earn credit toward graduation.³

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Legal References:

1. TCA 49-2-301(b)(1)(H)
2. TRR/MS 0520-1-3-.05(2)
3. TRR/MS0520-1-3.06(G)

Legal Reference:

1. 20 USCA 6319(b)

Cross Reference:

In-Service & Staff Development Opportunities 5.113

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Grading System	Descriptor Code: 4.601	Issued Date: 09/19/13
		Rescinds:	Issued: 09/20/18

1 The Director of Schools shall develop an administrative procedure to establish a system of grading and
2 assessment for evaluating and recording student progress and to measure student performance in
3 conjunction with board-adopted content standards. The grading/assessment system shall follow all
4 applicable statutes, rules and regulations of the State Board of Education.¹ The grading/assessment
5 system shall be uniform district-wide at comparable grade levels.²

6
7 The Director of Schools shall submit a copy of the grading, reporting, and assessment systems to the
8 Board before the system is implemented. These approved guidelines shall be communicated annually
9 to students and parents/guardians.³

10
11 Kindergarten through Grade 2 will issue a standards-based report card for reporting progress. In
12 grades 3-12 numerical grades will be used to report student progress for all students except for
13 approved non-graded courses.

14
15 Beginning with the 2018-2019 school year, for students in grades 3-8, scores on the Tennessee
16 Comprehensive Assessment Program (TCAP) shall comprise 15% of the student's grade for the
17 spring (second) semester in mathematics, English language arts, science and social studies. For
18 students in grades 9-12, scores on the TCAP shall comprise 15% of the student's final course grade,
19 either for a semester-long (block) or year-long course schedule.

20
21 If TCAP raw score results are not received by close of business the Friday before the first day of
22 classes for students in January, the results will not be included in student grades for fall block
23 courses. For year-long/traditional and spring block courses, if TCAP raw score results are not
24 received by close of business the Monday before the last day of school for students, the results will
25 not be included in student grades.⁵

26
27 Conduct grades are based on behavior and shall not be deducted from scholastic grades.

28
29 Conduct shall be marked as follows:
30 S.....Satisfactory
31 N.....Needs Improvement
32 U.....Unsatisfactory

33
34 Attendance records will be used in determining the awarding of grades, the passing of a course,
35 promotion, or retention

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41 Legal References:

- 1
- 2 1. TRR/MS 0520-1-3-.05(3)(a)
- 3 2. TCA 49-1-302(16)(g)
- 4 3. TRR/MS 0520-1-3-.05(3)(b)
- 5 4. TCA 49-2-203(B)(7)
- 6 5. TCA 49-1-617

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Reporting Student Progress	Descriptor Code: 4.602	Issued Date: 12/16/04
		Rescinded:	Revised: 12/13/18

1 Report cards shall be given each nine (9) weeks; progress reports will be given at least at the midpoint
2 of each reporting period. Reporting can be distributed electronically or via hard copy and shall be uniform
3 for all reporting periods, as determined at the school level. The reporting procedure shall be in writing
4 and shall be uniform for all reporting periods during each school year with such information published
5 annually for parents. ¹ Student progress reports shall indicate the student's conduct, attendance and
6 academic progress and other information necessary to communicate effectively with parents. In addition
7 to the regular progress reports, principals and teachers are encouraged to confer with parents concerning
8 the educational progress of their children.
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Legal References:

1. TRR/MS 0520-1-3-.05(3)(a); TCA 49-6-901

Cross References:

- School Calendar 1.800
- Section 504/ADA Grievance Procedures 1.802
- Academic Information 4.600
- Time Schedules & Extra Duty 5.602
- Attendance 6.200

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Driver's License Revocation	Descriptor Code: 4.603	Issued Date: 12/16/04
		Rescinds:	Issued:

1 Any student fifteen (15) years of age or older who becomes academically deficient shall be reported to
2 the Department of Safety for driver's license revocation. A student shall be deemed academically defi-
3 cient if he/she has not received passing grades in at least three (3) full unit subjects or their equivalency
4 at the end of semester grading. A copy of the notice sent to the Department of Safety by the principal
5 or his/her designee shall also be mailed to the student's parent or guardian.¹
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34 Legal Reference:

35 1. TCA 49-6-3017; TCA 55-50-511(a)(b); TCA 55-50-512(a)(d); TCA 55-50-513
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Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Parent Conferences	Descriptor Code: 4.604	Issued Date: 12/16/04
		Rescinds:	Issued:

1 At least one (1) time during the school year, conferences shall be scheduled in which parents and
2 teachers may discuss any pertinent problems or other matters of concern regarding the development
3 and education of each student. These scheduled conferences shall not use any portion of the 180 days
4 of classroom instruction.¹ The director of schools shall be responsible for scheduling and coordinating
5 system-wide conferences.
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34 Legal Reference:

35 1. TCA 49-6-7002
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Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Lottery Scholarships	Descriptor Code: 4.605	Issued Date: 12/16/04
		Rescinds:	Revised: 12/08/22

1 Each school counselor shall provide incoming freshman with information on college core courses re-
2 quired for lottery scholarships as well as necessary criteria (grade point average, ACT and SAT
3 score, etc.) that must be met in order to receive a scholarship.
4

5 Seniors may apply for the Tennessee HOPE Scholarship by completing the Free Application for Federal
6 Student Aid (FAFSA). The FAFSA is available at the counseling office or on-line at www.fafsa.ed.gov.
7 The priority date for FAFSA completion is May 1.
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Legal Reference:

1. TCA 49-4--904-907

Hamilton County Board of Education

Monitoring: Review: Annually, in December	Descriptor Term: Graduation Requirements	Descriptor Code: 4.606	Issued Date:
		Rescinds:	Issued: 04/20/17

1 **GENERAL**

2
3 The program of studies shall include areas required by the State Board of Education.

4
5 Before high school graduation, every student shall;

- 6
7 1. Achieve the specified units of credit;
8 2. Take the required end of course exams;¹
9 3. Have satisfactory records of attendance and conduct
10 4. Take the ACT or SAT in the 11th grade;² and
11 5. Successfully complete a United States civics test.³

12
13 **SPECIAL EDUCATION STUDENTS⁴**

14
15 Special education students who successfully complete their Individualized Educational Program (IEP),
16 pass the required competency assessment and have satisfactory records of attendance and conduct shall be
17 awarded a regular diploma. A special education diploma shall be awarded to students who have
18 satisfactorily completed their IEP and who have satisfactory records of attendance and conduct, but who
19 have not met the proficiency testing requirements.⁵

20
21 Special education students who do not meet the requirements for a high school diploma may be awarded
22 an occupational diploma if the student has:^{1,4}

- 23
24 1. satisfactorily completed their IEP;
25 2. maintained satisfactory records of attendance and conduct;
26 3. completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment
27 (SKEMA);
28 4. completed at least four (4) years of high school; and
29 5. has two (2) years of paid or non-paid work experience.

30
31 The decision to attain an occupational diploma shall be made at the conclusion of the student's tenth (10th)
32 grade year, or two (2) academic years prior to the expected graduation date. Students who have received
33 an occupational diploma shall continue to make progress towards a high school diploma until the end of
34 the school year in which they turn twenty-two (22) years old.

35
36 **STUDENT LOAD**

37
38 All full time students in grades 9-12 shall be enrolled each semester in subjects that produce a minimum
39 of five units of credit for graduation per year. Students with hardships and gifted students may appeal this
40 requirement to the director of schools and then to the board.⁶

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EARLY GRADUATION

High school students shall be permitted to complete an early graduation program. Students intending to graduate early shall inform the school principal of this intent prior to the beginning of 9th grade, or as soon thereafter as the intent is known.

In order to graduate early, students must meet the following requirements:

- 1. Earn the required eighteen (18) credits;
- 2. Achieve a benchmark score for each required end-of-course exam;
- 3. Attain a cumulative GPA of at least 3.2 on a 4.0 scale;
- 4. Meet the minimum ACT or SAT benchmark score;
- 5. Obtain a qualifying benchmark score on a world language proficiency assessment; and
- 6. Complete at least two (2) types of the following courses
 - a. AP;
 - b. IB;
 - c. Dual enrollment; or
 - d. Dual credit.

The director of schools shall develop administrative procedures to ensure that the early graduation program is conducted in accordance with state law.

Legal References:

- 1. TCA 49-6-6001; State Board of Education Policy 2.103
- 2. Public Acts of 2016, Chp. No. 844; State Board of Education Policy 2.103
- 3. Public Acts of 2016, Chapter No. 499; State Board of Education Policy 2.103
- 4. TRR/MS 0520-01-03-.06(1)(a); State Board of Education Policy 2.103
- 5. TCA 49-6-6005; State Board of Education Policy 2.103
- 6. TRR/MS 0520-01-03-.03(6)
- 7. TCA 49-6-8303; State Board of Education Policy 2.103

Cross References:

- Basic Curriculum Program 4.201
- Class Ranking 4.602

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Graduation Activities	Descriptor Code: 4.607	Issued Date: 04/20/17
		Rescinded:	Revised: 12/13/18

1 Students who have met all graduation requirements on the day of graduation may participate in the
2 graduation ceremony.¹ The graduation ceremony is optional.

3
4 Students who elect to participate in the ceremony are expected to behave with dignity and to conform
5 to the expectations and instructions of the school administration. Under no circumstances are students
6 permitted to be disruptive, to call undue attention to themselves, or to detract attention from another
7 student. Principals are authorized to withhold the printed diploma from any graduate who fails to adhere
8 to this policy subject to the completion of community service hours. The printed diploma also may be
9 withheld for students who have an outstanding debt, have not turned in a uniform, or other school
10 property. Any such graduate wishing to appeal a principal's decision may ask to meet with the Director
11 of Schools, whose decision shall be final.

12
13 Graduation ceremonies and other graduation activities are not to have any religious elements. This
14 prohibition does not limit the speech rights of any student speaker so long as the speaker observes the
15 legitimate time, place, and manner restrictions that the school administration places on such speeches;
16 provided, however, that the graduation program shall have a disclaimer indicating that the views of any
17 student speaker are those of the speaker, that the speaker has the freedom to speak, and that the Hamilton
18 County Board of Education and its administration do not sponsor or endorse the speaker's views.

19
20 Principals shall ensure that students graduating with distinction and state honors are recognized at
21 graduation.² Additionally, principals shall ensure that high school students who voluntarily complete at
22 least ten (10) hours of community service each semester are recognized during the graduation
23 ceremony.³

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Legal Reference:

1. TCA 49-6-405
2. State Board of Education Policy 2.103
3. State Board of Education Policy 2.103

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Class Ranking	Descriptor Code: 4.608	Issued Date: 01/16/14
		Rescinds:	Issued:

1 Numerical averages will be used to rank students in grades 9-12 and when applicable in other grades.
2 Numerical grades from all credit-bearing courses will be included in determining a students gradepoint
3 average and rank. To be eligible for ranking among the top high school seniors, students must be en-
4 rolled as a full-time student in a Hamilton County high school.

5
6 Students may graduate with honors or distinction by meeting criteria established by Tennessee State Board
7 of Education. Students who graduate with honors of distinction will be recognized with the placement
8 of a seal on the diploma. Valedictorian, salutatorian and honor roll status is specified by the Hamilton
9 County administrative procedures.

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Cross References:

Grading System 4.600

Graduation Requirements 4.605

Hamilton County Board of Education

Monitoring: Review: Annually in November	Descriptor Term: Promotion and Retention	Descriptor Code: 4.609	Issued Date: 06/19/14
		Rescinded:	Revised: 12/08/22

GENERAL

All promotion and retention decisions shall be made on a case-by-case basis and comply with state and federal law, as well as local promotion guidance. The superintendent, or his/her designee, shall be responsible for all decisions regarding promotion, retention, and acceleration. Promotion, retention, or acceleration shall be considered on the basis of what is best for the child. All decisions shall be made in consultation with a student's IEP and/or 504, if applicable.¹

The teacher is responsible for making the recommendation after consulting with the appropriate professional staff. Parent preference must be taken into account. The parents may appeal the decision to the principal.

Students who have difficulty in achieving the requirements for promotion may be considered for retention. Schools shall identify these students by February 1st. Students may be identified for retention after the February 1st deadline if the delay in identifying a student is due to:

1. Lack of instructional availability; or
2. Additional information acquired after results of local assessment, screening, monitoring, or 3rd quarter grades are released.

PROMOTION PLANS

When a student is considered for retention, the student's parent/guardian shall be notified within fifteen (15) days, and an individualized promotion plan shall be developed to help the student avoid retention. The plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parent(s)/guardian(s), school counselor, or other appropriate school personnel.

A copy of the plan will be provided to the student's parent(s)/guardian(s), and the school shall offer the opportunity for a parent-teacher conference to discuss the plan.

A student who demonstrates sufficient academic progress according to his/her promotion plan shall be promoted to the next grade level unless retention is required per additional requirements for students in third grade.²

If a student has not demonstrated sufficient academic progress according to his/her promotion plan by the end of the school year, the student shall be eligible to enroll in a summer reading or learning program, if available. Parent(s)/guardian(s) shall be notified of a decision for retention at least ten (10) calendar days prior to the start of the next school year if the student was enrolled in a summer program. However, if the student wasn't enrolled in a summer program, the parent(s)/guardian(s) shall be

1
2 notified of a decision for retention at least thirty (30) calendar days prior to the start of the next school
3 year.³
4

5 **RETENTION**

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7 A student may be retained when such retention is in the best interest of the student or when retention is
8 required per additional requirements for students in third grade. However, a student shall not be
9 retained more than once in any grade.
10

11 If a student is retained, the school shall develop an individualized academic remediation plan within
12 thirty (30) calendar days after the beginning of the next school year. A copy of the plan shall be
13 provided to the student's parent(s)/guardian(s) within ten (10) calendar days of its development. The
14 individualized academic remediation plan shall be completed in compliance with local guidance.
15

16 **3rd Grade Retention Decisions**

17 Third grade students shall not be promoted to the next grade unless they are determined to be
18 proficient (i.e., receive a performance level rating of "met expectations" or "exceeded expectations") in
19 English language arts (ELA) based on the student's most recent TCAP test.

20 For third grade students with disabilities, retention and promotion decisions shall be made on a case-
21 by-case basis and in consultation with the student's IEP and/or 504 team to determine whether the
22 student's performance on the ELA portion of TCAP was due to the student's disability. The school
23 district shall not retain a student with a disability or a suspected disability that impacts their ability to
24 read.

25 Students who are not proficient in ELA may still be promoted if the conditions outlined in TCA
26 49.6.3115 are met.

27 **APPEALS**

28
29 For students where retention is required per the additional requirements for students in third grade,
30 parent(s)/guardian(s) may appeal this decision directly to the Department of Education in accordance
31 with state law.⁴
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33 For all other grade levels, when a student is identified for retention, the parent(s)/guardian(s) shall be
34 notified about the decision to retain the student and provided with information on the right to appeal
35 the decision.
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Legal Reference:

1. 20 USCA 1400 es seq.; 29 U.S.C. 794 (Section 504);
TRR/MS 0520-01-03-.16; TCA 49-6-3115
2. TRR/MS 0520-01-03-.16(6)(f)
3. TRR/MS 0520-01-03-.16(6)(e)
4. TRR/MS 0520-01-03-.16(7)(f)

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Testing Programs	Descriptor Code: 4.700	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The director of schools shall be responsible for the development of procedures to govern the administra-
2 tion of all system testing programs. The director of schools will designate a system testing coordinator
3 who shall be responsible for the administering, monitoring and maintaining security of all system tests
4 to be administered within the school system.¹ The principal of each school shall serve as or designate
5 a building testing coordinator. Results of all such tests shall be recorded on the students' permanent
6 records and shall be made available to appropriate personnel in accordance with established procedures.²
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31 Legal Reference:
32 1. TCA 49-1-607
33 2. TRR/MS 0520-1-3-.03(9)
34 TRR/MS 0520-1-3-.06(d)
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Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Controversial Issues	Descriptor Code: 4.800	Issued Date: 12/16/04
		Rescinds:	Issued:

1 The fair and objective discussion of issues in the classroom which are politically, philosophically or
2 socially controversial shall be relevant to the subject matter being taught, related to educational objec-
3 tives, appropriate for the age and maturity of students, and shall not materially or substantially disrupt
4 or threaten to disrupt the discipline of the school.

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6 The director of schools shall be responsible for the development of procedures governing the discussion
7 of controversial issues in the classroom.

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Cross Reference:

Staff Rights and Responsibilities 5.600

Hamilton County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Religion in the Curriculum	Descriptor Code: 4.801	Issued Date: 12/16/04
		Rescinds:	Issued:

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It is essential that the teaching *about* religion—and not *of* a religion be conducted in a factual, objective and respectful manner. The director of schools shall be responsible for developing guidelines.

Cross References:

Basic Curriculum Program 4.201

Staff Rights & Responsibilities 5.600

5 - Personnel

Descriptor Code	Policy Title	Revised Date
Employment Practices		
5.100	Goals for Personnel - Human Resources	03/14/19
5.101	Creation of Positions and Lines of Authority	07/20/23
5.102	Classification and Qualifications	07/20/23
5.1021	Military Professionals Serving as JROTC Instructors	10/27/11
5.103	Job Descriptions	07/20/23
5.104	Equal Opportunity Employment	03/14/19
5.1041	Americans with Disabilities	08/17/23
5.1042	Educator Diversity	03/18/21
5.105	Recruitment of Employees	07/20/23
5.106	Application and Employment	08/17/23
5.1061	Criminal Records Check	08/17/23
5.1062	Record Tampering	12/16/04
5.107	Classified Employees	07/20/23
5.108	Supervision	07/20/23
5.109	Evaluation	08/17/23
5.110	Compensation Guides and Contracts	07/20/23
5.113	In-Service and Staff Development Opportunities	07/20/23
5.114	Personnel Records and Employee References	07/20/23
5.1141	Teacher Effect Data	07/20/23
5.1142	Employee Demographic Changes	07/20/23
5.115	Assignment/Transfer	07/20/23
5.116	Reductions in Force	07/20/23
5.117	Procedure for Granting Tenure	07/20/23
Separation Practices		
5.200	Suspension/Dismissal of Non-tenured Teachers	08/17/23
5.201	Suspension/Dismissal of Tenured Teachers	08/17/23
5.202	Suspension/Dismissal of Classified Employees	01/18/24
5.203	Non-Renewal	06/16/16
5.204	Resignation	08/17/23
5.205	Retirement	10/19/23
Employee Leaves		
5.300	Short Term Leaves of Absense	12/16/04
5.3001	Job Abandonment (Classified Employees)	12/16/04
5.301	Religious, Emergency and Legal Leave	01/18/24
5.302	Sick Leave	09/21/23
5.3022	Bereavement Leave	07/20/23
5.303	Personal and Professional Leave	08/17/23
5.304	Extended Leaves of Absence for Certificated/Classified Personnel	04/16/20

5.305	Family and Medical Leave	08/17/23
5.306	Military Leave	08/20/20
5.307	Physical Assault Leave	11/9/23
5.309	Legislative Leave	06/18/20
5.310	Vacations and Holidays	01/17/08
5.311	On-The-Job Injury	11/9/23

Employee Health Practices

5.400	Personnel Health Examinations/Communicable Diseases	02/15/24
5.401	Acquired Immune Deficiency Syndrome	04/20/23
5.402	Hepatitis B (HBV)	04/20/23
5.403	Drug & Alcohol Testing for Employees	07/20/23

Grievances

5.500	Employee Complaints	07/20/23
5.501	Employee Grievances	10/19/23
5.502	Harassment/Sexual Harassment and Discrimination	08/17/23
5.503	Complaints About School Personnel	12/16/04
5.504	Evaluation Appeals	07/20/23

Employee Rights and Responsibilities

5.600	Staff Rights and Responsibilities	08/20/20
5.6001	Workplace Violence	10/19/23
5.601	Staff Conflict of Interest	04/20/23
5.6011	Code of Professional Conduct	09/16/21
5.602	Time Schedules and Extra Duty	04/20/23
5.604	Overtime Pay of Non-Exempt Classified Personnel	04/20/23
5.605	Staff Gifts and Solicitations	12/16/04
5.606	Staff-Community Relations	08/15/19
5.607	Non-School Employment	12/16/04
5.608	Tutoring for Pay	04/20/23
5.609	Reimbursement for Personal Property	04/18/24

Temporary Personnel

5.700	Interim Employees	12/16/04
5.701	Substitute Teachers	08/17/23
5.702	Student Teachers	04/20/23
5.703	Private Duty Nurses	01/20/22

Recruitment and Employment of the Director of Schools

5.800	Director of Schools	12/16/04
5.801	Director of Schools Recruitment and Selection	06/14/11
5.802	Qualifications and Duties of the Director of Schools	10/19/23
5.803	Evaluation of the Director of Schools	02/15/07

Negotiations

Hamilton County Board of Education

Monitoring: Review: Annually in February	Descriptor Term: Goals for Personnel - Human Resources	Descriptor Code: 5.100	Issued Date: 12/16/04
		Rescinded:	Revised: 03/14/19

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3 Through its personnel policies, the Board shall establish a school environment that will attract and
4 maintain the best qualified person whose mission will be to provide the best possible learning oppor-
5 tunities for the students. The Board's goals are:

- 6
7 1. To ensure that the best qualified personnel are recruited, employed, and retained to staff the
8 school system;
- 9
10 2. To provide staff compensation, benefits and working environment sufficient to attract and
11 retain qualified employees;
- 12
13 3. To provide an in-service training program for all employees to improve their performance;
- 14
15 4. To conduct an evaluation program that will contribute to the continuous improvement of
16 staff performance; and
- 17
18 5. To ensure that personnel are assigned so that they are utilized as effectively as possible.
- 19
20 6. To develop and implement a minority recruitment program that ensures diversity within
21 the Hamilton County Department of Education.

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Cross Reference:
School District Goals 1.700

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Creation of Positions and Lines of Authority	Descriptor Code: 5.101	Issued Date: 05/24/07
		Rescinded:	Revised: 07/20/23

CREATION OF POSITIONS

All existing staff positions shall be approved from year to year through the annual budget process and in accordance with an organizational plan submitted by the Director of Schools and approved by the Board. Before any new or additional position is created, the Board must specifically approve it. If the proposed position is new to the district, the Director of Schools must first present a job description and a compensation package for the Board's consideration. While the Director of Schools has the authority to reorganize the operational structure of the school system from time to time, no such reorganization shall have any impact on the budget without prior approval of the Board.

LINES OF AUTHORITY

The Director of Schools shall establish official lines of authority and shall publish these lines of authority on a system organization chart. All personnel are expected to keep the person to whom they are immediately accountable informed of their activities and shall refer matters requiring administrative action to the administrator to whom they are accountable. When appropriate, that administrator shall refer such matters to the next level of administration to whom he or she may be accountable.

Official lines of authority do not restrict the cooperative, sensible working relationship of all staff members at all levels. These official lines of authority represent direction of authority and accountability as well as avenues for a two-way flow of ideas to improve the program and operation of the Hamilton County school system.

All personnel shall have the right to appeal any decision made by a Supervisor grievance procedure established through Board policy.

Legal References: _____

Cross References: _____

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Classification and Qualifications	Descriptor Code: 5.102	Issued Date: 03/15/12
		Rescinded:	Revised: 07/20/23

ADMINISTRATIVE AND SUPERVISORY PERSONNEL

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

To be considered for administrative or supervisory positions whose employment *requires* certification in accordance with the rules and regulations of the State Board of Education, the applicant must show the following qualifications:

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

To be considered for administrative and supervisory positions whose employment does *not* require certification, the applicant shall possess sufficient training and experience to perform the services required and such additional qualifications as the Board and the Director of Schools shall determine.

PROFESSIONAL PERSONNEL

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

It is the responsibility of the employee to secure a license and to maintain its validity. When a professional employee's contract must be terminated because the professional employee's license has lapsed or otherwise become invalid, the Director of Schools shall immediately suspend the employee without pay pending disposition of the matter. The teacher shall be notified of the reason for the suspension and given an opportunity for a hearing before the Board.

CLASSIFIED PERSONNEL

Classified personnel are those employees, regardless of education, training, experience, or licensure, who hold positions for which the Tennessee Department of Education does not require certification. Classified personnel are employees at will, meaning that either they or the Director of Schools may end their employment at any time for any reason or for no reason. While the Director of Schools will endeavor to notify classified personnel by June 15 of their anticipated job assignments for the following school year, nothing within this policy or any other policy will be construed to extend to these employees a contract of employment for any specific term.

EMPLOYMENT STATUS FOR CLASSIFIED EMPLOYEES

1 It is the intent of Hamilton County Schools to clarify the definitions of employment classifications so that
2 employees understand their employment status and benefit eligibility. These classifications do not guarantee
3 employment for any specified period of time.
4

5 Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour
6 laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and
7 state laws. An employee's EXEMPT or NONEXEMPT classification may be changed only in accordance
8 with the Fair Labor Standards Act (FLSA) and upon written notification by Hamilton County Schools
9 management and approval by the Director of School or their designee.
10

11 In addition to the above categories, each employee will belong to one other employment category.
12

13 REGULAR FULL-TIME employees are those who are not in a provisional or introductory status and who
14 are regularly scheduled to work in Hamilton County Department of Educations' full-time schedule.
15 Generally, they are eligible for Hamilton County Department of Educations' benefit package, subject to the
16 terms, conditions, and limitations of each benefit program.
17

18 PART-TIME employees are those who are not assigned to a provisional or introductory status and
19 who are regularly scheduled to work less than 30 hours per week and may not be eligible for all of Hamilton
20 County Department of Educations' benefit package.
21

22 PROVISIONAL employees are those who are hired on or after June 1 for the following
23 school year to temporarily supplement the work forces or to assist in the completion of a specific project.
24 Employment assignments in this category are of a limited duration. Employment beyond any initially stated
25 period does not in any way imply a change in status. While provisional employees receive all legally
26 mandated benefits (such as on-the-job injury (OJI) insurance, and social security) and they may be eligible
27 for the Hamilton County Department of Educations' benefit package.
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44 Legal References:
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44 Cross References:

45 1. Classified Employees 5.107

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Military Professionals Serving as JROTC Instructors	Descriptor Code: 5.1021	Issued Date: 09/28/06
		Rescinded:	Revised: 10/27/11

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The Department of Education will contract with one or more branches of the military to provide instructors for the Department of Education’s Junior Reserve Officers Training Corps (JROTC) program. Each instructor must be a military professional certified and in good standing as a JROTC instructor with his or her branch of the military. Additionally, each military professional must hold or be pursuing a JROTC teacher license issued by the Tennessee State Board of Education.

EMPLOYMENT BENEFITS

The Department of Education will develop uniform administrative practices and procedures governing the employment benefits of JROTC instructors. These administrative practices and procedures will offer to JROTC instructors the same opportunities for insurance coverage and other fringe benefits offered to other classroom teachers. The Department of Education will develop a pay scale for JROTC instructors consistent with the Board’s budget and any agreement with the Department of Defense.

DIRECTION AND SUPERVISION

The Superintendent will designate one senior military professional to serve as the JROTC Director. The Director will oversee the entire JROTC program, including the selection, supervision, and evaluation of the program’s other military professionals. The Director shall make any recommendations regarding discipline or non-renewal to the Superintendent for appropriate action.

Legal References:

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Job Descriptions	Descriptor Code: 5.103	Issued Date: 09/08/94
		Rescinded:	Revised: 07/20/23

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The Board will approve the broad purpose, function, and statement of duties outlined in the written job description of any new job class in accordance with state laws and state regulations.

Human Resources shall provide a copy of a job description to the employee upon request. A copy of all job descriptions shall be maintained electronically within Human Resources.

Human Resources shall maintain a comprehensive, coordinated set of job descriptions for all such positions to promote efficiency and economy in the staff's operations.

Legal References:

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in February	Descriptor Term: Equal Opportunity Employment	Descriptor Code: 5.104	Issued Date: 09/08/04
		Rescinded: GAAA	Revised: 03/14/19

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2 Opportunity for employment, as well as continuation and advancement in employment, shall be
3 afforded equally regardless of race, creed, color, sex, sexual orientation, gender identity, religion, age,
4 national origin, genetic information and individuals with disabilities or veteran status with regard only
5 for qualifications for the positions involved. ^{1,2}
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34 Legal References:

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36 1. U.S. Constitution, Amendment XIV; Title VII,
37 Civil Rights Act of 1964;
38 Title VI, Civil Rights Act of 1964; Title IX,
39 Education Amendments of 1972; Age Discrimination Act of 1967;
40 Section 504 of Rehabilitation Act of 1973
41 2. Public Law 101-336; 42 U. S.C. 12112

Cross References:

- Section 504/ADA Grievance Procedures 1.802
Discrimination/Harassment 5.500
Complaints and Grievances 5.501

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: American with Disabilities ADA	Descriptor Code: 5.1041	Issued Date: 03/16/17
		Rescinded:	Revised: 08/17/23

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2 The Board of Education is committed to equal opportunity² in all aspects of hiring and employment and
3 fully supports the Americans with Disabilities Act (ADA) and the right of all applicants, candidates, and
4 employees to be free from discrimination based on disability. The Board values all of our employees,
5 applicants, and candidates including those who are experiencing disabilities. In accordance with the
6 Americans with Disabilities Act (ADA), Section 503 of the Rehabilitation Act and state law, and
7 consistent with the Board of Education's Equal Employment Opportunity and Harassment/Sexual
8 Harassment and Discrimination Policies, it is the Board's policy to provide reasonable accommodations
9 for qualified individuals with disabilities, unless the accommodation poses an undue hardship or would
10 change the essential functions of the position.

11

12 ADA REQUEST FOR ACCOMMODATION

13

14 If an employee, applicant, or candidate has a medical condition that impacts his ability to perform the
15 essential functions of the job, he should work with his health care provider to complete and submit the
16 HCDE ADA Request for Accommodation Form directly to HCDE's ADA Coordinator in the Human
17 Resources Department. (**Please Note:** Employees should not provide the completed ADA Request for
18 Accommodation Form or related medical documentation to their administrator or manager, but rather
19 the ADA Coordinator in HR.)

20

21 Completion of the ADA Request for Accommodation Form is part of the interactive process that will
22 allow HCDE to assess the individual's medical condition and determine whether a job accommodation
23 is reasonable. Employees are obligated to cooperate with this process. If sufficient medical information
24 is not provided by the individual after several attempts, this could result in delayed consideration of a
25 request or in its denial. Please note that an individual's receipt or denial of accommodation does not
26 preclude the individual from making another request at a later time if circumstances change and they
27 believe that accommodation is needed.

28

29 Following receipt of the completed ADA Request for Accommodation Form from the health care
30 provider, the ADA Coordinator will discuss the job accommodation request with the individual. Through
31 these discussions, consistent with applicable laws, HCDE may ultimately approve the requested
32 accommodation(s) as presented, suggest one or more alternative accommodation(s) designed to permit
33 the employee to perform the essential functions of the job, transfer the employee to another vacant
34 (funded) position that the employee can perform based upon stated restriction(s), grant a leave of absence
35 consistent with law or policy in the event HCDE is unable to make any other accommodation sufficient
36 to enable the employee to perform the essential functions of the job, or deny the requested
37 accommodation(s) in appropriate circumstances. The ADA Coordinator will only involve those
38 individuals who need to have knowledge of the situation to ensure that effective and timely
39 accommodation is provided. The ADA Coordinator will notify the employee, applicant, or candidate of
40 the outcome of the request. All accommodation requests will be reviewed on a case-by-case basis. If
41 HCDE approves a job accommodation, HCDE reserves the right to request that the individual's health
42 care provider recertify

1 the need for the job accommodation at reasonable intervals.

2
3 Job accommodations are meant to enable the employee to be successful in the performance of the
4 essential functions of the job. Therefore, essential functions of a job cannot be eliminated as part of an
5 accommodation. Once a job accommodation is offered and made, an administrator will work with the
6 employee to make sure that the accommodation enables the employee to perform the essential functions
7 of the job within appropriate standards.

8
9 **APPEALS**

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11 An individual dissatisfied with the resolution of a reasonable accommodation may request in writing that
12 the Director of Schools or his/her designee reconsider the decision.

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36 Legal References:

_____ Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in February	Descriptor Term: Educator Diversity	Descriptor Code: 5.1042	Issued Date: 03/18/21
		Rescinded:	Revised:

1
2 The Hamilton County Board of Education believes that students deserve access to diverse, effective
3 teachers and high-quality instruction.

4
5 “Minority Educator” includes, but is not limited to, an educator who is Black or African American;
6 Hispanic or Latino; Asian American; Native Hawaiian or Other Pacific Islander; or American Indian or
7 Alaska Native; or two or more races as reported by the educator in the state licensure database.

8
9 Therefore, the Hamilton County Board of Education is committed to Educator Diversity in Hamilton
10 County Schools, and directs the Administration to do the following in support of minority educator
11 recruitment and retention:

12
13 Create specific goals outlining how the district will address educator diversity, taking into consideration
14 the diversity of the students Hamilton County Schools serves, and strategies that will be used in support
15 of the goals to recruit and retain minority educators. These goals shall be incorporated into and aligned
16 with the district’s strategic plan.

17
18 The most effective strategies to recruit and retain minority educators will be those that are tailored to our
19 local context, informed by our data, and involve collaboration between Hamilton County Schools and
20 educator preparation programs. Such strategies may include, but are not limited to:

- 21
22
- 23 1. Identifying prospective educators from the local pool of diverse students, paraprofessionals,
24 industry professionals, or other community members and supporting them in seeking
25 educator licensure, including providing information and assistance with enrolling in
26 educator preparation programs;
 - 27 2. Working with educator preparation program leadership to identify any potential barriers to
28 entry and/or program completion for minority educators and to develop strategies to remove
29 these barriers;
 - 30 3. Reviewing the district-level recruitment processes, including the diversity of teams involved
31 in recruitment, interviewing, and hiring, and revising these processes as needed;
 - 32 4. Reviewing recruitment and application materials to eliminate potential barriers to entry for
33 minority educators.

34 Administration is directed to adopt strategies to retain minority educators, including both new and
35 veteran educators.

36
37 Accordingly, the Hamilton County Board of Education adopts this Educator Diversity policy to authorize
38 and direct the Administration of the Hamilton County Schools to develop an Educator Diversity Plan.
39 The Educator Diversity Plan shall be shared with the Board annually, and Administration will update
40 the board on progress yearly.

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- Legal References:
1. TCA 49-1-211(a)
 2. SBOE Policy 5.700

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- Cross References:
- Equal Opportunity Employment 5.104

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Recruitment of Employees	Descriptor Code: 5.105	Issued Date: 09/08/94
		Rescinded:	Revised: 07/20/23

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The authorization of all school system positions rests with the Board. Personnel within the discretion of the Director of Schools. ¹

The Director of Schools or designee is responsible for the development of a program for the recruitment of licensed and non-licensed personnel. ²

Identification of personnel needs shall be the responsibility of the Director of Schools, supervisors, and building principal. Effort shall be made to ensure the recruitment of a diverse workforce.

Vacancies will be advertised through various modes of communication to maximize the talent pool for selection. A deadline for receiving applications will be established and disseminated with the vacancy notice.

Legal References:
1. TCA 49-2-301(b)(1)
2. TRR/MS 0520-1-2-.14

Cross References:
Staff Positions 5.116

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Application and Employment	Descriptor Code: 5.106	Issued Date: 03/14/19
		Rescinded:	Revised: 08/17/23

1 2 **APPLICATION**

3
4 An individual desiring a position with the Board shall make application to the Director of Schools on the
5 applicant tracking system approved by the Board.¹ In a continuing effort to further ensure the safety and
6 welfare of students and staff, the district shall require criminal history records checks and fingerprinting
7 of applicants for teaching positions and applicants for any other positions requiring proximity to
8 children.⁹ If applying for a teaching position, the Director of Schools shall also check the applicant's
9 license status in the State Board of Education's database to determine if there is a hold on that applicant's
10 license and, if so, the reasoning behind the hold.¹³

11
12 Knowingly falsifying information regarding an applicant's criminal or employment dismissal history on
13 an application shall be sufficient grounds for termination of employment and shall also constitute a Class
14 A misdemeanor which must be reported to the District Attorney General for prosecution.⁸

15
16 The Board assigns to the Director of Schools or his/her designee the duty to conduct thorough
17 background checks, reference checks or employment verification, and to advise all applicants that all
18 hiring decisions are contingent upon satisfactory background check results.

19
20 Any costs incurred by the Tennessee Bureau of Investigation in conducting background investigations
21 of applicants shall be paid by the applicant at the time such applicant is offered a position with the
22 Board.²

23 24 *Professional Employees (Certified)*

25
26 The application must include a transcript of credits earned at the colleges or universities attended along
27 with reference information from persons such as previous employers, college professors and supervisors
28 of student teachers. Other information shall include whether such applicant has been dismissed for cause
29 from a school system. If previously employed by a local board of education, the applicant shall provide
30 evidence of acceptable resignation.¹

31
32 No person shall be employed:

- 33
34 1. Who does not hold a valid license to teach or a temporary permit to teach from the State Board
35 of Education;³
36 2. Who does not present a physician's certificate showing a satisfactory health record or has any
37 contagious or communicable disease in such form that might endanger the health of school
38 children;⁴
39 3. Who refuses to take and subscribe to an oath to support the Constitution of the State of Tennessee
40 and of the United States of America;⁵
41 4. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from
42 employment for cause;¹

5. Who does not receive a satisfactory background check.^{1,10}
6. Who has not complied with the Immigration Reform and Control Act of 1986.
7. Who has been identified by the Department of Children's Services as a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect or who poses an immediate threat to the health safety and welfare of children.¹¹
8. Who is listed on the state's abuse of vulnerable persons registry maintained by the Department of Health.¹¹

Classified Employees

No person shall be employed:

1. Who does not present a physician's certificate showing a satisfactory health record; or has any contagious or communicable disease in such form that might endanger the health of the children;⁴
2. Who has not complied with the Immigration Reform and Control Act of 1986;⁶ or
3. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause;
4. Who does not receive a satisfactory criminal background check.^{1,10}
5. Who has been identified by the Department of Children's Services as a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect or who poses an immediate threat to the health safety and welfare of children.¹¹
6. Who is listed on the state's abuse of vulnerable persons registry maintained by the Department of Health.¹¹

EMPLOYMENT

Professional Employees (Certified)

The Director of Schools shall hire and assign qualified applicant.⁷

Upon initial employment, the Director of Schools or his/her designee shall notify such person, in writing, of the offer and conditions of employment. Upon receipt of the employment notification, the person must accept or reject, in writing, the offer of employment as follows:

Such person shall have fourteen (14) calendar days to accept or reject, in writing, an offer made between and including April 1st and May 31st.

Such person shall have five (5) business days to accept or reject, in writing, an offer made between and including June 1st and March 31st. The five-business-day period begins on the first business day after receipt of the employment notification. From the date of the written acceptance, such person is considered to be under employment with the Board and is subject to all rights, privileges and duties.^{1 12}

Classified Employees

The Director of Schools shall hire and assign qualified applicants.

- 1
2 Legal References:
3 1. TCA 49-5-406
4 2. TCA 49-5- 406 (a); TCA 49-5-413(b) (c)
5 3. TCA 49-5-403; TCA 49-5-101; TCA 49-5-106
6 4. TCA 49-5-404;TRR/MS 0520-1-3-.08(2)(f)
7 5. TCA 49-5-405
8 6. Immigration Reform and Control Act of 1986
9 7. TCA 49-2-301(b)(1)(CC)
10 8. TCA 49-5-406(a)(2)(A)
11 9. TCA 49-5-413
12 10. TCA 49-5-413(a), (f)
13 11. TCA 49-5-413(e)
14 12. TCA 49-5-406 (b)
15 13. SBOE Policy 5.501

- Cross References:
Orientation and Probation 5.107
Compensation Guides & Contracts 5.110
Criminal Records Check 5.1061

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Criminal Record Checks	Descriptor Code: 5.1061	Issued Date: 02/18/10
		Rescinded:	Revised: 08/17/23

The Hamilton County Board of Education, in an effort to provide a safe environment for its employees and students, will conduct pre-employment criminal background checks on all prospective employees, both full-time, part-time, licensed, and non-licensed. This also includes certified and non-certified individuals desiring to coach athletics in the district's middle and high schools who are not employed by the Hamilton County Department of Education. The board will also conduct criminal background checks on all volunteers and /or contract workers who have or may have unmonitored contact with students.

The criminal record checks will include a TBI and FBI criminal background check and a search of the Department of Children's Services Tennessee Sex Offender and Child Abuse Registries. The cost of a criminal background check shall be paid by the prospective employee or volunteer at the time he/she is fingerprinted. Background check results must be received and cleared prior to an employee, contract worker, or volunteer beginning work and be updated in accordance with Tenn. Code Ann. 49-5-413 for any persons with proximity to students. Human Resources may request dispositions and/or a written explanation of any charges that appear on the background results to clear an employee, contract worker, or volunteer.

General Regulations:

1. An applicant for employment, as a condition for employment, will authorize in writing a criminal records check to determine if he/she has been convicted of criminal or drug offenses. Failure on the part of an applicant to cooperate in the criminal background check process will result in denial of employment.
2. The Superintendent will not knowingly employ a person who is disqualified from employment because of a conviction for a felony, a crime involving moral turpitude, or a disqualifying narcotic offense. [TCA Sec. 49-5-501, Tennessee Administrative Rules and Regulations. Further, applicants who (1) have been identified by the Department of Children's Services as perpetrators of child abuse, severe child abuse, child sexual abuse, or child neglect or post an immediate threat to the health, safety, or welfare of children; or (2) are listed on the state's abuse of vulnerable persons registry maintained by the Department of Health shall not be employed. The following criteria will be used to evaluate those persons whose fingerprints or criminal record checks indicate former criminal convictions:²
 - a. Felony convictions for *current employees* undergoing the five-year update of the criminal records check will be subject to review and approval of the superintendent.
 - b. For applicants and/or new employees undergoing initial criminal record check, felony convictions less than five (5) years from the date of the criminal records check will result in immediate termination and/or rescission of the employment offers.
 - c. Felony convictions more than five (5) years from the date of the criminal records check will be at the discretion of the superintendent. Information required for such decision will include, but is not limited to, name and address of the court, date of the alleged offense, description of charges, explanation of the final action taken including any fines, probation, imprisonment, first offender adjudication or similar disposition.

- 1 3. Bus drivers, other CDL (Commercial Driver's Licensed) employees, and any employee who may
2 from time to time drive a Board of Education vehicle, that are arrested for DUI while on duty, will
3 be suspended immediately and upon conviction will be subject to termination. Employees who
4 transport students on school and/or district-related business in a privately-owned vehicle who are
5 arrested for DUI while on duty will be suspended immediately and upon conviction will be subject
6 to termination.
- 7 4. Bus drivers, CDL employees, and any employee who may from time to time drive a Board of
8 Education vehicle, that are arrested for DUI charges will be suspended from any employment
9 involving the driving of a vehicle until the charges are resolved.
- 10 5. Falsifying information or not fully and accurately disclosing information about convictions and/or
11 pending charges on the employment application shall be grounds for immediate termination.

12 **USE AND DISSEMINATION**

13
14
15 Fingerprints or other approved forms of positive identification shall be submitted with all requests for
16 criminal history record checks for non-criminal justice purposes.³

17
18 Tennessee and FBI Criminal History Record Information (CHRI) obtained by the district shall be solely
19 used to verify criminal violations and shall not be disseminated. Results shall be considered confidential
20 and only accessible to district personnel identified by the Director of Schools. CHRI shall only be
21 accessed by authorized personnel in the performance of their duties and shall never be released to the
22 public.

23 **HCDE EMPLOYEES ARRESTED OR CONVICTED**

24
25
26 All Hamilton County Department of Education employees, including part-time, temporary, contracted,
27 and substitute personnel, who are arrested and/or convicted of a felony (including felonies that have been
28 reduced to a lesser charge), or misdemeanor but not to include minor traffic offenses, are to report this
29 information to the Superintendent or his/her designee within 48 hours of the arrest and/or conviction.

30
31 This policy applies to all Hamilton County Department of Education employees as a condition
32 of employment and as a condition of continued employment.

33
34 Employees must also notify the Director of Schools or his/her designee immediately if the Department
35 of Children Services has named them as an indicated perpetrator of child abuse.

36 37 38 Legal References:

- 39 1. TCA 45-5-413(a)
40 2. TCA 49-5-406(a)(1); TCA 49-5-403; TCA 49-5-413(c)
41 3. 34 USCA 40316

Cross References:

Board Policy 4.501 - School Volunteers

Hamilton County Board of Education

Monitoring: NEW POLICY	Descriptor Term: Record Tampering	Descriptor Code: 5.1062	Issued Date: 12/16/04
		Rescinds:	Issued:

1 Upon employment, all Hamilton County Department of Education employees shall be notified that it
2 is unlawful for any person to:

- 3 1. Knowingly make a false entry in, or false alteration of a governmental record;
- 4 2. Make, present, or use any record, document or thing with knowledge of its falsity and
5 with intent that it will be taken as a genuine governmental record; or
- 6 3. Intentionally and unlawfully destroy, conceal, remove, or otherwise impair the verity,
7 egibility or availability of a governmental record.

8
9 Violation of this policy is a Class A misdemeanor as well as grounds for other disciplinary action up to
10 and including termination.
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30 Legal References:

- 31 1. TCA 39-16-504
 - 32 2. Acts 1989, ch.59§1
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Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Classified Employees	Descriptor Code: 5.107	Issued Date: 12/19/13
		Rescinded:	Revised: 07/20/23

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CLASSIFIED EMPLOYEE HANDBOOK

All classified employees, new to the school system, will receive an electronic Classified Employee Handbook. The handbook contains general information and guidelines only. It is not intended to be comprehensive of all general policies and procedures or their exceptions. For these reasons, classified employees shall address specific questions to the supervisor/principal or the Human Resources Department. The handbook may also be found on the Hamilton County Department of Education website.

CLASSIFIED EMPLOYMENT

Classified employees are those employees, regardless of education, training, experience, or licensure, who hold positions for which the Tennessee Department of Education does not require certification. Classified personnel are employees at will, meaning that either they or the Director of Schools of Hamilton County Department of Education may end their employment at any time for any reason or for no reason. While the Director of Schools will endeavor to notify classified personnel by June 15 of their assignment for the following school year, nothing within the handbook, board policy, or other policy, will be construed to extend to these employees a contract of employment for any specific term.

A transfer from one position to another within the same position classification shall not be considered a demotion. Any notice of termination or demotion shall include the reason for the dismissal or demotion.

Legal References: _____

Cross References: _____

5.102 Classification and Qualifications
5.109 Evaluations

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Supervision	Descriptor Code: 5.108	Issued Date: 12/16/14
		Rescinded:	Revised: 07/20/23

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Supervision of administrative and supervisory personnel shall be provided by the Director of Schools or designee.

Personnel shall be supervised by the hiring agent and/ or the person designated on the approved job description.

The immediate supervisor and Human Resources office share the responsibility for providing orientaiton for newly hired employees. Periodic training sessions may be provided for employees or employee groups as deemed necessary.

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

Legal Reference:

Cross References:

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

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Evaluation	Descriptor Code: 5.109	Issued Date: 09/18/14
		Rescinded:	Revised: 08/17/23

1
2 The evaluation of performance and its effectiveness must be a cooperative and shared endeavor on the
3 part of the Director of Schools and administrative and supervisory personnel.
4

5 The Board shall use a state-approved model for evaluating administrative and supervisory personnel and
6 shall approve standard forms to be used in evaluating classified personnel.
7

8 The Director of Schools is responsible for ensuring that all administrative and supervisory personnel are
9 evaluated.
10

11 **LICENSED TEACHING PERSONNEL**

12
13 The Board shall use guidelines developed by the State Board of Education for implementation of an
14 approved evaluation system.¹ All certificated teaching personnel working at least 120 days shall be
15 evaluated on an annual basis.
16

17 If the state-approved model is not used, the Board designee shall submit to the Commissioner of
18 Education for approval, an evaluation plan with implementation procedures, validation procedures and
19 training plans. The evaluation plan shall be reviewed at least annually for improvement and revision. All
20 changes in the evaluation system shall be submitted by June 1 prior to the proposed implementation year.
21

22 The Board shall annually submit to the Commissioner of Education for approval, the evaluations and
23 recommendations of all non-professional licensed teachers who are in their final non-professional
24 licensed year. The evaluation deadline for these teachers shall be May 1. The evaluation deadline for all
25 other licensed teachers shall be completed no later than 5 working days prior to the last day of school.
26

27 Teachers shall be evaluated for the following purposes:
28

- 29 1. Accountability - to assure that evaluation considers the effectiveness in the classroom and in the
30 school.
- 31 2. Professional Growth - to provide a focus for professional growth in an area(s) which has the
32 greatest capacity for facilitating student performance.
- 33 3. Cohesive School Structure - to increase and focus the dialogue within schools on the goal(s) of
34 improved services to students.
35

36 Evaluations will be conducted by a school administrator and/or designee(s). All evaluators shall be
37 trained and certified through state-sanctioned training in the evaluation procedures before conducting
38 evaluations. The principal shall be responsible for the final evaluation decision.
39

40 Evaluations shall use multiple data sources which include but are not limited to:
41

- 42 1. Classroom or position observations including planning and reflecting information and/or review;

- 1 2. Review of previous evaluations and an educator self-assessment;
- 2 3. Conferences;
- 3 4. Examination of professional growth;
- 4 5. Student and/or school-wide achievement and growth.
- 5 6. Examination of assessment techniques, results and applications.

6
7 As part of the evaluation process, a growth plan shall be developed for all teachers. The plan shall be
8 developed collaboratively by the teacher and the immediate supervisor and/or principal. The plan shall
9 include identified area(s) for growth, action plan, and progress reporting procedures.

10 **PERFORMANCE IMPROVEMENT PLAN**

11
12
13 If a teacher is not meeting the standards of effective teaching, the principal may address the noted area/s
14 to strengthen through the creation of a Performance Improvement Plan (PIP). The principal will draft
15 the PIP and work collaboratively with the teacher to define support and guidance. The PIP will be active
16 and accessible and include:

- 17
- 18 • The specific area(s) to strengthen.
- 19 • An Action Plan, which includes options or activities for improvement.
- 20 • Supports for Success, which may include applicable resources and professional development
- 21 opportunities.
- 22 • A Monitoring System, which should outline a timeline for improvement.

23
24 The teacher and principal will meet at least monthly to review, modify, or determine completion of the
25 PIP.

26
27 After meeting the goals addressed in the PIP, the administrator will denote the PIP as successfully
28 completed. If the goals addressed in the PIP are not successfully completed, the PIP may be closed
29 unsuccessfully.

30
31 A teacher must be placed on a PIP, if he/she scores in the “Does Not Meet Standards” category, unless
32 that teacher is already participating in an Intensive Assistance Program (IAP).

33 **INTENSIVE ASSISTANCE PROGRAM**

34
35
36 The failure of a tenured employee to meet expectations established by previous development plans,
37 previous evaluation(s), previous improvement plan(s) or formal classroom observations may be
38 recommended for participation in the Intensive Assistance Program.

39
40 The purpose of the Intensive Assistance Program is to improve instruction, provide accountability, and
41 maximize teachers' growth and student achievement. The process is one that is designed to both assist
42 and support those teachers and other special certificated populations' personnel in the Hamilton County
43 Department of Education who are performing at less than acceptable levels. The process of the Intensive
44 Assistance Program includes the formation of an IAP team made up of trained administrators, directors,
45 and supervisors. The IAP team members will complete extended formal observations and offer detailed,

1 actionable feedback and support on a weekly basis to the employee. Upon completion of the Intensive
2 Assistance Process, the IAP Team shall make recommendation(s) to the Superintendent.

3

4 NON-LICENSED PERSONNEL

5

6 Classified personnel shall be evaluated annually. Mid-year classified evaluations should be conducted
7 when the employee scores an Improvement Necessary or Does not Meet Standards the previous school
8 year.

9

10 Evaluations shall be used as an aid in improving an employee's performance and as a basis for continuing
11 employment. Evaluation reports shall be discussed with the evaluated employee during the summative
12 conference. Each employee shall be given access to the summative evaluation.

13

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16

17

18 Legal References:

- 19 1. TRR/MS 0520-1-.2-.01
- 20 2. TRR/MS 0520-2-1-.03
- 21 3. TRR/MS 521-2-1-.02 (1) ©520-2-1-.02 (1)(c)

Cross References:

- Job Descriptions 5.103
- Orientation and Probation 5.107

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Compensation Guides & Contracts	Descriptor Code: 5.110	Issued Date: 11/20/14
		Rescinded:	Revised: 07/20/23

1
2 All Certified personnel must make a written contract with the Board at a fixed salary per month
3 before entering upon their duties.¹

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

7
8 The salaries of all employees, including substitute and supplemental pay, shall be paid by the Board.
9 No payment to any employee for service performed on behalf of the school system shall be made
10 from any source other than the Board.³

11
12 Contracts for administrators and system-wide professional personnel shall include two hundred
13 one (201) days of responsibility, plus twenty (20) days for each additional month assigned by the
14 Board. Each contract shall provide: ⁴

- 15
16 1. A minimum of one hundred and eighty (180) working days;
17 2. A minimum of six (6) days for in-service education;
18 3 Ten (10) vacation days; and
19 4. Five (5) days as designated by the Board. (Teachers shall use one (1) day for parent-teacher
20 conferences.⁴)

21
22 The school calendar adopted by the Board each year shall become part of each employee's contract.

23
24 Salaries and supplements may be paid from revenue derived from sources other than taxes, provided
25 the revenue is deposited with and salaries paid through the Board. This includes donations or
26 contributions from individual, civic or other non-school related sources of funds from individual
27 school activity funds, such as gate receipts and concessions.^{1,5}

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31 Legal References:

- 32 1. TCA 49-2-203(a)(1); TCA 49-5-408
33 2. TCA 49-5-402
34 3. TCA 49-3-306; TCA 49-5-709; TCA 49-2-203(a)(1)
35 4. TCA 49-6-3004
36 5. TCA 49-6-2006; *Tennessee Internal School Financial Management Manual*,
37 Section 5, Title 6

Cross References:

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

Hamilton County Board of Education			
Monitoring: Review: Annually in June	Descriptor Term: In-Service and Staff Development Opportunities	Descriptor Code: 5.113	Issued Date: 12/16/04
		Rescinded:	Revised: 07/20/23

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IN-SERVICE EDUCATION

In-service education is a program of planned activities designed to increase the competencies needed by all personnel in the performance of their responsibilities. Competencies are defined as the knowledge, skills, and attitudes which enable personnel to perform their tasks with maximum effectiveness.¹

In-service training days will be paid as days of school, and it is mandatory that teachers be present or lose the day's pay unless their absence conforms to the requirements set forth in one or more leave policies plan or is approved in advance by the Director of Schools.

Administrative and Supervisory Employees

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

Each principal and administrator shall be required to attend the principal-administrator academy for instruction at least once every five (5) years unless a principal or administrator has completed fifteen (15) or more years as a principal, supervisor or other administrator and has received an exemption from the state.²

Professional Employees

A system-wide in-service committee, composed of membership from a cross-section of other personnel, shall assess system-wide needs, establish priorities, develop objectives, design activities, and evaluate the in-service program.¹

The Board encourages the professional growth of all teachers through activities including travel, workshops, research and publications, college training, course auditing, curriculum study conventions, and offices in professional organizations.

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

Classified Personnel

The immediate supervisor shall be responsible for providing in-service trainings. Absences to attend meetings relating to the employee's job description may be granted by the director of schools without loss of pay to the employee.

STAFF DEVELOPMENT PROGRAM

Staff development programs and activities shall reflect the National Standards for Staff Development and shall reflect the needs identified in school improvement plans.

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

The Director of Schools shall involve central office personnel and staff development trainers in developing the system-wide staff development program and scheduling.

Legal References:

1. In-Service Guidelines for Planning
Approvable In-service Education Activities
TCA 49 1 214; TCA 49 6 3004(c)(1)
2. TCA 49 5 5703 (a)

Cross References:

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

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Personnel Records and Employee References	Descriptor Code: 5.114	Issued Date: 09/20/18
		Rescinded:	Revised: 07/20/23

The Director of Schools or their designee(s) shall be authorized to maintain personnel records and to permit inspection of the same. The following personnel records shall be maintained for all employees as appropriate, including, but not limited to, the following:

1. Employee applications and contracts
2. Professional certificates and other documents required by state and federal laws and Regulations¹
3. Cumulative information files; and
4. INS Form I-9.²

The following guidelines shall apply:

1. Information contained in personnel records shall be limited to job-related matters;
2. The Director of Schools shall be responsible for notifying all employees of the types of records kept and uses made of such records;
3. Employees shall be granted an opportunity to respond in writing to material placed in records;
4. Employee records are public records, except for matters deemed confidential by law, and shall be open for inspection during regular business hours;³
5. A record of the person inspecting, and the date of inspection shall be recorded;
6. Copies of records may be made under rules determined by the Director of Schools;⁴
7. Members of the public may not obtain an employee's home or personal cell phone numbers; bank account; individual health savings account; retirement account or pension account information; residential information, including the street address; city, state and zip code; social security number; or driver's license information, except where driving or operating a vehicle is considered to be a part of the employee's duties, unless release of this information is expressly authorized by the employee. The preceding information may also not be obtained for the employee's immediate family members or household members unless release of this information is expressly authorized by the employee.
8. The Human Resources Department will release to credit agencies only the present employment status of an employee and the length of service in the Hamilton County School System. Additional salary and personnel information will be released only upon written authorization of the employee.

Employees who wish to review their own file should contact the Human Resources Department. With reasonable advance notice (at least two (2) business days), employees may review their own personnel files in the Human Resources Department and in the presence of an HR employee. Requests to view personnel files by the press, parents, and/or other Tennessee residents shall also require reasonable notice as outlined by the TN Open Records Act.

EMPLOYMENT REFERENCES

1 No administrator or supervisor may offer an employment reference or a letter of recommendation for
2 any employee or former employee of the Hamilton County Department of Education unless he or she
3 directly supervised the employee or former employee within the preceding twelve (12) months.
4

5 With regard to a former employee, no administrator or supervisor may comment on the former
6 employee's performance or the reasons for the former employee's separation from the Hamilton County
7 Department of Education unless the administrator or supervisor has direct, personal knowledge of the
8 same. In the case of any questions, the administrator or supervisor must clear the reference or
9 recommendation with the Chief Talent Officer.
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30 Legal References:

- 31 1. TCA 49 2 301(b)(1)
- 32 2. Immigration Reform and Control Act of 1986
- 33 3. TCA 49 2 301(b)(1)
- 34 4. TCA 10 7 503 504
- 35 5. TCA 10 7 506;
- 36 6. TCA 8 5 108

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Teacher Effect Data	Descriptor Code: 5.1141	Issued Date: 05/24/07
		Rescinded:	Revised: 07/20/23

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Annually, data from the Tennessee comprehensive assessment program (TCAP) tests, or their future replacements, will be used to provide an estimate of the statistical distribution of teacher effects on the educational progress of students within school districts for grades three through eight (3-8). Teacher effect data shall not be retained for use in evaluations for more than the most recent five (5) years. A student must have been present for one hundred fifty (150) days of classroom instruction per year or seventy-five (75) days of classroom instruction in a block schedule before that student's record is attributable to a specific teacher.

The estimates of specific teacher effects on the educational progress of students will not be a public record and will be made available only to the specific teacher and/or the teacher's appropriate administrators as designated by the HCDE Board of Education.

The estimates of specific teacher effects on the educational progress of students may be made available to parties conducting research for, or on behalf of, the department, schools, LEAs, or postsecondary institutions; provided, however, that the estimates made available shall not be a public record and shall be used only for research purposes. Each party receiving the estimates of specific teacher effect data for research purposes shall execute a signed data sharing agreement with the entity providing the data that includes provisions safeguarding the privacy and security of the data.

Legal References:
1. TCA 49-1-606

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Employee Demographic Changes	Descriptor Code: 5.1142	Issued Date: 12/16/04
		Rescinded:	Revised: 07/20/23

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It is the responsibility of each employee to promptly update Employee Self Service of changes in personal mailing addresses, telephone numbers, name changes, and the names of individuals to be contacted in the event of an emergency. The employee should promptly send notification to Human Resources of name changes and include a photocopy of the updated Social Security Card. must make beneficiary changes to the appropriate offices responsible for retirement and other fringe benefits. Employees should provide transcripts of additional educational degrees to Human Resources.

Certified employees should report address and name changes and additional degrees to the Office of Teacher Licensing in State Department of Education, when appropriate.

Legal References:

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Assignment/Transfer	Descriptor Code: 5.115	Issued Date: 12/16/04
		Rescinded:	Revised: 07/20/23

1 2 **ASSIGNMENT**

3
4 The Director of Schools shall attempt to assign personnel to the various schools or departments by April
5 1 for licensed personnel and by June 15 for non-licensed personnel preceding the school year for which
6 such persons are employed while allowing each principal or immediate supervisor to assign more
7 specific responsibilities within each school.¹

8
9 Assignment of employees will be made by the director of schools based on the recommendation of the
10 appropriate division director and/or building principal. The assignment will be determined by the
11 applicant's training, experience, and ability to perform the duties of the position and in the best interest
12 of the schools.

13
14 Extra assignments for which supplements are provided and upon which initial employment was based
15 may not be relinquished in part by the employee without the approval of the person making the
16 assignment. Other assignments for which supplemental salary is provided shall be made on an annual
17 contract basis.

18 19 **TRANSFER (to move from one school or administrative unit to another)**

20
21 The director of schools shall transfer employees as necessary for efficient operation of the schools.²
22 Transfers shall be nondiscriminatory and shall not be arbitrary or capricious. The director of schools is
23 responsible for developing and disseminating procedures for transfer.

24
25 All employees transferred shall receive written notification of the transfer with reason(s) prior to the
26 transfer.

27
28 If a transfer is performance-based, the transfer shall be preceded by a written statement of deficiencies
29 and when feasible, a reasonable opportunity to improve.

30
31 Transfers made in accordance with board policy, state law and any negotiated contract are final.

32 33 **REASSIGNMENT (to move to another assignment within the same school or administrative unit)**

34
35 Reassignments shall be nondiscriminatory and shall not be arbitrary or capricious. Employees shall be
36 reassigned as necessary for efficient operation of the schools. The Director of Schools is responsible for
37 developing and disseminating procedures for reassignments.

38
39 Reassignments shall be made by the employee's immediate supervisor, and/or personnel administrator
40 with approval by the director of schools.

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Legal References:

1. TCA 49-2-301(b)(1)(L); TCA 49 5 401
2. TCA 49 5 510;
OP Tenn. Atty. Gen. 98-164 (August 24, 1998)

Cross References:

- Nepotism 1.108
- Line and Staff Relations 5.101
- Job Descriptions 5.10
- Recruitment 5.105

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Reductions in Force	Descriptor Code: 5.116	Issued Date: 05/24/07
		Rescinded:	Revised: 07/20/23

REDUCTIONS IN FORCE

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

Licensed Personnel

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

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

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

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

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

Non-Licensed Personnel

When a non-licensed employee is released because of a reduction in the number of classified positions, the director of schools shall give the employee written notice of dismissal explaining the circumstances or conditions making termination of employment necessary.

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

Legal References:

1. TCA 49-5-511(b)

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Procedure for Granting Tenure	Descriptor Code: 5.117	Issued Date: 03/15/12
		Rescinded:	Revised: <u>07/20/23</u>

General

To attain tenure status,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.

TENURE ELIGIBILITY²

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

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

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

ACQUISITION OF TENURE STATUS

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

The following additional guidelines shall apply:

1. The Director of Schools will recommend teachers eligible for tenure at a board meeting in ample time to send notice of non-renewal to each teacher not recommended for tenure within five (5) business days following the last instructional day for the school year.⁵

- 1 2. The decision to grant tenure is solely within the discretion of the Board.⁶ Only those teachers
2 who receive a majority vote of the membership of the Board will be granted tenure.⁷
3
- 4 3. A teacher who is eligible for tenure, but tenure is denied by the Board, shall not be rehired beyond
5 the current contract year.⁴
6

7 **TEACHER RETURNING TO EMPLOYMENT**

8

9 A teacher who has acquired tenure status in the school district and later resigns shall serve a two-year
10 probationary period upon reemployment unless the probationary period is waived by the Board upon
11 request of the Director of Schools. Upon completion of the two-year period, the teacher shall either be
12 recommended by the Director of Schools for tenure or non-renewed. If tenure is denied by the Board,
13 the teacher shall be dismissed.⁸
14

15 **TEACHER TRANSFERRING FROM ANOTHER SCHOOL DISTRICT⁹**

16

17 A tenured or nontenured teacher with five (5) or more years of prior service that transfers from another
18 school district to begin employment in the Hamilton County School District shall serve the regular
19 probationary period. The Board, upon the recommendation of the Director of Schools, may waive the
20 probationary period and grant tenure status or shorten the probationary period.
21

22 If a nontenured teacher with fewer than five (5) years of service transfers from another school district,
23 such teacher shall not be eligible for tenure status until the teacher has served at least five (5) years when
24 service in both school districts is counted.
25

26 All tenure decisions made under this section are subject to the requirements concerning overall teacher
27 performance effectiveness levels.
28

29 **TEACHER RETURNING TO PROBATIONARY STATUS¹⁰**

30

31 Any tenured teacher who receives two (2) consecutive years of evaluations demonstrating an overall
32 performance effectiveness level of “below expectations” or “significantly below expectations” shall be
33 returned to probationary status by the Director of Schools until the teacher has received two (2)
34 consecutive years of evaluations demonstrating an overall performance effectiveness level of “above
35 expectations” or “significantly above expectations.”
36

37 When a teacher who has returned to probationary status has received two (2) consecutive years of
38 evaluations demonstrating an overall performance effectiveness level of “above expectations” or
39 “significantly above expectations,” the teacher is again eligible for tenure and shall be either
40 recommended by the Director of Schools for tenure or nonrenewed; provided, however, that the teacher
41 shall be dismissed if tenure is denied by the Board.⁴
42

43 This section does not apply to teachers who acquired tenure prior to July 1, 2011.
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- 1 _____
2 Legal References:
3 1. TCA 49-5-501(11)(A)
4 2. TCA 49-5-503
5 3. TCA 49-5-503(4)
6 4. TCA 49-5-504(b)
7 5. TCA 49-5-409
8 6. TCA 49-2-203(a)(1)
9 7. TCA 49-2-202(g)
10 8. TCA 49-5-504(d)
11 9. TCA 49-5-509
12 10. TCA 49-5-504(e), (f)

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- Cross References:
Separation Practices for Tenured Teachers 5.200
Separation Practices for Non-Tenured Teachers 5.20

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Suspension/Dismissal of Non- Tenured Teachers	Descriptor Code: 5.200	Issued Date: 12/16/04
		Rescinded:	Revised: 08/17/23

Suspension/Dismissal of Non-Tenured Teachers

All non-tenured teachers for the Hamilton County Board of Education are under the direction and control of the director of schools. In accordance with Tennessee law, the Board of Education hereby delegates to the director the authority to suspend and dismiss all non-tenured teachers.

The Director of Schools may suspend a non-tenured teacher at any time when deemed necessary.¹ The director of schools may dismiss or suspend any non-tenured teacher during the contract year for incompetence, inefficiency, insubordination, improper conduct, neglect of duties, or other just cause.² As soon as practicable, the director will provide the employee with written notice explaining the grounds for the suspension and any guidelines the employee is to observe during the suspension.

If reinstated after an investigation has concluded, the non-tenured teacher shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty for the employee's infraction, in which case, Director of Schools shall provide the employee with notice of charges supporting the suspension without pay and an opportunity to be heard in accordance with the requirements of this policy.

Suspension of Three Days or Less

Before an employee is suspended for a period of three days or less, s/he shall be: (1) provided with written notice, including the reasons for the suspension along with an explanation of the evidence; (2) given an opportunity to respond to the director at a conference, if requested within five days of notice of the suspension; and (3) given a written decision regarding the suspension within ten (10) days of the conference. Both parties may be represented by counsel at the conference which shall be recorded.³ If dissatisfied with the Director's decision, the non-tenured teacher may seek judicial review pursuant to Tenn. Code Ann. 49-5-513.⁴

Suspension Greater than Three Days or Dismissal

If, after investigation, the Director of Schools determines that the non-tenured teacher should be suspended for a period greater than three days or dismissed, the Director of schools shall give the non-tenured teacher an opportunity for a full and complete hearing before an impartial hearing officer.⁵

Personnel Hearings

Any non-tenured teacher may contest the grounds and extent of the director's proposed discipline of suspension of greater than three days or dismissal by requesting, in writing, a personnel hearing within ten (10) days of having received from the Superintendent notice of charges. An impartial personnel hearing officer, appointed by the Board, will hear the case and give the employee the right to:

- 1 1. Be represented by counsel;
- 2 2. Call and subpoena witnesses;
- 3 3. Examine all witnesses; and
- 4 4. Require all testimony to be given under oath.

5
6 Within ten (10) working days following the conclusion of the hearing, the personnel hearing officer shall
7 reduce to writing all findings of fact and decisions regarding discipline. The personnel hearing officer
8 shall immediately deliver his or her findings and decisions to the teacher and the director.⁶

9 10 **Appeals**

11
12 The teacher may appeal the personnel hearing officer's finding and decision to the Board. To pursue such
13 an appeal, the teacher must give the director written notice of his or her intent to appeal within ten (10)
14 working days of having received the personnel hearing officer's findings and decisions.

15
16 The director shall have the same right to appeal any adverse ruling by the personnel hearing officer as
17 the teacher.

18
19 Within twenty (20) days of any notice of appeal, the director shall prepare a transcript of the proceedings
20 before the personnel hearing officer. The director shall also prepare copies of any evidence presented to
21 the personnel hearing officer as well as copies of the officer's findings and decisions. The Superintendent
22 shall then provide the Board with copies of these materials.

23
24 The Board shall hear the appeal based upon the record submitted by the director. No new evidence shall
25 be introduced. The teacher may appear in person or be represented by counsel and argue why the decision
26 should be modified or reversed.

27
28 The Board shall take one of the following actions:

- 29 1. Sustain the decision;
- 30 2. Send the record back if additional evidence is necessary; or
- 31 3. Revise the penalty or reverse the decision.

32
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34 The Board shall render a decision on the appeal within ten (10) working days after the conclusion of the
35 hearing.

36
37 The Director of Schools shall also have the right to appeal any adverse ruling by the personnel hearing
38 officer in the same manner as the non-tenured teacher.

39
40 Within twenty (20) days after receipt of the notice of the decision of the Board, either party may appeal
41 to the chancery court where the school system is located. The Board shall provide the entire record of
42 the hearing to the court.

43
44 *(Note: Nonrenewal of non-tenured teachers after the contract year is not suspension or dismissal and*
45 *does NOT follow the suspension/dismissal procedures outlined in this policy. Please refer to the board*
46 *policy on nonrenewal of non-tenured teachers for further information.)*

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Legal References: _____

1. TCA 49-5-511(a)(3)
2. TCA 49-5-511(a)(2)
3. TCA 49-5-512(d)(1-4)
4. TCA 49-5-512(d)(5)
5. TCA 49-2-301(b)(1)(EE)(i)
6. TCA 49-2-301(b)(1)(EE)(ii)
7. TCA 49-2-301(b)(1)(EE)(iii)

Cross References: _____

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Suspension/Dismissal of Tenured Teachers	Descriptor Code: 5.201	Issued Date: 09/20/12
		Rescinded:	Revised: 08/17/23

SUSPENSION

A Director of Schools or his/her designee may suspend a tenured teacher at any time when deemed necessary. A Director of Schools or his/her designee may suspend a teacher for incompetence, inefficiency, neglect of duty, unprofessional conduct, and insubordination. As soon as practicable, the director will provide the employee with written notice explaining the grounds for the suspension and any instructions the employee is to observe during the suspension. The causes for which a professional employee may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination.¹

If reinstated, the employee shall be paid full salary for the period of suspension,¹ unless suspension without pay is deemed to be an appropriate penalty for the employee's infraction, in which case, the Superintendent shall pro-vide the employee with notice of charges supporting the suspension without pay and an opportunity to be heard by an impartial hearing officer in accordance with the requirements of this policy.

SUSPENSION OF THREE DAYS OR LESS²

Before an employee is suspended s/he shall be: (1) provided with written notice, including the reasons for the suspension along with an explanation of the evidence; (2) given an opportunity to respond to the director at a conference, if requested within five (5) days; and (3) given a written decision of the suspension within (10) days. Both parties may be represented by counsel at the conference, which shall be recorded. If the teacher is dissatisfied with the director's decision, s/he may appeal to the Hamilton County chancery court.

If reinstated, the tenured teacher shall be paid full salary for the period of suspension, unless a suspension without pay is deemed to be an appropriate penalty.

ALTERNATIVE WORK ASSIGNMENT

During an investigation of any accusations that may lead to further disciplinary action, the Director of Schools or his/her designee, may choose to reassign the impacted employee to a different work location and/or duties. This alternative work assignment would last until the investigation is complete and any findings are used to determine what, if any, further action is necessary. Alternative work assignments may be designated in lieu of suspended an employee with or without pay, as deemed appropriate by the Director of Schools or his/her designee.

SUSPENSION GREATER THAN THREE DAYS OR DISMISSAL

1 When charges are made against a tenured teacher, charging the teacher with offenses which may
2 justify dismissal, the charges shall be made in writing, specifically stating the offenses which are
3 charged and shall be signed by the party or parties making the charges.³
4

5 If, in the opinion of the Board, the charges are of such nature as to warrant the release of the teacher, the
6 Director of Schools shall give the teacher a written notice of this decision, a copy of the charges against
7 the teacher, and a copy of a form provided by the Commissioner of Education advising the
8 teacher of his/her legal duties, rights and recourse.⁴
9

10 A tenured teacher who has been given notice of charges against him/her may within thirty (30) days
11 after receipt of notice give written notice to the director of schools of his/her request for a hearing. The
12 director of schools shall within five (5) days after receipt of request, assign an impartial hearing officer
13 appointed by the Board. The hearing officer shall notify the parties, or their attorney, of the officer's
14 assignment and direct the parties or the attorneys for the parties, or both, to appear before the hearing
15 officer for simplification of issues and the scheduling of the hearing. That hearing shall be set no later
16 than thirty (30) days following receipt of the initial request for a hearing. In the discretion of the hearing
17 officer, all or part of any prehearing conference may be conducted by telephone if each participant has
18 an opportunity to participate, be heard, and to address proof and evidentiary concerns. The hearing
19 officer is empowered to issue appropriate orders and to regulate the conduct of the proceedings.⁵
20

21 Either party may appeal to the Board of Education an adverse ruling by the impartial hearing officer by
22 giving written notice of appeal within ten (10) working days of the hearing officer's delivery of his/her
23 written findings and conclusions. The director of schools shall prepare a copy of the proceedings,
24 including all transcripts and evidence, documentary or otherwise, and transmit the same to the Board
25 within twenty (20) days of the receipt of the notice of appeal.⁶
26

27 The Board shall hear the appeal on the record, and no new evidence may be submitted by either party.
28 The appealing party may appear before the Board to argue why the adverse ruling should be overturned.
29 In no event should such argument last more than fifteen (15) minutes, unless the Board should vote to
30 extend additional time. At the conclusion of the hearing, any member of the Board may vote to sustain
31 the decision of the Hearing officer, send the record back for additional evidence, revise the penalty or
32 reverse the decision. The Board shall render its decision within ten (10) working days after the
33 conclusion of the hearing. In the event that the decision of the Board is appealed to the Chancery court,
34 the Board shall transmit the entire record prepared by the director and reviewed by the Board to the
35 Chancery court for its review.⁶
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38 Legal References:

- 39 1. TCA 49-5-511
- 40 2. TCA 49-5-512 (d)
- 41 3. TCA 49-5-511 (a)(4)
- 42 4. TCA 49-5-511 (a)(5)
- 43 5. TCA 49-5-512 (a)
- 44 6. TCA 49-5-523 (c)

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Suspension/Dismissal of Classified Employees	Descriptor Code: 5.202	Issued Date: 03/15/12
		Rescinded:	Revised: 01/18/23

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All classified employees of the Hamilton County Board of Education are under the authority of the Director of Schools, or a designee of Hamilton County Schools who may hire, direct and control, transfer, suspend or dismiss them in his/her sole discretion. If a classified employee is suspended, they will receive written notice and a written decision of the suspension. The suspension will be without pay. No classified employee will be employed under a contract or have any expectation of continued employment.

If the employee is reinstated after an investigation into the circumstances giving rise to their suspension has concluded, the employee shall be paid full salary for the period of suspension, unless suspension without pay for some or all of the duration of the suspension is deemed to be an appropriate penalty for the employee's infraction.

Legal References: _____

Cross References: _____

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Non-Renewal	Descriptor Code: 5.203	Issued Date: 6/16/16
		Rescinds: 5.203	Issued:

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

4
5 The principal is responsible for discussing deficiencies as part of the evaluation process with the non
6 tenured teacher and providing assistance for overcoming these deficiencies.

7
8 The director of schools is under no obligation to re-employ nontenured teachers at the end of their
9 contract period. If the director of schools determines not to renew the contract of a non-tenured teacher,¹
10 the following action shall be taken:

11
12 Written notice of non-renewal shall be hand delivered or sent to the employee by registered mail so
13 that it will be received by the employee within 5 business days following the last instructional day of
14 the school year.¹

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28 Legal References:

29 1. TCA 49-5-409(a); OP Tenn. Atty Gen. 97-123 (September 2, 1997); OP Tenn. Atty Gen. 99-091 (April 12, 1999)

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Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Resignation	Descriptor Code: 5.204	Issued Date: 03/05/12
		Rescinded:	Revised: 08/17/23

PROFESSIONAL PERSONNEL

A teacher shall give the Director of Schools notice of resignation at least thirty (30) days before the effective date of the resignation. A teacher who fails to give such notice, in the absence of justifiable extenuating circumstances, may not be eligible for consideration for reemployment by the Board for a period of three (3) years and may forfeit all tenure status. The Board may waive the thirty (30) days notice requirement and permit a teacher to resign in good standing.

1. The conditions under which it is permissible to break a contract with the Board are as follows:
2. The incapacity on the part of the teacher to perform the contract as evidenced by the certified statement of a physician approved by the Board;
3. The release by the Board of the teacher from the contract which the teacher has entered into with the Board.¹

Any teacher on leave shall notify the Director of Schools in writing at least thirty (30) days prior to the date of return if the teacher does not intend to return to the position from which he/she has taken leave. Failure to render such notice may be considered a breach of contract.²

Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with the State Board of Education and request the suspension of a teacher's license. After the State Board of Education has provided the teacher an opportunity for defense during a hearing, the State Board of Education may suspend the license for no less than thirty (30) and no more than three hundred sixty-five (365) days.³

CLASSIFIED PERSONNEL

While classified personnel are employed at will, meaning that they may terminate their employment with the Hamilton County Department of Education at any time and for any reason, the Board of Education requires classified employees to give their immediate supervisor written notice of their intent to resign their employment at least ten (10) working days in advance of the effective date of their resignation. Any employee who fails to provide the supervisor with his/her requisite notice may not be eligible for reemployment in the Hamilton County School system; provided, however, that the Superintendent of Schools may waive this notice requirement and the disqualification for good cause.

Legal References:

1. TCA 49-5-508
2. TCA 49-5-706
3. TCA 49-5-411

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Retirement	Descriptor Code: 5.205	Issued Date: 09/15/16
		Rescinded:	Revised: 10/19/23

1
2 Retirement shall refer to employees who terminate their employment by exercising their option to
3 redeem member benefits and payments through the Tennessee Consolidated Retirement System (TCRS).
4

5 Employees eligible for retirement benefits may elect to retire at any age according to the provisions of
6 the TCRS.
7

8 Central office personnel shall assist employees in securing retirement benefits; however, it shall be the
9 responsibility of the retiring employee to file for benefits.
10

11 Employees who retire under any State of Tennessee or Hamilton County approved retirement plans shall
12 be paid for accrued sick leave. In the event of termination of employment as a result of death, any salary
13 payment and accrued sick leave days shall be paid to the employee's beneficiary as determined by TCRS.
14 The sick leave payment shall be at the rate of twenty dollars (\$20.00) per day. If notice of retirement is
15 given prior to February 1 of the school year, the sick leave payment shall be at the rate of fifty dollars
16 (\$50.00) per day. Any unused sick leave may also be applied toward TCRS for additional service credit.
17

18 **TENNESSEE CONSOLIDATED RETIREMENT (TCRS)**

19
20 For eligibility requirements, please contact TCRS for more information.
21

22 **Retiree Health Insurance Certified**

23
24 To be eligible for HCDE health insurance, at the reduced retiree rate, the certified retiree must have
25 worked for HCDE for at least twenty (20) years. In addition, the retiree must be at least age 55, or have
26 at least 30 years of service with the Tennessee Consolidated Retirement System. The retiree and
27 dependent rate will be based on years of service with HCDE. Rate tables are available on the website.
28

29 **Retiree Health Insurance Classified**

30
31 To be eligible for HCDE health insurance at the reduced retiree rate, the classified retiree must have
32 worked for HCDE for at least fifteen (15) years. In addition, the retiree must be at least age 55, or have
33 at least 30 years of service with the Tennessee Consolidated Retirement System. The retiree and
34 dependent rate will be based on years of service with HCDE. Rate tables are available on the website.
35

36 37 38 Legal References:

- 39 1. TCA 8-36-80
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Cross References:

- Board Policy 5.302 Sick Leave
Health Insurance Board Policy

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Job Abandonment (Classified Employees)	Descriptor Code: 5.3001	Issued Date: 12/16/04
		Rescinded:	Revised: 07/20/23

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All non-certificated employees of the Hamilton County Department of Education must be willing and able to assume responsibilities for all of the duties assigned, which includes, reporting absences to one's immediate supervisor.

Non-certificated employees shall report his/her absence to the immediate supervisor in a timely manner, according to the established and published regulations of the division, department and/or office to which the employee is assigned. Non-certificated employees who failed to report their absence(s) for three (3) consecutive work days shall be reported to the Superintendent as a voluntary resignation due to job abandonment. Absences that can be officially documented as an emergency beyond the control of the employee, shall not be included in the three (3) day period.

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

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Religious, Emergency and Legal Leave	Descriptor Code: 5.301	Issued Date: 06/18/15
		Rescinded:	Revised: 01/18/24

RELIGIOUS LEAVE

An employee whose religious affiliation requires the observance of a regularly scheduled religious service during an employee's scheduled workday shall be granted paid leave for a maximum of two (2) days annually non-accumulative for such services. The leave is limited to two (2) days of time off for religious observations that do not conform to HCDE's holiday schedule. However, this leave shall not be interpreted to include wedding ceremonies.

The employee's immediate supervisor shall grant religious leave of no more than two (2) days upon request, provided that the leave is requested at least one (1) working week in advance of the anticipated absence. Religious leave shall be taken and charged in at least one-half (1/2) day increments.

Please note that if allowing the employee to have the religious holiday off would amount to a substantial burden on HCDE's operations, the accommodation may be denied. Accommodation requests in excess of two (2) days must be reviewed by Human Resources.

EMERGENCY LEAVE

An immediate supervisor may grant an employee emergency leave during the workday for a maximum of three (3) hours. Such leave shall be for a sudden, unexpected occurrence demanding immediate attention. Leave beyond three (3) hours shall be taken as personal leave, sick leave, or leave without pay.¹

JURY DUTY

An employee called for jury duty ordered by a court to appear as a witness, validly subpoenaed as a witness, or required by the Board to appear in a state court related proceeding during the workday shall suffer no loss in pay or leave days.

All fees or remuneration the employee receives during such leave shall be turned over to the Hamilton County School System.²

COURT APPEARANCES

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

Any employee who is involuntarily and validly subpoenaed as a witness in a case pending in any court who is ultimately compelled to appear in court in accordance with the terms of the subpoena, will be

1 paid for time in attendance in court provided that the time sheet is accompanied by a copy of the
2 subpoena. Employees who were previously in law enforcement and are subpoenaed to testify in cases
3 due to their prior work as law enforcement officials may also be paid for travel time in addition to time
4 for attendance in court to comply with the subpoena.
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6 Any employee who is absent by reason of attending court to participate in the trial of a case either as
7 plaintiff or defendant will not be entitled to pay.
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43 Legal References:

- 44 1. TCA 49-5-711 (c)(1)(2); OP Tenn. Atty. Gen. 81-5 (Jan. 9, 1981)
- 45 2. TCA 22-4-106; TCA 24-2-109

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Sick Leave	Descriptor Code: 5.302	Issued Date: 06/16/16
		Rescinded:	Revised: 09/21/23

CERTIFIED PERSONNEL

The time allowed for sick leave for certified personnel shall be one (1) day for each month employed during the school year and shall accumulate for an unlimited number of days.¹

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

A certificate from the employee's physician may be required to support a claim of sick leave.¹

Permanent, cumulative sick leave records for each active professional employee shall be kept in the timekeeping system of record.

A teacher, upon employment, may transfer his/her accumulated sick leave from another Tennessee school system, provided notarized verification is provided.¹

Upon written request of the teacher accompanied by a statement from a physician verifying pregnancy, any teacher who goes on maternity or paternity leave shall be allowed to use all or a portion of the teacher's accumulated sick and annual leave for maternity or paternity leave purposes for a period not to exceed the teacher's accumulated sick leave and annual leave balance, or twelve (12) weeks, whichever is less. To be eligible to use sick leave as maternity or paternity leave, the teacher must submit a written request that includes a statement from a physician indicating the expected date of confinement, no later than the end of the fifth month of pregnancy. Upon verification by a written statement from an adoption agency or other entity handling an adoption, a teacher may also be allowed to use up to thirty (30) days of accumulated sick leave for adoption of a child. If both adoptive parents are teachers, employed by the district, only one (1) parent is entitled to use such leave.

At the termination of employment of any teacher, all unused sick leave accumulated shall be administered as follows:

1. In recognition of faithful attendance over the course of a teacher's career, for teachers who have at least five (5) years of service with HCDE, the Board will pay a bonus for unused sick leave days accrued by an employee at the time of his or her retirement. The bonus payout amount will be provided for employees who submit their notice of retirement on or before February 1 AND complete the remainder of their contract/work year.
2. If the employee resigns, his/her leave shall be held in escrow in the event the employee is rehired.
3. If the employee is hired by another Tennessee Public School System and/or Tennessee entity that accepts sick leave, the teacher may transfer his/her accumulated sick leave provided that the Director of Schools of the system or other appropriate Tennessee official requests the leave to be

1 transferred by HCDE. Please note that the transfer of leave for employees to another district is
2 contingent upon the acceptance of the incoming entity.

- 3 4. For any teacher absent for more days than leave has been earned at termination of employment,
4 an amount sufficient to cover excess days used shall be deducted from the teacher’s final
5 paycheck.
6

7 **CLASSIFIED PERSONNEL**

8
9 The time allowed (days earned) for sick leave for classified personnel shall be one (1) day for each month
10 employed during the school year and shall be cumulative for all earned days not used.

11
12 Sick leave shall be defined as: illness of an employee from natural causes or accident, quarantine, or
13 illness or death of a member of the immediate family of an employee, including the employee’s spouse,
14 parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-
15 in-law, son-in-law, brother-in-law, and sister-in-law.²
16

17 The immediate supervisor may require a physician's certificate stating the reason for absence.
18

19 Upon written request of the employee accompanied by a statement from a physician verifying pregnancy,
20 any employee who goes on maternity or paternity leave shall be allowed to use all or a portion of the
21 employee's accumulated sick and annual leave for maternity or paternity leave purposes for a period not
22 to exceed the employee's accumulated sick leave and annual leave balance, or twelve (12) weeks,
23 whichever is less. To be eligible to use sick leave as maternity or paternity leave, the employee must
24 submit a written request that includes a statement from a physician indicating the expected date of
25 confinement, no later than the end of the fifth month of pregnancy. Upon verification by a written
26 statement from an adoption agency or other entity handling an adoption, an employee may also be
27 allowed to use up to thirty (30) days of accumulated sick leave for adoption of a child. If both adoptive
28 parents are employed by the district only one (1) parent is entitled to use such leave.
29

30 At the termination of the employment of any employee, all unused sick leave accumulated shall be
31 administered as follows:
32

- 33 1. In recognition of faithful attendance over the course of an employee’s career, the Board will pay
34 a loyalty bonus of unused sick leave day(s) accrued by an employee at the time of his or her
35 retirement; provided, however, that the bonus will be more as designated by the Board if the
36 employee submits their notice on or before February 1 AND completes the remainder of their
37 contract/work year;
38 2. If the employee resigns, his/her leave shall be held in escrow in the event the employee is rehired
39 at a later date.
40 3. For any employee absent for more days than leave has been earned at termination of employment,
41 an amount sufficient to cover the excess days used shall be deducted from the employee’s final
42 paycheck.
43

44 **RETIREEES RETURNING TO WORK**
45

1 The time allowed for sick leave for retirees returning under the Tennessee Consolidated Retirement
2 System (TCRS) status of Limited Re-employment of Retired Teachers and Return to Work 70% of
3 Retirement Benefit shall be one (1) day for each month employed during the school year. Sick leave
4 shall not roll to the follow school year. Sick leave days under TCRS 120 day Temporary Employment
5 are not eligible for sick leave.

6
7 Retirees returning under the TCRS 120 day Temporary Employment are not eligible for sick leave.

8
9 Sick leave shall be defined as: illness of an employee from natural causes or accident, quarantine, or
10 illness or death of a member of the immediate family of an employee, including the employee’s spouse,
11 parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-
12 in-law, son-in-law, and sibling-in-law.²

13
14 A certificate from the employee’s physician may be required to support the claim of sick leave.

15
16 Permanent, cumulative sick leave records for each active employee shall be kept in the timekeeping
17 system of record.

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23 Legal References:
24 1. TCA 49-5-710
2. TRR/MS 0520-1-2-.04(2)

- _____
- Cross References:
Family and Medical Leave 5.305
Physical Assault Leave 5.307

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Bereavement Leave	Descriptor Code: 5.3022	Issued Date: 06/18/20
		Rescinded:	Revised: 07/20/23

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Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

An employee shall be granted five (5) consecutive work days of paid bereavement leave without loss of pay or benefits, and not chargeable to any other type of leave, upon the death of parent or court appointed legal guardian, spouse, child of the employee, natural and/or adopted siblings, grandparents, and current parents-in-law if the leave is taken within seven (7) calendar days of the funeral or cremation. Bereavement leave will be provided to employees in the following classification(s):

- Regular full-time employees
- Regular part-time employees

Bereavement pay for classified employees is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

In cases of relationships other than those listed in paragraph 2, the Director of Schools, or a designee, as a special circumstance may grant bereavement leave, not to exceed three (3) consecutive work days. In addition, employees may use sick leave to attend services for relationships not covered in paragraph.²

In the event of the death of an employee or student in the Hamilton County School System, and with the agreement of the director of schools, the immediate supervisor may grant to an appropriate number of employees sufficient time to attend the services.

Legal References: _____

Cross References: _____
5.302 Sick Leave

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Personal and Professional Leave	Descriptor Code: 5.303	Issued Date: 12/16/04
		Rescinded:	Revised: 08/17/23

CERTIFIED EMPLOYEES

Personal and professional leave shall be granted in accordance with the laws of the State of Tennessee and rules and regulations of the State Board of Education.

Certified employees shall earn personal leave for a total of three (3) days per year. Personal leave that is not used and reported to Payroll prior to the first payroll in June will convert as follows: At the end of each school year, up to two days of unused personal leave shall be credited as sick leave, and if a third day is unused it shall be paid out at a rate of \$75.

If, at the termination of services, any employee has been absent for more days than leave has been earned, an amount sufficient to cover the excess days used shall be deducted from the employee's final salary payment.

Subject to the following conditions, personal leave may be taken at the discretion of the employee:

1. Except in emergency, each employee shall give the principal/supervisor at least one (1) days' notice in writing of intent to take leave;
2. The prior written approval of the principal shall be required under the following conditions:
 - If more than ten percent (10%) of the teachers in any given school request its use on the same day; however, on making this calculation any major fraction shall be considered as one (1); and in schools of five (5) teachers or less, one (1) teacher may take personal leave at their discretion;
 - If requested during any prior established student examination period;
 - If requested on the day immediately preceding or following a holiday or vacation period.¹
 - If requested for day(s) scheduled for professional development or in-service training; or
 - If requested for day(s) scheduled for parent-teacher conferences.¹

Personal leave shall be taken and charged in at least one-half (1/2) day increments.

Professional leave is a short, temporary absence for the purpose of attending workshops and other meetings relating to school business or serving on boards and commissions which meet during daytime hours when appointed by a mayor, city council, county executive or county commission.

Requests for professional leave shall be submitted to the principal at least five (5) days prior to requested leave of absence.

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

CLASSIFIED EMPLOYEES

All full-time and part-time classified employees who earn benefits shall earn three (3) personal leave days per year. For part-time classified employees earning benefits, personal leave shall be prorated. At the end of each school year, up to two days of unused personal leave shall be credited as sick leave.

If, at the termination of employment, any employee has been absent for more days than leave has been earned, an amount sufficient to cover the excess days used shall be deducted from the employee's final salary payment.

Subject to the following conditions, personal leave may be taken at the discretion of the employee:

1. Except in an emergency, each employee shall give his/her immediate supervisor at least one (1) days' notice in writing of intent to take leave;
2. Leave is subject to the approval of the immediate supervisor and should not be taken without approval;
3. Immediate supervisors reserve the right to deny leave if requested during a "peak work period" or if more requests are received than an office/department could allow without a decrease in services;
4. Except in case of an emergency approved by the immediate supervisor, personal leave shall not be taken on the day immediately preceding or following a holiday or vacation period.

RETIREES RETURNING TO WORK

Retirees returning under the Tennessee Consolidated Retirement System (TCRS) status of Limited Re-employment of Retired Teachers and Return to Work 70% of Retirement Benefit shall earn three (3) personal leave days per year. For retirees working less than one (1) year, personal leave shall be prorated. Personal leave shall not roll to the following school year or be paid out at the end of the assignment.

Retirees returning under the TCRS 120-day Temporary Employment are not eligible for personal leave.

Subject to the following conditions, personal leave may be taken at the discretion of the employee:

1. Except in emergency, each employee shall give the principal/supervisor at least one (1) days' notice in writing of intent to take leave.
2. The prior written notice of the principal/supervisor shall be required under the following conditions:
 - If more than ten percent (10%) of the teachers in any given school request its use on the same day; however, on making this calculation any major fraction shall be considered as one (1); and in schools of five (5) teacher or less, one (1) teacher may take personal leave at their discretion.
 - If requested during any prior established student examination period;
 - If requested on the day immediately preceding or following a holiday or vacation period.
 - If requested for day(s) scheduled for professional development or in-service training; or
 - If requested for day(s) scheduled for parent-teacher conferences.¹

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Legal References:

1. TCA 49-5-711; TRR/MS 0520-1-2-.04(3)
2. TCA 49-5-205

Cross References:

Hamilton County Board of Education

Monitoring:	Descriptor Term: Extended Leaves of Absence for Certificated/Classified Personnel	Descriptor Code: 5.304	Issued Date: 12/21/17
		Rescinds:	Issued: 4/16/2020

CERTIFICATED EMPLOYEES:

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

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

With regard to LOA's for the recuperation of health or maternity leave, the thirty (30) calendar day notice may be waived or reduced by the director of schools upon submission of a certified statement by a physician.

If the physician is unable to provide estimated date of return, LOA will be granted for no more than eight (8) weeks. If an employee needs to extend leave beyond the eight-week leave period, the employee must formally request an extension from Human Resources no less than 30 days before the expiration of that eight-week leave period, unless the notice period is waived by the director of schools upon receipt of a certified statement by a physician. This request must be accompanied by updated documentation from a physician.

Each request for leave must be acted upon by the director of schools within fifteen (15) working days. Each applicant shall be notified in writing of the action of the director and the beginning and ending dates of the leave which is granted. All leaves, except military leave, shall be from a specific date. However, any leave may be extended by the director of schools upon written request from the teacher. Military leave shall be granted for whatever period may be required. The procedure and condition for extending a leave are the same as those used when originally requesting and granting the leave. Furthermore, if the employee seeks to extend leave, thirty (30) days' notice must be given prior to the expiration of the leave.

Positions vacated for less than twelve (12) calendar months by teachers on leave shall be filled with an interim teacher while the teacher is on leave. If the teacher returns from leave within twelve (12) calendar months, the interim teacher shall relinquish the position provided the interim teacher is no longer under contract. If the teacher returns from leave and the interim teacher's contract has not yet ended, the interim teacher shall complete the full term of the contract before the teacher who was on leave resumes performing the functions of his or her position. If the leave exceeds twelve (12) months, the teacher shall be placed in the same or a comparable position upon return. Please note that placement depends upon the teacher's licensure and position availability, as the teacher's original position is no longer guaranteed. A reasonable accommodation to extend leave may be explored for an employee who cannot return to work following twelve (12) months of leave due to a disability.

1 Any teacher on leave shall notify the director of schools at least thirty (30) calendar days prior to the date of return
2 if the teacher does **not** intend to return to the position from which he/she is on leave. Failure to give such notice
3 shall be considered breach of contract and may result in penalties up to and including suspension of a teacher’s
4 license for up to one calendar year.¹

5 Certificated employees on an extended leave of absence are prohibited from accepting employment elsewhere,
6 working elsewhere while on leave, or receiving compensation for work during the leave. The Superintendent may
7 waive the prohibition on outside work in extraordinary circumstances in order to avoid a hardship to the
8 employee.

8 PAY AND BENEFITS - CERTIFIED

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

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

16 CLASSIFIED EMPLOYEES:

17 Any person may request leave for military service, legislative service, maternity, adoption, recuperation of health,
18 educational improvements or other sufficient reason without loss of accumulated leave credits or other fringe
19 benefits. All leaves shall be requested in writing at least thirty (30) calendar days in advance on forms provided by
20 the director of schools. The application for leave forms shall require:

- 21
- 22 1. A description of the type of leave requested;
- 23 2. The requested dates for beginning and ending the leave; AND
- 24 3. A statement of intent to return to the position from which leave is granted.
- 25

26 With regard to LOAs for the recuperation of health, the thirty (30) calendar day notice may be waived or
27 reduced by the director of schools upon submission of a certified statement by a physician.

28
29 If the physician is unable to provide an estimated date of return, LOA will be granted for no more than
30 eight (8) weeks. If an employee needs leave extending beyond the eight-week leave period, then the
31 employee must formally request an extension from Human Resources no more than 30 days before the
32 expiration of that eight-week leave period. This request must be accompanied by updated documentation
33 from a physician.

34
35 Each request for leave must be acted upon by the director of schools within fifteen (15) working days.
36 Each applicant shall be notified in writing of the action of the director and the beginning and ending
37 dates of the leave which is granted. All leaves, except military leave, shall be from a specific date to
38 a specific date. However, any leave may be extended by the director of schools upon written request
39 from the employee. Military leave shall be granted for whatever period may be required. The procedure
40 and condition for extending a leave are the same as those used when originally requesting and granting
41 the leave. If the employee seeks to extend his or her leave, a minimum of thirty (30) days’ notice must
42 be given prior to the expiration of the original leave period, unless the notice period is waived by the
43 director of schools upon receipt of a certified statement by a physician.

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1 Unless required by law or other HCDE board policy (i.e., FMLA), the employee may or may not return to
2 the same position depending upon business needs and job availability, as the employee’s position is no longer
3 guaranteed once FMLA (if eligible and applicable) is exhausted. While Board Policy allows for employees to
4 take up to twelve (12) months of leave, the classified employee is **not** guaranteed a position, as the efficient
5 operation of school and business functions must be considered. A reasonable accommodation may be explored for
6 an employee who cannot return to work following twelve (12) months of leave due to a disability. If an employee
7 is released to return to work and a position is no longer available, the employee is welcome to apply for future
8 openings.

9 Any employee on leave shall notify the supervisor at least thirty (30) calendar days prior to the date of return if the
10 employee does **not** intend to return to the position from which he/she is on leave. Failure to give such notice shall
11 be considered job abandonment and the employee will be terminated.

12
13 Classified employees on an extended leave of absence (other than to student teach/internship) are prohibited from
14 accepting employment elsewhere, working elsewhere while on leave, or receiving compensation for work during
15 the leave.

16 **PAY AND BENEFITS-CLASSIFIED**

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

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

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26 _____
27 Legal References:

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

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Family and Medical Leave	Descriptor Code: 5.305	Issued Date: 12/15/16
		Rescinded:	Revised: 08/17/23

1
2 HCDE complies with the Federal Family and Medical Leave Act guidelines in accordance with United
3 States Department of Labor Regulations 29 CFR Part 825.

4 5 **PURPOSE**

6
7 To provide up to twelve (12) weeks of unpaid leave for the birth and care of the newborn child of an
8 employee , for placement with the employee of a child for adoption or foster care, to care for an
9 immediate family member (spouse, parent or child); to take medical leave when the employee is unable
10 to perform the essential functions of his/her job position because of a serious health condition, or because
11 of any qualifying exigency arising out of the fact that the employee’s spouse, child, or parent is a covered
12 military member on active duty (or has been notified of an impending call or order to active duty) in
13 support of a contingency operation.

14 15 **ELIGIBILITY**

16
17 Employees eligible for leave are those who have worked for at least 1,250 hours during the previous 12
18 months prior to the start of the leave and have worked for HCDE for at least 12 months.¹

19 20 **FAMILY AND MEDICAL LEAVE**

21
22 Employees shall contact the Human Resources department to determine if the reason for leave qualifies
23 as Family and Medical Leave. If the leave is foreseeable, the employee shall give 30 days’ notice. If the
24 leave is not foreseeable, the employee shall notify Human Resources as soon as practicable, but within
25 two (2) business days before leave commences. Furthermore, when certification is requested, the
26 employee shall return the completed certification within 15 days after receipt of the form, unless there
27 are unusual circumstances preventing timely completion and return. If the employee fails or refuses to
28 return a certification or any medical documentation at all without good cause, the leave shall not be
29 treated as authorized under FMLA. The district reserves the right to designate leave as FMLA if provided
30 with adequate medical documentation and/or information concerning the leave.

31
32 HCDE uses the fixed 12-month fiscal year from July 1 to June 30 for leave calculations. Employees on
33 a leave of absence from HCDE may not work for another employer during the time of leave.

34
35 Granting of leave under this policy shall be subject to, and in accordance with, the provisions of
36 applicable federal and state laws. An employee shall substitute accrued paid leave for unpaid time. Use
37 of accrued paid leave shall run concurrently with and be counted toward the employee’s total period of
38 FMLA leave.

39
40 Special rules apply to school employees which affect the taking of intermittent leave, leave on a reduced
41 schedule, or return from a leave near the end of an academic term (semester), by instructional employees.
42 These are stated in greater detail below.

1 Upon return from FMLA, most employees will be restored to their original or equivalent position
2 reduced schedule or return from a leave near the end of an academic term (semester), by instructional
3 employees. These are stated in greater detail below.

4
5 Upon return from FMLA, most employees will be restored to their original or equivalent position with
6 equivalent pay and benefits. An employee returning from medical leave shall provide medical
7 certification of his or her ability to return to work.

8 9 **MATERNITY/PATERNITY LEAVE**

- 10
11 1. Relationship between FMLA leave and Tennessee Maternity Leave Act- FMLA leave shall run
12 concurrently with leave provided under the Tennessee Maternity Act, which affords eligible
13 employees leave for a period not to exceed four (4) months for the adoption, pregnancy, childbirth,
14 and nursing of a newborn child.²
- 15 2. In accordance with state law, an employee who goes on maternity or paternity leave shall be allowed
16 to use all or a portion of the employee's accumulated sick or annual leave for maternity or paternity
17 leave purposes. In order to be eligible to use sick leave, the employee must submit a written request
18 accompanied by a statement from the physician verifying pregnancy shall be submitted. Upon
19 verification by a written statement from an adoption agency or other entity handling an adoption, an
20 employee may also be allowed to use leave for adoption of a child (dependent upon the age of the
21 child) for up to twelve weeks. If both adoptive parents are employed by the district, however, only
22 one (1) parent is entitled to use such leave.³

23
24 Spouses who are both eligible employees of the school district are limited to a combined total of twelve
25 (12) workweeks of FMLA leave in a single twelve (12) month period if the leave is taken for the birth
26 and care of a newborn child, for the placement of a child for adoption or foster care, or to care for a
27 parent who has a serious health condition. Under certain circumstances, spouses who share leave for the
28 birth or adoption of a child may be eligible for limited amounts of additional leave for other qualifying
29 FMLA reasons.⁴

30 31 **LEAVE FOR MILITARY FAMILY MEMBERS**

- 32
33 1. Qualifying Exigency Leave - Eligible employees are entitled to up to twelve (12) workweeks of leave
34 because of any "qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent
35 of the employee, as defined under the FMLA, is on active duty, or has been notified of an impending
36 call to active duty or has been notified of an impended call to active duty status in the Armed Forces.
37 Qualifying exigencies may include:
- 38 a. Issues arising from the service member's short notice deployment;
 - 39 b. Military events and related activities (e.g., official ceremonies, support programs);
 - 40 c. Making or updating financial and legal arrangements;
 - 41 d. Attending counseling;
 - 42 e. Taking up to fifteen (15) days leave to spend time with a covered service member who is on
43 short-term rest and recuperation leave during deployment; or
 - 44 f. Attending post-deployment activities.⁵
- 45 2. Military Caregiver Leave- An eligible employee who is the spouse, son, daughter, parent, or next of
46 kin of a covered service member or covered veteran with a serious injury or illness is entitled to up

1 to twenty-six (26) workweeks of leave in a “single twelve (12) month period.” A covered service
2 member is a current member of the Armed Forces, including a member of the National Guard or
3 Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in out-patient
4 status, or is otherwise on the temporary disability retired list for a serious injury or illness.
5

6 A covered veteran is an individual who was a member of the Armed Forces at any time during the period
7 of five (5) years preceding the date of the medical treatment, recuperation, or therapy that has a serious
8 injury or illness who is currently receiving medical treatment, recuperation, or therapy.
9

10 The calculation of this five (5) year period shall not include the interval of October 28, 2009, through
11 March 8, 2013. The “single twelve (12) month period” for military caregiver leave begins on the first
12 day the employee takes leave for this reason and ends twelve (12) months later. An eligible employee is
13 limited to a combined total of twenty-six (26) workweeks of leave to provide care for a covered service
14 member. The maximum of twenty-six (26) workweeks may include no more than twelve (12) workweeks
15 of leave that is taken for the birth and care of a newborn child, for the placement of a child for adoption
16 or foster care, for care of a parent who has a serious health condition, or for the employee's own serious
17 health condition.⁶
18

19 **INTERMITTENT LEAVE**

20
21 Eligible employees may take FMLA leave intermittently when medically necessary to care for a
22 seriously ill family member, because of the employee's own serious health condition, or for the care for
23 a newborn, a newly adopted child, or a newly placed foster care child. When an employee requests
24 foreseeable leave for planned medical treatment and the employee would be on leave for greater than
25 20% of the total number of working days in the period during which the leave would extend, the school
26 district may require that such employee elect either to take the leave for periods of a particular duration,
27 not to exceed the duration of the planned medical treatment, or to transfer temporarily to an available
28 alternative position offered by the school district for which the employee is qualified and that has
29 equivalent pay and benefits and better accommodates recurring periods of leave.⁷
30

31 **RESTRICTIONS**

32 33 1. Notice Requirements

- 34 a. Employee Notice⁸ - For foreseeable leave, the employee shall provide the Director of Schools
35 with at least thirty (30) days written notice before the beginning of the anticipated leave.

36 2. Certification Requirement⁹

- 37 a. HCDE may require that a request for leave be supported by certification issued by a health
38 care provider with the following information:
39 i. The date on which the serious health condition commenced;
40 ii. The probable duration of the condition;
41 iii. The appropriate medical facts within the knowledge of the health care provider
42 regarding the condition; and
43 iv. A statement that the eligible employee is needed to care for the son, daughter, spouse,
44 or parent and an estimate of the amount of time that such employee is needed.

1 b. If there is any reason to doubt the validity of the certification provided, HCDE reserves the
2 right to require, at the expense of the school district, an opinion of a second health care
3 provider.

4 3. Period Near the End of an Academic Term (Professional Employees)

5 a. If leave is taken more than five (5) weeks prior to the end of the term, the Director of Schools
6 may require the employee to continue taking leave until the end of the term if the leave is at
7 least three (3) weeks in duration and the return to employment would occur during the three
8 (3) week period before the end of the term.

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

13
14 **EMPLOYMENT AND BENEFITS**

15
16 Family and Medical Leave shall run concurrently with Tennessee Maternity Leave, OJI, HCDE sick
17 leave, personal leave, and/or paid vacation time. After using all accrued paid leave, then an employee's
18 Family and Medical Leave shall be without pay.

19
20 If the employee returns to work, the employee shall be restored to the same position of employment or
21 an equivalent position with no loss of benefits, pay, or other terms of employment and is entitled to
22 seniority, sick leave, and other benefits the employee would have enjoyed before the employee left. The
23 employee's health benefits will continue during the leave unless the employee fails to pay his or her
24 portion of the premiums in a timely manner.

25
26 The Board may recover the premium(s) paid if the employee fails to return from leave after the period
27 of leave has expired and/or the employee fails to return to work for a reason other than the continuation,
28 recurrence, or onset of a serious health condition or other circumstances beyond the control of the
29 employee.

30
31 **CERTIFIED EMPLOYEE PAID LEAVE FOR BIRTH OR ADOPTION OF CHILD**

32
33 Eligible licensed employees (teacher, principal, supervisor, or other individual required to hold a valid
34 license of qualification for employment in an LEA and who has been employment full-time for at least
35 twelve (12) consecutive months may be granted absence from work with pay for a period of time equal
36 to six (6) work weeks after the birth or still birth of the employee's child or the employee's adoption of
37 a newly placed minor child upon giving thirty (30) days' notice. If the employee learns of the birth, still
38 birth, or adoption less than thirty (30) days in advance of the event, the employee must give notice as
39 soon as possible in order to be granted leave.

40
41 This leave shall run concurrently with FMLA leave.

42
43 The six (6) weeks of paid leave are not required to be taken consecutively, provided that all six weeks
44 of leave are taken within twelve (12) months of the birth, still birth, or adoption.¹⁰

45
46 **KEY EMPLOYEES**

1
2 Certain key employees may not be eligible to return to the same or similar position upon returning from
3 FMLA leave, if such denial is necessary to prevent substantial and grievous economic injury to HCDE.
4 A key employee is a salaried employee who is among the highest paid ten percent (10%) of the
5 employees employed by HCDE.
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Legal References:

- 36 1. 29 USC 2611
- 37 2. TCA 4-21-408
- 38 3. TCA 49-5-710
- 39 4. 29 CFR 825.120(a)(3)
- 40 5. 29 CFR 825.126
- 41 6. 29 CFR 825.124, 825.127
- 42 7. 29 CFR 825.202
- 43 8. 29 CFR 825.302-825.304
- 44 9. 29 CFR 825.305 to 825.313
- 45 10. Pub. Ch. 399 (2023)

34
35

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Military Leave	Descriptor Code: 5.306	Issued Date: 03/05/12
		Rescinded:	Revised: 08/20/20

1 Employees who are members of any reserve component of the Armed Forces of the United States,
2 including members of the Tennessee Army and Air National Guard, shall be granted leave of absence
3 for all periods of military service during which they are engaged in the performance of duty or training
4 in the service of the state of Tennessee or the United States.¹

5
6 Reservists who anticipate military duty during the school year must, prior to or within thirty (30) days
7 after of the beginning of the school year, notify the Director of Schools in writing of dates of the
8 anticipated duty.

9
10 While performing such duty or training, the employee shall not suffer loss of time, regular leave or
11 vacation, or any other rights or benefits to which the employee is entitled for the duration of the
12 performance of the duty or training. The employee shall be paid his/her regular salary up to a
13 maximum of twenty (20) working days in any one (1) calendar year, plus such additional days as may
14 result from any call to active state duty as set forth below. After receiving twenty (20) days of full
15 compensation, members of any reserve component of the armed forces of the United States, including
16 members of the Tennessee Army and Air National Guard, may use up to five (5) days of sick leave in
17 lieu of annual leave for the purposes of not having to take leave without pay.²

18
19 After receiving twenty (20) days of compensation, any educator who is a member of any reserve
20 component of the Armed Forces of the United States, including members of the Tennessee Army and
21 Air National Guard, is authorized, though not required, to use any accumulated sick leave in lieu of
22 annual leave so as not to take leave without pay when called into active duty.³

23
24 An employee called to active duty by the governor to enforce the laws of the state of Tennessee shall
25 be paid his/her regular salary for such time as he/she is engaged in the performance of his/her duty in
26 addition to any statutorily-prescribed compensation for their active state duty, and any time spent in
27 active state duty shall not count against the twenty-day period of paid leave allowed for military
28 service.⁴

29
30 Request for leaves and extension of leaves shall conform to state law and board policy governing all
31 leaves of absence. Failure to comply with applicable laws and policies shall constitute grounds for
32 dismissal.

33
34 The employee shall supply a copy of the orders for duty, including the dates of departure and return it
35 to the Director of Schools prior to, or simultaneous with requesting leave.

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Legal References:

1. 38 U.S.C. § 4316; TCA § 8-33-109(a)
2. TCA § 8-33-109(a); TCA § 49-5-702(a); TCA § 58-1-106
3. TCA § 8-33-109(b);
4. TCA § 58-1-106(d) TCA § 58-1-109;

Cross References:

1. Board Policy 5.304 - Extended leaves of Absence 5.304
2. Board Policy 5.305- Family and Medical Leave

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Physical Assault Leave	Descriptor Code: 5.307	Issued Date: 01/15/15
		Rescinded:	Revised: 11/09/23

1
2 An Employee who is absent from assigned duties as a result of personal injury caused by physical assault
3 or other violent criminal acts committed in the course of the employee's work activities shall receive
4 benefits as outlined in the body of the policy.¹

5
6 A signed statement listing the cause of the absence shall be provided by the employee's treating physician
7 and shall promptly be given to the immediate supervisor in support of all claims. A certificate from the
8 physician on forms furnished by the Director of Schools may also be required periodically to verify the
9 extent of the injury and document continuing absences.²

10
11 The Board shall provide the following benefits to the employee:

- 12
13 (a) Legal counsel to advise the employee of his/her legal rights.
14 (b) When absence from assigned duties is directly caused by such bodily injury, the employee shall
15 receive full salary and full benefits including, but not limited to, health insurance for up to one
16 (1) year, until the employee is released by physician to return to work or is determined by
17 physician to be permanently and totally disabled from return to work, whichever occurs first.
18 (c) The Board shall reimburse an employee for the actual value of any personal property damaged
19 or destroyed during such physical attack, in excess of any valid and collectible insurance in effect
20 at the time of the attack.
21 (d) A leave of absence for personal injury resulting from an assault or other violent criminal act shall
22 not be charged to the employee's sick leave, personal leave, or professional leave.
23 (e) Leave runs concurrently with other leaves of absence including FMLA, Extended Leave, On the
24 Job Injury/Illness (OJI) Leave, TN Maternity, and/or other applicable leaves.

25
26 The benefits shall be provided under the following conditions:

- 27
28 (a) The employee promptly files an official complaint, giving complete details of the physical attack,
29 with the governmental agency having police jurisdiction in the matter.
30 (b) The employee must have been performing his duties in a reasonable and prudent manner.
31 (c) The physical assault must not have been provoked by the employee.

32
33 Employees remain responsible for payment of the employee portion of benefit premiums. Additionally,
34 employees may only adjust after-tax benefit plans which are outside of Section 125 of the Internal
35 Revenue Code unless the employee qualifies under the Section 125 rules due to a major life event or
36 open enrollment.

37
38
39 Legal References:

- 40 1. TCA 49-5-714 (a); TRR/MS 0520-1-2-.04 (4)
41 2. TCA 49-5-710 (a)(7)(8); TCA 49-6-2008(d)

Cross References:

Extended Leaves of Absence 5.304

Hamilton County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Legislative Leave	Descriptor Code: 5.309	Issued Date: 12/16/04
		Rescinded:	Revised: 06/18/20

1 Any employee who has been elected to state or local law-making bodies shall be granted personal
2 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

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

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

30 _____
31
32 **Cross References:**

- 34 1. Board Policy 5.304 – Extended Leaves
35 Absence for Certificated/Classified
36 Personnel

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Payment for legal holidays shall be established to exclude payment where an employee is absent prior to or following a legal holiday and the absence does not conform to allowed sick leave as established in the state sick leave for teachers; and, if it is determined that the teacher was absent as established in conformity with the sick leave law prior to and/or following a legal holiday, the payment shall be made.

**CLASSIFIED EMPLOYEES
VACATIONS**

All eligible twelve month classified employees shall receive annual vacation according to the following schedule. Experience shall mean experience in the Hamilton County School System.

<u>Experience</u>	<u>Vacation Earned</u>
0-9 years	12 days (90 hours)
10-14 years	17 days (127.5 hours)
15-19 years	18 days (135 hours)
20 + years	24 days (180 hours)

VACATION REGULATIONS

- A. Vacation days shall be accrued before being used.
- B. An eligible employee may use accrued vacation days in the amount of half or whole days.
- C. Upon termination of employment for any reason, an eligible employee shall be paid at his/her daily rate for all accrued vacation days. __
- D. The official record of a calendar-month employee's vacation days accrued and used shall be maintained by the payroll department.
- E. An eligible employee may use accrued vacation days for sick leave.
- F. An eligible employee may use accumulated vacation days subject to the approval of his/her administrative supervisor, director, assistant superintendent, and the superintendent or his designated representative.
- G. Newly hired classified employees can only receive a maximum credit of fifteen (15) years outside experience or less.

Employees below 1680 hours as of July 1, 2008 who accrue leave can continue to accrue leave until they reach the 1680 hour cap. Employees at or above 1680 hours as of July 1, 2008 can accrue 50% of earned leave according to the vacation schedule until July 1, 2011. Beginning July 1, 2011 an employee in this category must take their annual accrued leave or lose the days. All employees below 1680 hours of accrued leave as of July 1, 2008 may use their accrued leave at their discretion until they reach the 1680 hour cap. Upon retirement employees shall be reimbursed at his/her daily rate for all unused vacation days.

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HOLIDAYS

An employee who is employed on a regular full-time calendar month basis for twelve (12) calendar months per year is eligible for the following paid holidays:

New Year's Day	1 day
Martin Luther King's Birthday	1 day
Good Friday	1 day
Memorial Day	1 day
Independence Day	1 day
Labor Day	1 day
Thanksgiving	2 days*
Christmas	3 days**

*Thursday and Friday

**Definite days determined annually by the director of schools

Paid holidays shall be allowed to eligible employee in pay status on the dates of the designated holidays. An employee who is in pay status the day preceding a holiday and the day following a holiday shall be considered in pay status on the date of the holiday.

Legal Reference:

1. TCA 5-23-101;104

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: <b style="text-align: center;">On-the-Job-Injury	Descriptor Code: 5.311	Issued Date: 11/20/14
		Rescinded:	Revised: 11/09/23

1
2 In the event that an employee experiences an on-the-job injury (OJI), the employee should notify their
3 supervisor immediately. Absence due to an injury incurred by an employee while performing duties
4 within the course and scope of his/her assignment which renders the employee unable to perform normal
5 duties shall not be charged against the employee's accumulated sick leave to a maximum of twenty (20)
6 working days per separate incident, provided that the employee alleging such injury files or causes to be
7 filed a completed copy of the specified OJI report form with the Risk Management Office within five
8 (5) working days of the incident. If the injury occurs while the employee is on a Board approved activity
9 outside of the district, the employee shall file or cause to be filed the OJI report within five (5) working
10 days of the return date. The Board reserves the right to require a physician's statement to verify the
11 employee's inability to perform normal duties. Electronic copies of OJI procedures and forms can be
12 found on our website; employees can contact the Risk Management Office for assistance.

13
14 Failure to file a First Report of Occupational Injury or Illness report within the five (5) working day
15 period following the incident or diagnosis may relieve the Board of any responsibility under this section.
16 Forms are available at each building site or on the HCDE website.

17
18 The Board agrees to pay all medical expenses directly related to the on-the-job injury as directed by the
19 treating occupational medicine physician assigned by the school system.

20
21 For purposes of this section, treatment of documented pre-existing conditions, injuries resulting from
22 employee horseplay or fighting, violation of safety rules and drug and alcohol policy are excluded.

23
24 If the injury requires that an employee be absent from assigned duties for more than twenty (20) working
25 days, the employee has the option to either: use accumulated sick leave days or receive weekly OJI
26 compensation equivalent to those payable under the State of Tennessee Worker's Compensation law.

27
28 On-the Job Injury coverage shall begin upon arrival at the work site and continue until the employee
29 leaves the work site while performing duties normally associated with the employee's position and/or
30 duties which have been previously assigned or permitted by the employee's supervisor.

31
32 If an employee has been receiving OJI benefits for twelve (12) months, the employee may apply for
33 long-term disability benefits. If approved by the carrier, the employee shall accept long-term disability
34 benefits and on-the-job benefits will cease.

35
36 In the event the injury is the result of a student's actions, and the student's actions do not constitute
37 physical assault or other violent criminal acts within the meaning of Board Policy 5.307 (Physical
38 Assault Leave Policy), the Board shall provide the following benefits to the employee:

- 39
40 a) When absence from assigned duties is directly caused by such bodily injury, the employee shall
41 receive regular salary and benefits for the period of such absence up to twenty (20) working days
42 per separate incident and shall not forfeit any accumulated leave. Thereafter, for up to one (1)

1 year following the event, the employee shall receive board-paid and weekly compensation
2 benefits equivalent to that which is provided by the Tennessee Workers' Compensation Law
3 while under a physician's care.

4 b) The Board shall reimburse an employee for the actual value of any personal property damaged
5 or destroyed during such physical injury in excess of any valid and collectible insurance in effect
6 at the time of the event.

7 c) The Board shall assume all medical costs incurred by an employee as a result of such bodily
8 injury for up to one (1) year following the event.
9

10 In the event the injury is the result of a physical assault or other violent criminal act within the meaning
11 of Board Policy 5.307 (Physical Assault Leave Policy), the Board shall pay the difference between the
12 employee's full salary and the OJI benefits for up to one (1) year, until the employee is released by the
13 teacher's physician to return to work or is determined by their physician to be permanently and totally
14 disabled from returning to work, whichever occurs first.¹
15

16 The Board shall reimburse an employee for the actual value of any personal property damaged or
17 destroyed during such physical injury in excess of any valid and collectible insurance in effect at the
18 time of the event. The Board shall assume all medical costs incurred by an employee as a result of such
19 bodily injury for up to one (1) year following the event.
20

21 OJI leave runs concurrently with other leaves of absence including FMLA, Extended Leave, TN 26
22 Maternity, Physical Assault and/or other applicable leaves.
23

24 Employees remain responsible for payment of the employee portion of benefit premiums. Additionally,
25 employees may only adjust after-tax benefit plans which are outside of Section 125 of the Internal
26 Revenue Code unless the employee qualifies under the Section 125 rules due to a major life event or
27 open enrollment.
28

29 _____
30 Legal References:
31 TCA § 49-5-714

Cross References:
Physical Assault Leave 5.307

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Personnel Health Examinations/ Communicable Diseases	Descriptor Code: 5.400	Issued Date: 12/16/04
		Rescinded:	Revised: 02/15/24

1
2 All employees, prior to entering service, shall present a certificate showing a satisfactory health record.¹
3 Employees shall inform the Director of Schools or his/her designee whenever they contract a contagious
4 or communicable disease. All employees hired to work in the Pre-K program shall, within thirty-six (36)
5 hours of beginning employment, have or file written evidence of a physical examination written within
6 the last three (3) years and a statement that his/her general physical and mental condition will permit
7 him/her to direct and actively supervise the activities of young children. The physical form and the
8 statement shall have the signature or stamp of a licensed physician, certified nurse practitioner or a
9 certified physicians' assistant.

10
11 Pre-K employees shall present to the Director of Schools or his/her designee a physical health form every
12 three (3) years or more often if deemed necessary by HCDE. No employee who has any communicable
13 disease shall perform his/her duties in any location where such might endanger the health of school
14 children. Employees who have tested positive for a communicable disease, and are asymptomatic will
15 be allowed to work with appropriate protective equipment while maintaining acceptable social
16 distancing in accordance with all relevant state and federal law. The Board shall require any employee
17 to submit to a physical examination by a physician whenever there is reason to believe that the employee
18 has any communicable disease.²

19
20 The Director of Schools or his/her designee shall reassign or grant appropriate leave to any employee
21 who is suspected of having a communicable disease which might endanger the health of children. Any
22 such decision shall be consistent with applicable Board policies and state and federal law.

23 24 **SPECIAL RULES REGARDING CRITICAL INFRASTRUCTURE**

25
26 In the event an employee who performs an essential function in support of the school system's critical
27 infrastructure, e.g., the central office administration or vital maintenance, has been exposed to a
28 communicable disease but is asymptomatic and has tested negative for the disease, and pursuant to
29 guidance from the Tennessee Department of Health or the local health department, the Hamilton County
30 Board of Education delegates to the Director of Schools or his/her designee the discretion to permit the
31 employee to continue working provided that each of the following criteria are met:

- 32 • The Director of Schools or his/her designee determines that the employee performs an essential
33 function in support of critical infrastructure, e.g., central office administration or vital
34 maintenance, and that the employee cannot perform those essential functions remotely;
- 35 • The employee who has tested positive for a communicable disease, and is asymptomatic will be
36 allowed to work with appropriate protective equipment while maintaining acceptable social
37 distancing in accordance with all relevant state and federal law.
- 38 • The employee is able to perform his or her duties while maintaining appropriate social distance;
- 39 • The employee will not be in the presence of children; and
- 40 • The employee chooses to continue working rather than taking leave otherwise available to him
41 or her.

1
2 The Director of Schools or his/her designee shall exercise this discretion on a case-by-case basis
3 weighing the nature of the employee’s duties, whether those duties are an essential part of the school
4 system’s critical infrastructure, and whether any threat posed by the employee’s exposure can be
5 mitigated by the use of protective equipment and maintaining distance from other people. Before
6 exercising the discretion set forth in this policy, the director shall develop appropriate administrative
7 procedures, incorporating whatever specific terms or conditions the appropriate local, state, or federal
8 authorities may recommend or require. These procedures shall not become effective unless and until
9 they have first been approved by the appropriate public health authority.

10
11 **APPEALS TO THE BOARD**

12
13 Any employee aggrieved by the application of this policy may lodge an appeal with the Board. The
14 Board shall review the Director of Schools or his/her designee’s decision giving appropriate difference
15 to the director’s discretion.
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- 43 Legal References:
44 1. TRR/MS 0520-1-3-.08(2)(f)
45 2. TCA 49-5-710(a)(7); TCA 49-5-404
46

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- Cross References:
Grievances & the Americans w/ Disabilities Act 1.802
Suspension/Dismissal 5.200

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Acquired Immune Deficiency Syndrome (AIDS)	Descriptor Code: 5.401	Issued Date: 12/16/04
		Rescinds:	Issued: 04/20/23

1 The Board has the responsibility to ensure that each school system's employees are in a state of
2 physical condition which will not endanger their personal health or the health of others. Concerns
3 regarding health matters shall be approached within the boundaries of confidentiality.
4

5 The director of schools shall be responsible for developing, revising and implementing the
6 administrative guidelines and procedures for this policy. The director of schools shall be responsible for
7 enforcing this policy by communicating it to all personnel and by providing necessary instruction to all
8 administrators.¹
9

10 **HIV/AIDS TESTING**

11
12 No school official can require any employee to undergo an HIV antibody test or other HIV-related test.
13 This does not preclude school officials from requiring an employee to undergo an examination
14 when another communicable illness is suspected.
15

16 **LIABILITY AND NON-DISCRIMINATION**

17
18 No employee who is diagnosed with HIV infection or AIDS shall be prevented from continuing his/
19 her employment. No disciplinary action may be taken against an employee solely on the basis of HIV
20 infection or AIDS. Action may be taken against an employee only if he/she is disabled and the
21 disability interferes with his/her ability to perform the activities involved in employment duties. The
22 Board shall make reasonable accommodation to enable the employee to perform employment duties as
23 may be required by state² or federal³ law.
24

25 **CONFIDENTIALITY**

26
27 If information is received regarding an employee's HIV status, the director of schools may consult with
28 the school board attorney on the appropriate course of action to pursue, bearing in mind the school
29 system's potential liability for defamation, employment discrimination, and breach of confidentiality
30 requirements.
31

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

- 33 1. Persons named on an Authorization for Release of Confidential HIV-Related Information Form
- 34
- 35 2. Persons listed on a court order
- 36
- 37 3. Persons authorized to receive such information without a release or court order according to
- 38 TCA 68-10-113
- 39

40 Under no circumstances shall information identifying an employee with AIDS be released to the public
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EDUCATION AND UNIVERSAL PRECAUTIONS

To prevent and manage exposure in the workplace, all school system employees will receive in-service training and education annually regarding HIV/AIDS and OSHA's Bloodborne Pathogens Standard.

COMMUNICATIONS AND PUBLIC RELATIONS

The director of schools or his/her designee will be responsible for coordinating educational/training programs for all personnel, parents and board members. These programs can utilize the educational/training resources of agencies or private institutions with personnel trained in the areas of HIV/AIDS prevention education.

Legal References: _____

- 1. State Board of Education Plan for Addressing AIDS 1.802 in Tennessee Public Schools, March 1995; TRR/MS 0502-1-3-.08 (2)(g)
- 2. TCA 68-10-113
- 3. 20 USC 1232(g); 29 CFR § 1630.13(b)

Cross Reference: _____

Grievances & the Americans w/ Disabilities Act

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Hepatitis B (HBV)	Descriptor Code: 5.402	Issued Date: 12/16/04
		Rescinds:	Revised: 04/20/23

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

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

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

17 **CONFIDENTIALITY AND NON-DISCRIMINATION**

18
19
20 In all instances, district personnel shall respect the individual's right to privacy and treat any medical
21 diagnosis as confidential information. The director of schools shall initiate procedures to ensure that all
22 medical information will be held in strict confidence. Any school staff member who violates
23 confidentiality shall be subject to appropriate disciplinary measures.

24
25 Under no circumstances shall information identifying an employee with HBV be released to the public.

26 **SAFETY**

27
28
29 Employees who are at high risk of occupational exposure shall be identified and provided with personal
30 protective equipment, including HBV vaccinations. Employees considered to be at high risk shall include
31 custodians, school nurses, special education teachers and instructional assistants, playground supervisors,
32 coaches and physical education teachers.

33
34 When any employee is known to have been exposed to HBV on the job site, the employee will be
35 notified immediately by a supervisor, and the Board shall provide vaccinations.

36
37 The principal will ensure that an exposure report is filed for all incidents. The report will include
38 the employee's name, date of the exposure, an explanation of the incident and the care used in
39 treating the individual. These reports will be kept on file in the principal's office for a
40 minimum of one (1) year.

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EDUCATION AND UNIVERSAL PRECAUTIONS

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

Legal References:

1. 29 CFR Part 1910.1030

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Drug & Alcohol Testing for Employees	Descriptor Code: 5.403	Issued Date: 05/24/07
		Rescinded:	Revised: 07/20/23

The Hamilton County Department of Education does not tolerate the use or possession of alcohol and/or illegal drugs by its employees while they are on duty, nor does the Department of Education tolerate its employees being under the influence of alcohol or any such drugs while they are on duty. Employees are also prohibited from consuming alcohol and/or illegal drugs prior to school events, before work, during authorized breaks or lunch, or after a return to work. Employees in violation of this policy will be subjected to appropriate discipline up to and including termination of employment.

Whenever a supervisor reasonably suspects that an employee's work performance or on-the-job behavior is being affected by alcohol or illegal drugs, the supervisor may ask the Chief Talent Officer or his or her designee to order the employee to submit to an alcohol or drug test. If the employee refuses to submit to such a test, the employee may be subjected to appropriate discipline for his or her insubordination, up to and including termination of employment.

For purposes of this policy, a supervisor has reasonable suspicion to believe the employee has violated this policy under the following circumstances:

1. Observed use, possession, or sale of illegal drugs and/or use, possession, sale or abuse of alcohol and/or the illegal use or sale of prescription drugs;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributable 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 the pattern of repetitive acts, whether or not these acts involve actual potential injury.
5. Violation of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription drugs and/or violation of drug statutes.

TESTING METHODS

Whenever testing is required under the terms of this policy, testing shall be performed according to the protocols provided herein. Alcohol testing will be performed by using Evidential Breath Testing equipment (EBT). Blood alcohol tests (if available by the clinic) may be used. Tests may be performed either on or offsite in accordance with Federal Highway Administration (FHWA) Guidelines.

Drug testing will be performed through analyzing an employee's urine specimen. Tests may be performed either on or offsite in accordance with FHWA Guidelines. All positive drug test results will be reviewed and interpreted by a Medical Review Officer (MRO) before they report it to the Director of Schools. If an employee provides appropriate documentation and the MRO determines that a positive test is the result of legitimate medical use of a prescription or non-prescription drug, the MRO may report the drug test as negative, and may require the employee to be retested. Based on the recommendation of the MRO, the Chief of Talent may recommend appropriate disciplinary action, including suspension and

1 termination if the employee's otherwise legitimate drug use impaired the employee's ability to perform
2 a safety sensitive function, as that term is defined in this policy, or has been previously impaired in the
3 performance of a "safety sensitive function" from the otherwise legitimate drug use.
4

5 **SPECIAL RULES FOR SAFETY SENSITIVE EMPLOYEES**

6
7 All "safety sensitive employees" shall be required to work within the guidelines of the Omnibus
8 Transportation Testing Act of 1991. For purposes of this policy, the term "safety sensitive employees"
9 shall include, but is not limited to, school bus drivers, mechanics, driver assistants, school safety officers,
10 maintenance employees who drive vehicles during the performance of their duties, food service
11 employees who drive vehicles during the performance of their duties, and all other employees whose
12 driver assignment requires a Commercial Driver's License (CDL) and/or HCDE employees who operate
13 and drive school system-owned vehicles.
14

15 "Safety sensitive functions" shall include, but are not limited to, use, operation, or maintenance of any
16 HCDE vehicle regardless of whether the employee is officially on duty for the Hamilton County
17 Department of Education.
18

19 **Alcohol Use by Safety Sensitive Employees**

20
21 No safety sensitive employee shall report for duty or remain on duty or operate HCDE vehicles while
22 having a blood alcohol concentration (BAC) of 0.02 or greater. Employees may not use alcohol within
23 eight (8) hours preceding the employment of safety sensitive functions. Employees may not use or
24 possess alcohol on duty or while operating an HCDE vehicle.
25

26 **Controlled Substances and Drug Use by Safety Sensitive Employees**

27
28 Illicit (illegal or unsafe) use of drugs by safety sensitive employees is prohibited. No employee shall
29 report for duty or remain on duty or perform any safety sensitive function when the employee uses or
30 has used any controlled substances, except when the use is pursuant to instruction of a physician who
31 has advised the safety sensitive employee that the substance does not adversely affect the employee's
32 ability to operate a motor vehicle safely or to perform any other safety sensitive function.
33

34 All safety sensitive employees shall advise their supervisors when they are taking prescription or non-
35 prescription medication that might impair their ability to perform their safety sensitive duties. Failure to
36 report such potential impairment shall be considered a violation of this policy and shall subject the
37 employee to disciplinary action.
38

39 **Required Alcohol and Drug Tests for Safety Sensitive Employees**

40
41 In addition to the suspicion-based drug testing required by this policy for all employees, the Hamilton
42 County Department of Education requires alcohol and drug testing for safety sensitive employees under
43 the following circumstances:
44

45 **1. Pre-employment Screening:** All safety sensitive employees must submit to a pre-employment
46 alcohol and drug screening after the Department of Education makes them a conditional offer of

1 employment and before they actually perform on duty functions as safety sensitive employees. If a
2 prospective employee fails to pass the alcohol and drug screen, the Department 1 of Education shall not
3 hire the employee.

4 **2. Post Accident:** Any safety sensitive employee who is involved in a commercial or HCDE motor
5 vehicle accident in which there is a loss of human life, the employee receives a citation under state or
6 local law for a moving traffic violation arising from the accident, or physical damage or personal
7 injury occurs, shall submit to an alcohol or drug test as soon as practicable. Following the accident, the
8 employee shall not consume alcohol in any form for at least eight (8) hours unless he or she is tested
9 sooner. The employee shall remain available to take a drug test for at least 32 hours following the
10 accident.

11
12 If an alcohol test is not administered within two (2) hours following the accident or a drug test is not
13 administered within eight (8) hours following the accident, the immediate supervisor shall prepare and
14 maintain on file a record indicating the reasons the test was not administered. Records of any such test
15 shall be submitted to the FHWA upon FHWA’s request.

16
17 **3. Random:** Safety sensitive employees will be randomly selected by a statistically valid method
18 assuring that each safety sensitive employee has an equal chance of being selected. Tests will be
19 conducted on an unannounced basis just before, during, and just after the performance of on-duty
20 functions. A minimum of ten (10%) percent of the safety sensitive HCDE employees, or a percentage
21 established by the FHWA, shall be tested on an annual basis for alcohol. A minimum of fifty (50%)
22 percent of the safety sensitive HCDE employees, or a percentage established by the FHWA, shall be
23 tested randomly on an annual basis for scheduled drugs.

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Legal References:

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in June	Descriptor Term: Employee Complaints	Descriptor Code: 5.500	Issued Date: 11/20/14
		Rescinds:	Revised: 07/20/23

1 The Hamilton County Board of Education believes that differences of opinion arising during the course
2 of employment should be resolved as quickly as possible and at the lowest supervisory level.

3
4 In instances of questions by an individual staff member concerning the interpretation of policies and
5 procedures impacting that staff member, administrative practices within their own school, and/or rela-
6 tionships with other employees, the staff member concerned must first consult their immediate super-
7 visor. If a satisfactory resolution cannot be reached after ample opportunity for consideration of the
8 matter, the staff member may discuss the matter with the next level of supervision up to and including
9 the Director of Schools.

10
11 In instances where the complaint is against the employee's immediate supervisor, they may take the
12 problem immediately to the Director of Schools or their designee.

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Legal References: _____

Cross References: _____

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Employee Grievances	Descriptor Code: 5.501	Issued Date: 06/18/15
		Rescinded:	Revised: 10/19/23

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2 Should any professional employee believe that a specific HCDE Board Policy has been violated, and
3 that such violation resulted in a personal loss, he may file a grievance using the following protocols.
4

5 The term “days” shall mean any day, Monday through Friday, on which schools are open during the
6 normal school year. The first day to be counted shall begin at 8:00 a.m. the day following the day on
7 which the time limits are based. After the last day of the normal school year, a “day” shall be any day
8 Central Office is open.
9

10 Should any employee feel that a Tennessee or Federal Law has been violated, or that they have been
11 harassed, sexually harassed, or discriminated against in any way, please refer to Board Policy 5.502 for
12 reporting procedures.
13

14 The following procedures do not apply to evaluation grievances. Please see Board Policy 5.504.
15

16 **PROCEDURES**

17
18 An employee who has a grievance will first meet with and discuss the issue with his immediate
19 supervisor, in an attempt to resolve the matter informally.
20

21 **A. Informal Level - Immediately-involved supervisor**

22
23 The parties hereto acknowledge that it is most desirable for a professional employee and the supervisor
24 immediately-involved to resolve problems through free and informal communications. A professional
25 employee must ask for an informal grievance meeting with the immediately involved supervisor within
26 ten (10) days from the time the professional employee knew of the incident. Meetings must be scheduled
27 within ten (10) days of the request. A professional employee who has a grievance shall meet with the
28 immediate supervisor to discuss the grievance in an attempt to resolve the matter informally. When the
29 professional employee requests such a meeting, the professional employee shall inform the immediate
30 supervisor in writing that the meeting constitutes the informal level of the grievance procedure. At the
31 conclusion of this meeting, the employee and the immediately involved supervisor will complete the
32 Informal Level Grievance Form, with the employee receiving a copy of the completed form.
33

34 **B. Formal Levels**

35 36 **Level 1- Immediately-involved supervisor’s supervisor (IISS)**

37 If the matter is not resolved to the satisfaction of the professional employee at the informal level, within
38 five (5) days of the informal discussion the grievance shall be set forth in writing to the immediately-
39 involved supervisor’s supervisor on the Grievance Form. The IISS shall arrange to meet with the grievant
40 to discuss the grievance within five (5) days of receipt of the grievance.
41

42 **Level 2- Director of Schools**

1 The professional employee, no later than five (5) days after the receipt of the IISS's decision, may appeal
2 the decision to the Director of Schools or the Director's designee. The appeal to the Director of Schools
3 must be made in writing on the Grievance Form. The Director of Schools or his/her designee shall
4 arrange for a meeting to take place with the grievant to discuss the grievance within 5 ten days of receipt
5 of the grievance.

6 7 **Level 3- School Board**

8 If the dispute is not settled at level 2, the grievance may be advanced directly to the Board of 9 Education.
9 Within ten days after the professional employee receives the written decision from Level 2, the
10 professional employee may request a review by the Board of Education. The Board shall review the case
11 at its next regularly scheduled monthly meeting provided; however, if the request for a review is not
12 received earlier than ten days before the next regularly scheduled monthly meeting, the Board of
13 Education shall review the case at its following regularly scheduled monthly meeting. The Board of
14 Education shall issue a written decision within ten days of its review, with copies to the aggrieved and
15 the Director of Schools.

16
17 All formal grievances involving employees from two or more locations will first be heard at the
18 Superintendent's level.

19 20 **GENERAL GUIDELINES FOR THE GRIEVANCE PROCEDURE**

- 21
22 A. All documents, communications, and records dealing with the processing of a grievance shall be
23 filed separately from the personnel files of the participants and, subject to Tennessee Public Records
24 Act, shall not be forwarded to any prospective employer of the grievant or alluded to in any
25 communications between the administration and the prospective employer.
- 26 B. A grievance may be withdrawn at any level without establishing precedent.
- 27 C. Failure at any step of this procedure to communicate the decision on a grievance within the specified
28 time limits shall permit the grievant to proceed to the next level. Failure at any level of this procedure
29 to appeal a grievance to the next level within the specified time limits shall result in the grievance
30 being considered void.
- 31 D. A grievance, to be considered under this procedure, must be properly initiated by the employee
32 within ten (10) days from the time the employee knew of the incident which caused the grievance.
- 33 E. The time limits prescribed in this procedure may be extended by written mutual consent.
- 34 F. Upon request, a professional employee is entitled to have the assistance of another professional
35 employee or an organization at all formal grievance levels.
- 36 G. Notices of hearing dates, acknowledgments of the date of receipt of grievances, and decisions
37 rendered must be in writing.
- 38 H. For all grievance levels, the use of the district's electronic mail shall be sufficient for transmission
39 of grievances, requests, decisions, and appeals. The time an email was sent shall be the point of
40 reference used for determining timeliness relative to the grievance procedure.
- 41 I. Withdrawal of a grievance at any level shall not indicate acceptance of the decision at that level.
- 42 J. It is understood that the grievant shall, during the pendency of any grievance, continue to observe all
43 assignments and applicable rules and regulations of the Board until such grievance and any effect
44 thereof have been fully determined.
- 45 K. No reprisals shall be taken by the Board or Administration against a professional employee for
46 participation in a grievance.
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Legal References:

Cross References:

Board Policy 5.600 Staff Rights and Responsibilities

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Harassment/Sexual Harassment and Discrimination	Descriptor Code: 5.502	Issued Date: 08/16/18
		Rescinded:	Revised: 08/17/23

The Hamilton County Board of Education is committed to safeguarding the rights of all students and employees within the school system to learn and work in an environment that is free from all forms of harassment and discrimination.

It shall be a violation of this policy.

- 1) for any student or employee of this school system to harass an employee, or
- 2) for any employee of this school system to harass a student or a non-employee third party (e.g., contractor, visitor, applicant), through conduct or communication in any form as defined in this policy.

This conduct is applicable during any school related activity or during any education sponsored event, whether in a building or other property being used or operated by the Hamilton County Department of Education. Persons found to have violated this policy shall be subject to penalties or discipline that the school system deems appropriate.

I. Harassment/Discrimination Defined

It is the policy of the Hamilton County Board of Education to provide a work environment free from discrimination and harassment on the basis of sex, sexual orientation, gender identity, gender expression or appearance, race, national origin, color, creed, religion, age, marital status, or disability.

Employee discrimination/harassment will not be tolerated.

II. Sexual Harassment Defined and Prohibited

- A. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or communication of a sexual nature constitute sexual harassment when:
 1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or creating an intimidating, hostile, or offensive employment environment.²
- B. Sexual harassment may include, but is not limited to:
 1. Sexual advances
 2. Verbal harassment of abuse
 3. Subtle pressure for sexual activity

- 1 4. touching of a sexual nature including inappropriate patting or pinching
- 2 5. intentional brushing against a person's body
- 3 6. demanding sexual favors accompanied by implied or overt threats concerning an individual's
- 4 employment or educational status
- 5 7. demanding sexual favors especially when accompanied by implied or overt promises of
- 6 preferential treatment with regard to an individual's employment status
- 7 8. graffiti of a sexual nature
- 8 9. displaying or distributing sexually explicit drawings, pictures, or other written materials
- 9 including making and playing sexually explicit audio/video tapes
- 10 10. sexual gestures including touching oneself sexually or talking about one's sexual activities in
- 11 front of others
- 12 11. sexual or "dirty" jokes, or
- 13 12. spreading rumors about or rating other students and/or adults as to sexual activity or
- 14 performance.
- 15

16 Any sexual harassment as defined above when perpetrated by or toward any employee of the school
17 district will be treated as sexual harassment under this policy.

18 **III. Reporting Procedures**

19
20
21 Any person who believes he or she has been the victim of harassment/sexual harassment or
22 discrimination as set forth under the terms of this policy, or any third party with knowledge or belief of
23 conduct which may constitute harassment/sexual harassment or discrimination as set forth under the
24 terms of this policy, should report the alleged acts immediately to an appropriate school system official
25 as designated by this policy. Reports shall be made to the immediate supervisor except when the
26 immediate supervisor is the offending party. If the immediate supervisor is the offending party, the report
27 may be made to the Office of the Superintendent or the Human Resource Office at 3074 Hickory Valley
28 Road, Chattanooga, TN 37421 or by calling (423) 498-7056 immediately.

29
30 An oral complaint may be submitted; however, such complaint must be transcribed in writing to ensure
31 a more complete investigation. The complaint should include the identity of the alleged victim and the
32 person accused; the location, date, time and circumstances surrounding the alleged incident; a description
33 of what happened and any other relevant information.

34
35 Submission of a complaint or report of harassment/sexual harassment or discrimination will not affect
36 the reporting individual's future employment, or work assignments.

37
38 The school system will respect the confidentiality of the complainant and the individual(s) against whom
39 the complaint is filed to the greatest extent possible, consistent with the school system's legal obligations
40 and the necessity to investigate allegations of harassment/sexual harassment or discrimination and take
41 disciplinary action when it can be established that the alleged conduct has occurred.

42
43 Because an individual's need for confidentiality must be balanced with obligations to cooperate with
44 police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough
45 investigation or to take necessary action to resolve a complaint, the identity of parties and witnesses may

1 be disclosed in appropriate circumstances to individuals with a need to know or in accordance with
2 applicable law.

4 **IV. Investigation and Recommendation**

6 By authority of the school system, the Superintendent or his/her designee, upon receipt of a report or
7 complaint alleging harassment/sexual harassment or discrimination, shall immediately authorize an
8 investigation. This investigation shall be conducted by school system officials or by a third party
9 designated by the Board of Education. The party making the investigation shall provide a written report
10 of the status of the investigation within twenty (20) working days to the Superintendent and Deputy
11 Superintendent. The twenty (20) day period may be extended by the Superintendent or his/her designee
12 or Board of Education if the investigation warrants the extension (e.g. if more time is needed to obtain
13 or review evidence).

15 In determining whether alleged conduct constitutes harassment/sexual harassment or discrimination, the
16 school system shall consider the surrounding circumstances, the nature of the sexual advance if sexual
17 harassment is alleged, relationships between the parties involved, and the context in which the alleged
18 incidents occurred.

20 The investigation shall consist of, but not be limited to, personal interviews with the complainant, the
21 individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged
22 incident(s) or circumstances giving rise to the complaint. The investigation shall also consist of
23 employing any other methods and reviewing any documents or other items deemed pertinent by the
24 investigator.

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

30 **V. School District Action**

- 32 A. Upon receipt of a recommendation that the complaint is valid, the school system shall take such
33 action as is appropriate based on the results of the investigation.
- 34 B. The result of the investigation for each complaint filed under these procedures shall be reported
35 in writing to the complainant by the school system. The report shall document any disciplinary
36 action taken as a result of the complaint so long as reporting such disciplinary action does not
37 violate any relevant federal or state privacy laws.
- 38 C. The school system shall take such other steps as are necessary to prevent recurrence of the
39 harassment/sexual harassment or discrimination.
- 40 D. The school system shall keep the complainant informed of the status of the investigation into the
41 complaint.
- 42 E. The school system shall not enter into, or require a complainant or to enter into, a non-disclosure
43 agreement during a settlement, or as a prerequisite to settlement, for any act of sexual misconduct,
44 including, but not limited to, sexual harassment or sexual assault.¹

46 **VI. Reprisal**

1
2 There shall be no retaliation against any person who reports discrimination/harassment or participates in
3 an investigation. The school system shall discipline any individual who retaliates against any person who
4 reports alleged incidents of harassment/sexual harassment, discrimination or who retaliates against any
5 person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a
6 harassment/sexual harassment or discrimination complaint. Retaliation includes, but is not limited to,
7 any form of intimidation, reprisal, or harassment which creates a hostile environment.
8

9 **VII. Non-Harassment/Discrimination and False Accusations**

10
11 The school system recognizes that not every reported incident or advance of a sexual nature constitutes
12 harassment. Whether a particular action or incident constitutes a personal or social relationship having a
13 harassing or discriminatory effect requires a determination based on all the facts and surrounding
14 circumstances.
15

16 False accusations of harassment/sexual harassment or discrimination can have a serious detrimental
17 effect on innocent parties. Any person who knowingly and intentionally makes a false accusation, for
18 any reason which would be contrary to the spirit and intent of this policy, shall be subject to immediate
19 and appropriate disciplinary action.
20

21 **VIII. Right to Alternative Complaint Procedures**

22
23 These procedures do not deny the right of any individual to pursue other avenues of recourse which may
24 include filing charges with the Tennessee Department of Human Rights, initiating civil action, filing a
25 complaint with the Office of Civil Rights of the United States Department of Education, or, in certain
26 instances, seeking redress under state statutes.
27

28 **IX. Employment Discipline**

29
30 Any school system action taken pursuant to this policy will be consistent with requirements of federal
31 law, Tennessee statutes, and school system policies. The school system will take such disciplinary action
32 it deems necessary and appropriate, including warning, suspension, or immediate discharge, to end
33 harassment/sexual harassment or discrimination and prevent its recurrence.
34

35 **X. Policy Distribution**

36
37 A copy of the foregoing policy and reporting procedure shall be published in the school system's policy
38 manual, shall be published by the school system, and shall be posted in a conspicuous place in each
39 school building and other HCS work sites. Current HCS employees shall be informed of this policy
40 annually. New employees shall sign a harassment/sexual harassment/discrimination acknowledgment
41 form at the time of employment.
42

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45 Legal References:

- 45 1. TCA 49-2-131(a)
- 46 2. 29 CFR 1604.11

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44 _____
45 Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Complaints About School Personnel	Descriptor Code: 5.503	Issued Date: 12/16/04
		Rescinds:	Issued:

- 1 Whenever a complaint about an employee is made to the Board as a whole or a board member as an
- 2 individual, it will be referred to the school administration for study and possible solutions. The employee
- 3 involved will be advised of the nature of the complaint and given opportunity for explanation, comment,
- 4 and presentation of the facts as he/she sees them.
- 5
- 6 If, after such procedure is followed there is still a question or complaint, the matter shall then be referred
- 7 in writing to the Board, which shall determine whether it will hear the individual or group.
- 8
- 9 Individuals or groups desiring to speak to the Board shall follow the same procedures as outlined in board
- 10 policy dealing with public participation at board meetings.
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Cross Reference:

Appeals To & Appearances Before the Board 1.404

Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Evaluation Appeals	Descriptor Code: 5.504	Issued Date: 06/18/15
		Rescinded:	Revised: 07/20/23

1) Purpose.

- a) To, in accordance with Tenn. Code Ann. 49-1-302, State Board of Education Policy 5.201, and State Board of Education Rule 05020-02-02-.18, set forth the following evaluation grievance procedure for teachers and school administrators to challenge only the accuracy of the data used in the evaluation and adherence to evaluation policies adopted by the State Board of Education.”
1. “Accuracy of the data” means only that the data identified with a particular teacher is correct.
 2. Minor procedural errors in implementing the evaluation model shall be resolved at the lowest possible step in the grievance procedure but shall not constitute grounds for challenging the final results of an evaluation. Minor procedural errors shall be defined as errors that do not materially affect or compromise the integrity of the evaluation results. The final results of an evaluation may only be challenged if the person being evaluated can demonstrate, no later than during step II of the grievance procedure, that the procedural errors made could materially affect or compromise the integrity of the evaluation results. The department of education shall provide guidance on which procedural errors may materially affect or compromise the results of the evaluation.
- b) To efficiently and fairly resolve grievances regarding procedural errors in the evaluation process, not to address disputes regarding employment actions taken based on the results of an evaluation. More significant due process rights are provided pursuant to state law to teachers when actual employment actions are taken.
- c) To ensure evaluations are fundamentally fair because correct procedures have been followed.
- d) To address grievances objectively, fairly, and expeditiously by resolving them at the lowest possible step in the procedure.
- e) To provide teachers and school administrators with a process for resolving grievances without fear, discrimination, or reprisal.

2) Responsibility.

- a) LEAs shall be responsible for the proper effectuation of this policy at the local level.
- b) Local Boards of Education shall charge Directors with the responsibility for ensuring that all teachers, school administrators are aware of the provisions of this policy, including the identification of the administrator designated to conduct Step I of this procedure.

3) Basic Standards.

- 1 a) A grievance must be filed no later than 15 [calendar] days from the end of summative
2 evaluation, otherwise it will be considered untimely and invalid.
- 3 b) The State Department of Education or LEAs may develop and make available to teachers
4 standard grievance forms. No grievance may be denied because a standard form adopted by
5 a LEA has not been used as long as the components required by this policy are included.
- 6 c) At the informal hearing before the Director of Schools, an attorney or a representative of an
7 employee may speak on behalf of the employee.
- 8 d) An attorney may represent a grievant before the local board of education, which is the final
9 step of this procedure. The grievant and the local board of education may have counsel
10 present at discussions prior to the final step.
- 11 e) Each grievance submitted at every step of the process provided below shall contain:
12
- 13 1. The teacher or school administrator's name, position, school, and additional title
14 if any;
 - 15 2. The name of the teacher or school administrator's immediate supervisor;
 - 16 3. The name of the evaluator/reviewer;
 - 17 4. The date the challenged summative evaluation was received;
 - 18 5. The evaluation period in question;
 - 19 6. The basis for the grievance;
 - 20 7. The corrective action desired by grievant; and
 - 21 8. Sufficient facts or other information to begin an investigation.
- 22
- 23 f) A failure to state the basis for the grievance shall result in the grievance being considered
24 improperly filed and invalid.
- 25 g) All student achievement data used in evaluations must be made available to individual
26 educators prior to the completion of their evaluations.
- 27

28 4) **Procedures.** Grievances shall be processed by working through the 3 steps to finality as follows:
29

30 a) **Step I**—Evaluator
31

- 32 1. Written grievance submitted to evaluator no later than 15 days from the end of the
33 summative evaluation.
 - 34 2. Administrative investigation and fact finding.
 - 35 3. Decision clearly communicated in writing to grievant within fifteen (15) days of
36 receipt of the complaint.
 - 37 4. To allow disputes to be resolved at the lowest level possible, the Evaluator may take
38 any action necessary, based on the circumstances, to immediately correct any
39 procedural errors made in the evaluation process.
- 40

41 b) **Step II**—The Director of Schools or his/her designee who shall have had no input or
42 involvement in the evaluation for which the grievance has been filed.
43

- 44 1. Written grievance and prior step decision submitted to the Director of Schools or
45 his/her designee within fifteen (15) days of receipt of decision from Step I. The
46 designee cannot be used in cases involving a school administrator's evaluation.

- 1 2. Informal discussion or hearing of facts, allegations, and testimony by appropriate
2 witnesses as soon as practical.
- 3 3. Investigation, fact finding, and written final decision communicated to grievant in
4 writing within fifteen (15) days of discussion.
- 5 4. To allow disputes to be resolved at the lowest level possible, the Director of Schools
6 may take any action necessary, based on the circumstances, to immediately correct
7 any procedural errors made in the evaluation process.
- 8

9 c) **Step III**—Local Board of Education

- 10
- 11 1. Teachers and school administrators may request a hearing before the local board of
12 education by submitting a written grievance and all relevant documentation to the
13 local board of education within fifteen (15) days of receipt of decision from Step II.
- 14 2. The board of education, based upon a review of the record, may grant, or deny.
- 15 3. a request for a full-board hearing and may affirm or overturn the decision of the
16 Director of Schools with or without a hearing before the board.
- 17 4. Any hearing granted by the board of education shall be held no later than thirty (30)
18 days after receipt of a request for a hearing.
- 19 5. The local board of education shall give written notice of the time and place of the
20 hearing to the grievant, Director of Schools and all administrators involved.
- 21 6. The local board of education's decision shall be communicated in writing to all
22 parties, no later than thirty (30) days after conclusion of the hearing.
- 23 7. The local board of education shall serve as the final step for all grievances.
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Legal References:

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Cross References:

29 Tennessee State Board of Education Policy 5.201

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Staff Rights & Responsibilities	Descriptor Code: 5.600	Issued Date: 12/18/14
		Rescinded:	Revised: 08/20/20

In fulfilling any citizenship rights and responsibilities, employees shall give proper consideration to the educational welfare of the students and ensure that no conflict exists with their actual duties.

Each staff member has the right to:

1. A work environment free from sexual, racial, ethnic and religious discrimination/harassment.¹
2. Academic freedom within the confines of state law and board policy in order to create an atmosphere of freedom in the classroom.
3. Upon request, a professional employee is entitled to have assistance of another professional employee or an organization with respect to any aspect of employment.

Each staff member has the responsibility to:

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

Use of Electronic Communications

The Hamilton County Board of Education considers an employee's use of any electronic media for the purpose of communicating with a student or a parent to be an extension of the employee's workplace

1 responsibilities. Accordingly, the Board expects employees to use professional judgment and
2 appropriate decorum when using any such media in this fashion.

3
4 In view of this expectation, the Board of Education authorizes the administration to require employees
5 to provide access to any web sites, apps, or other electronic media used by an employee for
6 communication with students or parents and to produce copies of any electronic communication with
7 students or parents, including text messages, social media exchanges, web page posts, etc. This policy
8 does not authorize any administrator to inspect any employee's personal equipment without the
9 employee's express consent.

10
11 **Use of Social Media and Social Networking Sites**

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13 When utilizing social media platforms and/or social networking sites for any purpose, educators shall
14 be mindful of their professional role within the community and exercise reasonable and appropriate
15 discretion when posting to or commenting on social media.

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Legal References:

- 43 1. 42 U.S.C.A. § 2000 E-2(a-b); TCA 49-6-8002 through 8006
44 2. TCA 49-5-201
45 3. TCA 49-5-1001 through 1007
46

Cross References:

- Curriculum Development 4.200
Controversial Issues 4.800
Religion in the Curriculum 4.804

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Workplace Violence	Descriptor Code: 5.6001	Issued Date: 12/16/04
		Rescinded:	Revised: 10/19/23

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Hamilton County Schools will promptly and thoroughly investigate all reports of threats of (or actual) violence and suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of investigations, the superintendent may suspend employees pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

In the event of a student making threats of harm to an employee, facility, student(s), or threats of mass violence, the principal or his/her designee shall complete a threat assessment on the incident that is documented in PowerSchool. The Student Safety Department will be notified for review and depending on the determined threat level, law enforcement may be notified to investigate.

Hamilton County Schools encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Office before the situation escalates into potential violence. Hamilton County Schools is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

Legal References:
1. TCA § 49-6-2701

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Conflict of Interest	Descriptor Code: 5.601	Issued Date: 12/16/04
		Rescinds:	Issued: 04/20/23

ADMINISTRATIVE PERSONNEL

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

It shall be a misdemeanor for the director of schools to take any other contract under the Board, to perform any other service for additional compensation, to act as principal or teacher in any school, or to become the owner of a school warrant other than that allowed for his/her service as director of schools or as secretary to the Board. A director who violates this shall be dismissed from the director's position.²

PROFESSIONAL AND SUPPORT PERSONNEL

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

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

Legal References:

1. TCA 49-6-200
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

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Conflict of Interest	Descriptor Code: 5.601	Issued Date: 12/16/04
		Rescinds:	Issued: 04/20/23

ADMINISTRATIVE PERSONNEL

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3. Employees will not engage in any type of work where the source of information concerning a customer, client, or employer originates from information obtained through the school system;
4. The Board shall make no purchase of supplies, materials, or equipment from a school system employee; and
5. Employees shall not solicit for the purpose of selling instructional supplies, equipment and reference books in a territory that includes the parents of the children of the school in which the employee is assigned.

Legal References:

1. TCA 49-6-200
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

Hamilton County Board of Education

Monitoring: Review: Annually in February	Descriptor Term: Code of Professional Conduct	Descriptor Code: 5.6011	Issued Date: 09/16/21
		Rescinded:	Revised:

The Hamilton County Board of Education acknowledges that all educators, including certified teachers, classified educational assistants, and any other employees who instructs or care for children, carry a public trust. This trust is vital since the community depends upon the school system to mold and shape its most precious asset, our children

In order to maintain this trust, educators must be held to the highest professional standards not only while at school or working with students but also in their personal lives. Accordingly, the Hamilton County Board of Education affirms the broad principles of professionalism set forth in the Tennessee Teachers' Code of Ethics and adopts these principles as standards of conduct for all educators, whether certified professionals, classified assistants, and any other employees who provide instruction to or care for students.

Without limiting the full scope of the Tennessee Teachers' Code of Ethics, the Board underscores certain specific expectations for its instructional employees.

- Employees must conduct themselves in a manner that preserves the dignity and integrity of the education process.¹ They should exercise great care in how they present themselves in the classroom, in the public, and on social media since missteps, however unintentional, impact the public's confidence in an educator's sound judgment.
- Employees must maintain a professional approach with students at all times and avoid any setting that a reasonable person would think is inappropriate or lacks transparency.²
- Employees must protect the health and safety of students.³ This duty also extends to protecting their emotional well-being.⁴ This duty necessarily requires educators to place themselves in places of trust vis à vis the student. This is a heavy responsibility.
- Employees must avoid any interaction with any student that has any sort of sexual overtones.⁵ This prohibition applies not only to the obviously inappropriate actions or relationships that could lead to criminal prosecution but also to the seemingly innocuous banter that some might minimize as joking or teasing. Because of the level of trust that must exist between an employee and a student, students may not be in a position to understand when a line has been crossed, and if they are, they are not in a position to express their concerns. Accordingly, the public demands that employees adhere to the highest ethical standard in this regard, and the Board of Education will not tolerate deviation from that standard.
- Employees must not unfairly favor, exclude, or deny any student on the basis of race; color; creed; disability; sex; national origin; marital status; political or religious beliefs, family; social or cultural background; or sexual orientation.⁶ Furthermore, since each of these issues can be important to students and their families, employees must take great care when exercising their own freedom of expression to be alert to how their views may impact a student's or parent's perception of the educator so as not to create unnecessary barriers to the education process.

- 1 • Employees must behave with appropriate sobriety and discretion.⁷ Use of illegal drugs or misuse of
- 2 legal drugs and alcohol can be devastating to anyone, and, in the case of an educator, such actions
- 3 can erode the public trust by undermining confidence in the employee’s sound judgment.
- 4 • Employees must protect confidential information of students and shall not disclose such
- 5 confidential information to anyone, including other school system employees, unless there is an
- 6 appropriate reason for disclosing it.⁸

7
 8 The director of schools shall have the Administration develop an appropriate training program for
 9 instructional employees to ensure understanding of this Code of Professional Conduct.

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39 Legal References:

- 40 1. ¹ Tenn. Code Ann. § 49-5-1004(c)(2).
- 41 2. ¹ Tenn. Code Ann. § 49-5-1003(b)(14) and (19).
- 42 3. ¹ Tenn. Code Ann. § 49-5-1003(b)(7).
- 43 4. ¹ Tenn. Code Ann. § 49-5-1003(b)(8).
- 44 5. ¹ Tenn. Code Ann. § 49-5-1003(b)(15).
- 45 6. ¹ Tenn. Code Ann. § 49-5-1003(b)(10).
- 46 7. ¹ Tenn. Code Ann. § 49-5-1003(b)(16), (17), (18), (19); § 49-5-1004(b)(9).
- 47 8. ¹ Tenn. Code Ann. § 49-5-1003(b)(12).

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in March	Descriptor Term: Time Schedules and Extra Duty	Descriptor Code: 5.602	Issued Date: 01/17/08
		Rescinded:	Revised: 03/16/23

Professional Personnel

DAILY SCHEDULES

The normal workday for professional employees shall be seven and one-half (7.5) hours. Workday shall mean the length of time a professional employee is required by the immediate supervisor to be at an assigned work location(s).¹ Professional employees will report to work 15 minutes prior to the beginning of the student day and remain 15 minutes beyond the end of the student day.

EXTRA DUTIES

Teachers may be assigned duties beyond the normal workday, provided, however, that such duties shall be distributed on an equitable basis, as determined by the principal and the faculty.

At least one (1) principal or teacher must be on the school grounds when a bus arrives and at least one (1) teacher or principal must remain after the close of the school day until all buses depart.

PLANNING TIME

An unencumbered schedule for any teacher is to provide time for planning, student and/or parent conferences, preparation for effective teaching and attention to major program improvement.²

LEAVING CLASSROOM

Teachers shall not be called from their classroom, unit or area while students are under their immediate supervision for any purpose other than an emergency concerning the teacher's immediate family or property or for purposes, as deemed by the principal, to be official school business needing immediate attention. Coverage will be provided in the event a teacher is asked to leave.

Classified Personnel³

The school system shall comply with Wage and Hour Regulations as administered by the U.S. Department of Labor. Actual hours worked are to be reported by each employee. No employee shall be at the job location unless so directed by the immediate supervisor.

WORK SCHEDULES

Supervisors shall prepare a daily work schedule for both school and non-school months. The daily

1 schedule includes the time to begin work, lunch time and ending time.

2
3 Each employee is required to work according to his/her schedule unless there is an emergency. When
4 an emergency arises, the immediate supervisor shall be notified as soon as possible.

5
6 All authorized overtime or time-on-the-job-location not within the scheduled time must be approved
7 by the immediate supervisor before the overtime occurs.

8 9 **TIME RECORDS REQUIRED**

10 Each employee covered by the Wage and Hour Law shall keep a time record of *actual hours worked*.

11
12
13 At the end of each reporting period, employees shall turn in time records to their immediate
14 supervisor for approval. All-time records will be forwarded to the payroll office for calculations.

15 16 **LUNCH PERIODS**

17
18 All employees covered by the Wage and Hour Law have at least a thirty (30) minutes lunch period.
19 During this scheduled lunch period, the employee shall be relieved of all duties of any nature.

20 21 **EMPLOYEES NOT COVERED BY WAGE AND HOUR LAW**

22
23 All employees are covered by the Wage and Hour Law except:

- 24 • Students who work an hour or less per day;
- 25 • Volunteer workers other than regular employees; and
- 26 • Those set forth in the Fair Labor Standards Act as executives, administrative employees
27 and professional (to include all certified personnel).

38 Legal References:

- 39 1. TRR/MS 0520-1-3-.03(1)
- 40 2. TRR/MS 0520-1-3-.03(4)
- 41 3. TCA 5-23-101;104

38 Cross References:

- 39 School Day 1.801
- 40 Curriculum Development 4.200
- 41 Reporting Student Progress 4.601
- 42 In-Service & Staff Development Activities 5.113
- 43 Supervision of Students 6.408

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Overtime Pay of Non-Exempt Classified Personnel	Descriptor Code: 5.604	Issued Date: 1/17/08
		Rescinds:	Issued: 04/20/23

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

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

7 **Compensation for Unscheduled Hours**

- 8
- 9 1. Hours worked over the scheduled hours must be approved by the immediate supervisor.
- 10 2. All payment for overtime shall be processed through the payroll office.
- 11

12 **Payroll Provisions**

- 13
- 14 1. Time and one-half (1 1/2) shall be paid for all hours physically worked in excess of forty (40)
15 in a week.
- 16 2. An authorization for overtime payment must be submitted by the immediate supervisor.
- 17 3. Payment for overtime will be included in the paycheck for the period in which it was earned.
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21 **Overtime Provision for Maintenance Employees**

- 22
- 23 1. Time and one-half (1 1/2) shall be paid for all hours physically worked in excess of eight
24 (8) hours in one day and/or forty (40) in a week.
- 25 2. Call-in pay constitutes a request to return to work either after hours or on a weekend, vacation,
26 holiday, or non-scheduled work shift. Overtime calculation for call-ins will be paid at time and
27 one-half (1 ½). The hours will be calculated from the time the employee leaves his home and
28 reports to the site location and the time for which the employee returns home.
- 29 3. When work is required on a Saturday or Sunday, employees will be paid time and one-half
30 (1 ½) for hours physically worked.
- 31 4. When work is required on HCDE designated Holiday, employees will be paid double-time
32 (2x regular rate) for hours physically worked.
- 33 5. For attendance at designated Board meetings, the employee will be paid at time and one-half (1
34 ½) for a minimum of four (4) hours.
- 35 6. An authorization for overtime payment must be submitted by the immediate supervisor.
- 36 7. Payment for overtime will be included in the paycheck for the period in which it was earned.
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Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Overtime Pay of Non-Exempt Classified Personnel	Descriptor Code: 5.604	Issued Date: 1/17/08
		Rescinds:	Issued: 04/20/23

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Discipline

1. Persons who have been assigned to work overtime, whether voluntary or mandatory, shall be expected to report to work as scheduled.
2. Failure to report shall subject an employee to disciplinary procedures as specified for any other non-appearance for a regularly scheduled work time.
3. Employees shall be released from mandatory overtime, without fear of discipline, when they can provide a reasonable excuse such as the following:
 - a. Personal family emergency;
 - b. Personal or family health maintenance;
 - c. Important family function; weddings, etc.

If there is doubt concerning the employee's sincerity in offering such an excuse, the burden of proof will rest with the employee.

Legal References:

1. TCA 5-23-101;104; Section 7(o) 29 CFR § 553.20; 21

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Staff Gifts and Solicitations	Descriptor Code: 5.605	Issued Date: 12/16/04
		Rescinds:	Issued:

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GIFTS

Employees of the Board shall not accept gifts from students unless the gifts are of token value only. Parents should be encouraged to write notes of appreciation to the teacher or administrator when they desire to show their appreciation for a job well done.

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

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

SOLICITATIONS

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

Employees will not be made responsible for the collection of any money or the distribution of any fund drive literature within the schools unless such activity has the director of schools' written approval.

Cross References:
Advertising & Distribution of Materials in Schools 1.806
Vendor Relations 2.809
Staff Conflicts of Interest 5.601
Student Solicitations/Fund-Raising 6.701
Student Gifts 6.710

Hamilton County Board of Education

Monitoring: Review: Annually in March	Descriptor Term: Staff-Community Relations	Descriptor Code: 5.606	Issued Date: 04/22/10
		Rescinded:	Revised: 08/15/19

1
2 **COMMUNITY ACTIVITIES**

3 Employees of the Hamilton County Board of Education have a right to express their views on any issue
4 or to associate with any group of their choosing. When exercising these rights, however, any employee
5 must not give the impression that his or her views or actions represent those of the Hamilton County
6 Board of Education. Whenever an employee acts in a capacity where the public would be aware of his
7 or her employment with the Hamilton County Board of Education, he or she should act appropriately
8 and professionally.

9
10 When using social media sites employees must be mindful of the policies of the Hamilton County
11 Board of Education, including this policy, policies relating to student confidentiality, and policies
12 governing an employee's interaction with students.

13
14 **POLITICAL ACTIVITIES**

15
16 Employees may, on their own time, campaign for or against any candidate or referendum, but they
17 shall not use the schools, the classroom or system position for political forum nor engage in any political
18 promotion or solicitation during school hours.

19
20 Any discussions of politics in the classroom is to be handled in such a manner as to give unbiased infor-
21 mation and present all points of view. The teacher shall not impose or attempt to impose, the teacher's
22 point of view or political philosophy upon the students.

23
24 Any employee who intends to campaign for an elective public office which infringes upon a contracted
25 agreement shall present a proposed solution to the Board for consideration. The essential element to
26 be determined by the Board is whether the activities proposed by the employee are consistent with his
27 services to the school system and the best interests of education.

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Cross References:

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

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Non-School Employment	Descriptor Code: 5.607	Issued Date:
		Rescinds:	Issued:

1 **PROFESSIONAL PERSONNEL**

2
3 A given professional position may require additional hours during evenings or other times when offices
4 may be closed. Outside employment is regarded as employment for compensation which is not within
5 the duties and responsibilities of the employee's regular position with the school system.

6
7 An employee will not perform any duties related to an outside job during his/her regular working hours
8 or during the additional time that the responsibilities of the position require, nor will an employee use
9 any district facilities, equipment or materials in performing outside work.

10
11 When the periods of work are such that certain evenings, days or vacation periods are duty-free, the
12 employee may use such off-duty time for the purposes of remuneration, provided all the following
13 conditions are met:

- 14
- 15 1. The work in no way interferes with the degree of effectiveness of his/her work in the school
16 system;
 - 17 2. The work in no way reflects detrimentally upon the school system or its prestige;
 - 18 3. Such outside obligations do not prevent the individual from assuming duties required by the
19 regular position; and
 - 20 4. The individual does not receive remuneration for work which is customarily within his/her regular
21 position.¹
- 22
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25

26 **CLASSIFIED PERSONNEL**

27
28 Classified personnel shall not be prohibited from holding employment outside the school system so long
29 as such employment does not interfere with regular and overtime scheduled duties for the school system.
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36 Legal Reference:

- 37 1. TCA 49-5-410
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Hamilton County Board of Education

Monitoring: Review: Annually in March	Descriptor Term: Tutoring for Pay	Descriptor Code: 5.608	Issued Date: 12/06/04
		Rescinded:	Revised: 04/20/23

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Hamilton County teachers owe a fiduciary duty to the children assigned to them. As a part of this duty, it is expected that teachers assist struggling students in the acts of learning, through extraordinary efforts to include increased attention, modified and differentiated instructional techniques and strategies, and personalized tutoring. The district supports such efforts by providing, among other things, supplies, materials, equipment, and facilities as well as additional financial compensation in before and after school tutoring sessions to serve those with demonstrated need.

Where it has been determined that a particular child needs tutoring, that is a matter of direct and substantial interest to the district. In such cases, teachers are encouraged to assist such children through district-organized tutoring programs.

When or where such programs do not operate, teachers or other employees may enter into an agreement with parents for tutoring children for a fee, but this practice must be limited to children other than those for whom the teacher is currently exercising teaching, administrative, or supervisory responsibility. Further, parent paid private tutoring may not be conducted on school property, using school equipment, materials, and/or supplies, or in any way, compete with district-provided (free to parents) tutoring.¹

Legal References:
1. TCA 49-2-203(b)(10)(A)

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Reimbursement for Personal Property	Descriptor Code: 5.609	Issued Date: 11/20/14
		Rescinded:	Revised: 04/18/24

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The Board agrees to reimburse employees for the replacement of personal property stolen, damaged or destroyed while the employee was discharging his duties within the scope of his assignment. The Board shall provide this reimbursement only if the employee immediately informs his supervisor in writing of the loss and contacts the Risk Management Department to obtain the “Reimbursement for Personal Property” form (also available online). This form should be completed within ten (10) calendar days of the loss stating the circumstances of the loss and the estimated replacement or repair cost. No employee shall receive more than \$300.00 per fiscal year under this Section unless otherwise authorized by the Chief Financial Officer and Director of Schools or his/her designee. The reimbursement provided by the Board shall be in excess of any valid and collectible insurance in effect at the time of the loss.

Legal References:

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Interim Employees	Descriptor Code: 5.700	Issued Date:
		Rescinds:	Issued:

- 1 Vacancies occurring after the beginning of the school year for any reason will be filled as **temporary**
- 2 replacements for the remainder of the school year and will not be considered as initial employment.
- 3
- 4 Said positions will be filled at the discretion of the director of schools in such a manner as to cause the
- 5 least disruption in the educational process for students and as quickly as possible to ensure a continuous
- 6 function of the position.
- 7
- 8 Persons filling any temporary positions shall have no expectancy of continued employment under
- 9 TCA 49-5-409 or any other, but such person shall be considered for employment in filling vacancies
- 10 as specified in the section dealing with initial employment. The contract of each temporary employee
- 11 shall contain the following explicit understanding: *In filling a temporary position I have no expectancy*
- 12 *of continued employment.*
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Hamilton County Board of Education

Monitoring: Review: Annually in June	Descriptor Term: Substitute Teachers	Descriptor Code: 5.701	Issued Date: 12/16/04
		Rescinded:	Revised: 08/17/23

1
2 Substitute teachers are those teachers used to replace teachers on leave or to fill temporary vacancies.^{1,2}
3 All substitute teachers shall be employed by the Director of Schools and paid by the Board or by a third-
4 party employer through an agreement with the Board.²

5 6 APPLICATION/QUALIFICATIONS

7
8 Criminal history record checks and fingerprinting of applicants for substitute teaching are required.³

9
10 Applicants whose records with the State Department of Education indicate a license or certificate
11 currently in revoked status shall not be hired.⁴

12
13 Qualifications for substitute teachers shall be:

- 14
15 1. A completed application
- 16 2. Proper identification in accordance with the Form I-9 Acceptable Documents
- 17 3. Copy of High School Diploma or GED Certificate
- 18 4. College transcripts, if applicable
- 19 5. At least one favorable reference
- 20 6. Pass a criminal background check - All new employees are required by the State of Tennessee
21 and School Board Policy to be fingerprinted for a criminal background check, at his/her expense,
22 as a condition of employment. The fee must be paid at the time he/she is fingerprinted.

23
24 In order to be paid as a degreed substitute, a copy of college transcript showing date degree was conferred
25 or a copy of college diploma is required.

26
27 To be paid as a certified substitute, a copy of a valid Tennessee Teaching License is required.

28
29 The substitute teacher lists will be prepared by the [director of schools, personnel director, or designee.]
30 who will maintain a complete file on all substitute teachers. This file will include transcripts, credentials,
31 recommendations, and other pertinent information. A list of all approved substitutes shall be provided
32 to all building principals. **Only** those persons on the approved substitute list shall be employed to
33 substitute teach.

34 35 COMPENSATION

36
37 The compensation of substitute teachers is determined annually by the Board.

38 39 CERTIFICATION

40
41 When substituting for a regular teacher who has been absent for twenty (20) consecutive days, a
42 substitute teacher must possess a teaching certificate with endorsement in the discipline(s) to be taught.⁵

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

3
4 Retired teachers may substitute in addition to the one hundred twenty (120) days per year without loss
5 of retirement benefits,¹ if the Director of Schools certifies in writing to the State Board of Education that
6 no other qualified personnel are available to substitute teach.⁶

7
8 **EMERGENCY NEEDS**

9
10 All teacher aides, secretaries and clerks are approved substitute teachers for use in emergency situations.
11 Emergency use shall be defined as less than a full day due to the regular or substitute teacher being
12 unable to arrive on time or remain for the full day.

13
14 Such substitutes shall receive their regular salary.

15
16 **TRAINING AND ORIENTATION**

17
18 The Director of Schools or approved third party shall be responsible for providing appropriate training
19 and development programs for substitute teachers.

20
21 All substitute teachers shall be required to attend an orientation session held at the beginning of each
22 school year to provide instructions regarding reporting, pay schedules, and other pertinent information
23 and to answer questions.

24
25 Substitute teachers shall assume the same responsibilities and have the same authority as the regular
26 teacher, including bus duty and playground supervision.

27
28 **RE-EMPLOYMENT/TERMINATION**

29
30 On an annual basis, the Director of Schools, with input from the principals, shall determine which
31 substitute teachers performed at an acceptable level. Substitute teachers who performed below an
32 acceptable level shall not be re-employed.

33
34 All substitutes shall be responsible for providing correct addresses and phone numbers and for notifying
35 the principal if they wish to terminate their service as substitutes.

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38 Legal References:

- 39 1. TRR/MS 0520-1-2-.04(5)
- 40 2. TCA 49-5-709
- 41 3. TCA 49-5-413
- 42 4. TCA 49-2-203(a)
- 43 5. TCA 49-3-312(14)(B); TRR/MS 0520-1-2-.04(b)
- 44 6. TCA 8-36-805

38 _____
Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in March	Descriptor Term: Student Teachers	Descriptor Code: 5.702	Issued Date: 08/15/19
		Rescinded:	Revised: 04/20/23

1

2 Student teachers shall be accepted or refused by the principal. Cooperating/Host teachers shall be assigned
3 by the principal and should possess the following dispositions: have three (3) or more years of
4 experience, effective (be considered effective or highly effective on the evaluation model), consciously
5 competent (ability to coach, mentor, model and reflect on best practices in education), supportive and
6 confidential (maintains a high level of professionalism and has a desire to mentor pre-service teachers
7 towards success and independence) or in addition shall meet the criteria set forth by the
8 college/university making the placement request. All requests for student teacher placements must be
9 made through the Human Resources department. Universities should refrain from contacting school
10 administrators directly unless mutually agreed upon with Human Resources.

11

12 Student teachers will be expected to observe all rules and regulations established by the Board.

13

14 A student teacher shall be afforded the same protection of the laws as a certified teacher and shall
15 comply with all rules and regulations of the Board and observe all duties of teachers as set forth in state
16 statute.¹

17

18 In addition, student teachers shall be required to fulfill all normal local responsibilities, both school and
19 extracurricular, and shall familiarize themselves with the policies of the Board and the school.

20

21 The presence of the student teacher does not relieve the regular teacher of the responsibility of
22 instruction. The principal shall have the responsibility to regulate the absence of the regular teacher in
23 the classroom. The student teacher should be given an opportunity to gain a sense of total classroom
24 control with a minimum of absences of the regular teacher.

25

26 No classroom shall have more than one (1) student teacher, intern, or practicum student per semester
27 in a given subject or area. Any exception to this policy must have prior approval from the Director of
28 Schools and/or designee.

29

30 The compensation provided by the teacher training institution shall be mutually agreed to by the insti-
31 tution and the Board. Compensation, may be provided by the institution to the cooperating/host teacher.

32

33 The evaluation of a student teacher shall be based upon a joint agreement between the cooperating/host
34 teacher and the college/university supervisor.

35

36 A student teacher, intern, or practicum student may be asked to terminate his or her service upon the
37 mutual consent of the school principal, the cooperating/host teacher, and the college/university supervi-
38 sor at any time during the term.

39

1 No HCDE School should accommodate more student teachers, interns, or practicum students than
2 it can provide optimal educational experiences for during any semester.

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49 Legal Reference:

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

Hamilton County Board of Education

Monitoring: Review: Annually in March	Descriptor Term: Private Duty Nurses	Descriptor Code: 5.703	Issued Date: 01/20/22
		Rescinded:	Revised: 01/20/22

1
2 The Hamilton County Board of Education recognizes that many students have particular medical needs
3 that require attention beyond the scope of services provided by nurses in the Hamilton County Schools.
4 Many of these students require private duty nurses who operate under orders from the student's doctor.
5 In such cases, the Hamilton County Department of Education must work with the families to develop
6 appropriate plans under Section 504 that account for the work of these private duty nurses.
7

8 For purposes of this policy, a private duty nurse is a nurse employed by a student's parent or legal
9 guardian, an outside agency, or any entity other than the Hamilton County Board of Education. Private
10 duty nurses will not be considered or classified as employees or agents of the Hamilton County Board
11 of Education.
12

13 Duties of the Private Duty Nurse

14
15 The private duty nurse is responsible for all of a particular student's medical care over and above the
16 health services provided by the school nurse while the student is at school, under the care and
17 supervision of the Hamilton County Department of Education, and/or on any Hamilton County
18 Department of Education vehicles as described in the student's 504 plan. Such care provided by
19 private duty nurses includes, but is not limited to, assessment of the student's health, administration of
20 medications, completion of nursing procedures, and responding to emergency situations. The private
21 duty nurse is expected to perform all necessary and assigned duties associated with, and in furtherance
22 of the care of, the student to which he or she is assigned at all times while present at school.
23

24 The private duty nurse is responsible for handling all medical emergencies which may occur for his or
25 her client. Medical services provided by the private duty nurse for his or her client shall be as non-
26 disruptive and non-intrusive as possible.
27

28 The private duty nurse is only responsible for medical services for the student(s) for which he or she is
29 designated to be responsible. Information pertaining to the student(s) for which a particular private
30 duty nurse is responsible will be kept on file at the student's school. The private duty nurse shall not be
31 asked to provide medical services of any type to any other student, staff, or visitors.
32

33 The private duty nurse may be requested to attend IEP (individualized education plan), IHP
34 (individualized health plan), or Section 504 meetings about his or her client to provide relevant
35 medical information. Any such necessary attendance will be established prior to the meeting. Private
36 duty nurses are not responsible for the development of IEPs or Section 504 plans regarding the
37 student's health history and needs. Services provided by private duty nurses are separate from the
38 services outlined in the student's IEP, which are determined through the IEP process.
39

40 Private duty nurses are expected to abide by all Hamilton County Department of Education and
41 individual school policies and procedures, unless specifically stated otherwise in the student's IHP.
42

1 The private duty nurse shall follow the provisions set forth in any agreement established between the
2 private duty nurse's employer and the Hamilton County Department of Education.

3
4 The employer of the private duty nurse is responsible for providing all necessary training for the
5 private duty nurse. The private duty nurse shall be adequately trained to provide all care necessary to
6 the student to which he or she is assigned.

7
8 The private duty nurse and/or his or her employer are responsible for ensuring that a substitute
9 caregiver for a student is available and able to attend to the student at school in the event the private
10 duty nurse is absent. The private duty nurse and/or his or her employer will provide advance notice of
11 all such absences as well as the identity of the individual who will provide substitute care **at least 24**
12 **hours** in advance of the private duty nurse's absence when possible.

13
14 Each day that they provide care for a student attending a school in the Hamilton County School
15 System, private duty nurses will sign in at the school's front office when they enter the school and will
16 sign out when they leave.

17
18 Regulations Governing the Work of Private Duty Nurses in the Hamilton County Schools

19
20 Private duty nurses must adhere to the American Nurses Association Code of Ethics for Nurses.

21
22 The Hamilton County Department of Education does not exercise any control over the private nurse's
23 medical actions and, except in a medical emergency, will not furnish any tools, equipment or materials
24 to the private duty nurse. Teachers and any other Hamilton County Department of Education staff
25 shall not request the private duty nurse to assist with any tasks, medical or otherwise, for any students
26 other than the private duty nurse's own client.

27
28 The private duty nurse shall be allowed to access his or her client at all times.

29
30 Teachers and other Hamilton County Department of Education staff shall not share educational
31 information with any private duty nurse unless necessary for medical planning purposes for his or her
32 client or except as authorized by the parent or legal guardian. Absent any such authorization or
33 necessity for medical planning purposes, private duty nurses shall provide no input or in any way
34 interfere with, comment on, or impede the student's education and any classroom instruction. The
35 only exception shall be if any such interruption is necessary due to the student's medical care.

36
37 While present in a Hamilton County Department of Education school, a private duty nurse shall report
38 to a school administrator if he or she has any questions, concerns, or if any issues relevant to the
39 private duty nurse, his or her duties, and/or his or her student arise.

40
41 At all times while present in a Hamilton County Department of Education school, private duty nurses
42 will adhere to and abide by all rules, regulations, policies, and procedures set forth by school
43 administrators.

44
45 All private duty nurses will submit to required background checks in compliance with Hamilton
46 County Department of Education policies. The employer of each private duty nurse will ensure that

1 such background checks are conducted and will provide proof of the completion of all such
2 background checks and verification that the results would not preclude the private duty nurse from
3 employment.
4

5 Upon commencing care for a student within the Hamilton County School System, each private duty
6 nurse will complete an information sheet which will be kept on file at the school attended by the
7 private duty nurse's client and the School Health Services office. This information sheet will include
8 necessary background information on the private duty nurse including, but not limited to, contact
9 information, the private duty nurse's employer, the name of the individual who will fulfill the duties of
10 the private duty nurse in the event the private duty nurse must be absent, and the schedule of dates and
11 times during which the private duty nurse will be present at the school.
12

13 This policy and related Hamilton County Department of Education policies and procedures shall be
14 reviewed by school nurses, private duty nurses and the parents or legal guardians who employ private
15 duty nurses
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46 Legal References:

_____ Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Director of Schools	Descriptor Code: 5.800	Issued Date: 12/16/04
		Rescinds:	Issued:

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.

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6 The director of schools, at his/her discretion, may delegate any of his/her duties to other school personnel.
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Legal Reference:

- 32 1. TCA 49-2-301(a)
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Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Director of Schools Recruitment and Selection	Descriptor Code: 5.801	Issued Date: 6/14/11
		Rescinds:	Issued:

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

10
11 When a search is conducted to fill the position, the Board shall initially develop the following:³

- 12 • a job description
- 13 • a timeline
- 14 • a process for accepting and reviewing applications
- 15 • selection procedures which shall include, but not be limited to, the following:

16
17 1. The Board shall invite the community, including board employees, to participate in the
18 process of selecting a director of schools by suggesting selection criteria, participating in
19 sessions with and asking questions of the candidates and by attending board interviews with
20 the candidates. Resumes of persons interviewed by the Board shall be available in the central
21 office for public inspection.

22
23 2. The interview process for each finalist shall include meetings with various staff and
24 community groups and an interview with the entire board.

25
26 3. Candidates shall be interviewed by the Board in an open session. Only board members will
27 be allowed to ask questions during the interview.

28
29 4. Notwithstanding the provisions of this policy to the contrary, the Board reserves the right to
30 forego a formal search and selection process and, for the efficient operation of the school system,
31 to appoint a new director of schools upon fifteen (15) days public notice.

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35 Legal Reference:

- 36 1. TCA 49-2-203(a)(15)(A)
 - 37 2. TCA 49-2-203(a)(1)(D)
 - 38 3. TCA 49-2-203(a)(15)(F)
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Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Qualifications and Duties of the Director of Schools	Descriptor Code: 5.802	Issued Date: 12/16/04
		Rescinded:	Revised: 10/19/23

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2 **QUALIFICATIONS:**

- 3
4 1. A professional educator's license
5 2. A master's degree in education with preference for a doctorate degree
6 3. Three years of successful experience in school administration
7 4. Such other qualifications as the Board deems desirable

8
9 **REPORTS TO:** The Board of Education

10
11 **SUPERVISORS:** All administrative and supervisory personnel in the district

12
13 **JOB GOAL:** To provide leadership in developing and maintaining the best possible educational
14 programs and services.

15
16 **SCOPE OF RESPONSIBILITY:** The management responsibilities of the Director of Schools shall
17 extend to all activities of the district, to all phases of the educational program, to all aspects of the
18 financial operation, to all parts of the physical plant, and to the conduct of such other duties as may be
19 assigned by the Board. The Director of Schools may delegate these duties together with appropriate
20 authority but may not delegate nor relinquish ultimate responsibility for results or any portion of
21 accountability.

22
23 **ESSENTIAL FUNCTIONS:**

24
25 **General Administrative**

- 26
27 1. Provides leadership in identification of priorities and assures that all activities reflect those board-
28 established priorities.
29 2. Prepares and recommends short- and long-range plans for board approval and implements those
30 plans when approved.
31 3. Prepares, in conjunction with the Board Chair, agenda recommendations relative to all matters
32 requiring board action, including all facts, information, options, and reports needed to assure
33 informed decisions. Provides advice and counsel to the Board on matters before it.
34 4. Attends all regular and special meetings of the Board and keeps a complete and accurate record
35 of the proceedings of all meetings of the Board and of its official acts.
36 5. Recommends drafts of new policies or changes to the Board, anticipates potential problems,
37 recommends policies or courses of staff action.
38 6. Develops administrative procedures to implement board policy and disseminates these
39 procedures to appropriate staff.
40 7. Keeps the Board informed regarding development in other districts or at state and national levels
41 that would be helpful to the district.

- 1 8. Ensures that all local, state/federal standards for the health and safety of the students and staff
2 are maintained and that required reports are maintained.
- 3 9. Fulfills all statutory obligations and implements the education law of the State of Tennessee and
4 the rules and regulations of the State Board.¹

5 6 **Financial Management**

- 7
- 8 1. Provides direction to and supervision of school business functions. Encourages development and
9 implementation of sound business practices. Continually assesses business practices to achieve
10 efficiency.
- 11 2. Prepares annually a budget and submits it to the Board for approval. Presents approved budget
12 to the appropriate local funding body for adoption.
- 13 3. Make appropriate written reports for the Board detailing all receipts and expenditures of the
14 public-school funds and submit them to the local funding body.
- 15 4. Ensures that funds are spent prudently by providing adequate control and accounting of the
16 district's financial and physical resources.

17 18 **Personnel Administration**

- 19
- 20 1. Employs such personnel as may be necessary within the limits of budgetary provisions and
21 recommend to the Board teachers who are eligible for tenure.
- 22 2. Develops recruitment procedures to assure well-qualified applicants for professional and
23 nonprofessional positions.
- 24 3. Assigns and transfers employees as the interest of the district may dictate and reports such action
25 to the Board for information and record.
- 26 4. Holds meetings of teachers and other employees as necessary for the discussion of matters
27 concerning the welfare and improvement of the schools.
- 28 5. Communicates directly or through delegation all actions of the Board relating to personnel
29 matters to all and receives from employees' communications to be made to the Board.

30 31 **Instructional Leadership**

- 32
- 33 1. Administers as chief school executive, the development and maintenance of a positive
34 educational program designed to meet the needs of the community and to carry out the policies
35 of the Board. Ensures that a system of thorough and efficient education, as defined by state law,
36 is available to all students.
- 37 2. Recommends to the Board for its adoption all courses of study, curriculum guides and major
38 changes in tests and time schedules to be used in the schools.
- 39 3. Oversees the timely revisions of all curriculum guides and courses of study.
- 40 4. Develops guidelines and direction for monitoring the effectiveness of existing and new programs.
- 41 5. Conducts a periodic audit of the total school program and advises the Board of recommendations
42 for the educational advancement of the schools.
- 43 6. Seeks out available sources for grant funding to support programs and projects.
- 44 7. Ensures that the goals of the school system are adequately reflected in its educational program
45 and operations.
- 46

Community/Public Relations

1. Promotes community support of the schools. Interprets district programs and services, reports plans, events and activities of interest and solicits community opinions regarding school and educational issues.
2. Identifies available community resources and links to social service agencies that support education and healthy child development.
3. Develops strategies to promote parental involvement in their children's education and provides opportunities for parent-teacher interaction.
4. Maintains contact and good relations with local media. Acts as the Board's spokesperson.
5. Ensures that the district interests will be represented in meetings and activities of municipal and other governmental agencies.
6. Represents the school system and its interests in community organizations, activities, and projects.

TERMS OF EMPLOYMENT: Twelve (12) months a year. Serves in accordance with the terms of the contract between the board and the director of schools. Salary to be determined by the Board.

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

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

Legal References:
1. TCA 49-2-301

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Evaluation of the Director of Schools	Descriptor Code: 5.803	Issued Date:
		Rescinds: 5.803	Issued: 2/15/07

1 Through an annual evaluation of the director of schools,¹ the Board will strive to accomplish the following:

- 2
- 3 1. Clarify the role of the director according to a job description as agreed upon by the Board and
- 4 the director;
- 5
- 6 2. Develop harmonious working relationships between the Board and the director; and
- 7
- 8 3. Develop improvements in the administrative leadership of the school system.
- 9

10 The Board will develop, with the director, a set of performance objectives based on the needs of the

11 system. The performance of the director will be reviewed in accordance with these specified goals.

12

13 At a time agreed to by the Board and the director, the Board will meet as a body to evaluate the direc-

14 tor's performance.

15

16 The following guidelines will be used in the evaluation process:

- 17
- 18 1. The director shall submit to the Board a recommended format for the Board to use in conducting
- 19 the director's evaluation on or before April 1st of each contract year. As quickly thereafter as
- 20 is practicable, the Board shall meet with the director to discuss the proposed evaluation format,
- 21 and they shall attempt in good faith to agree on a mutually acceptable format.
- 22
- 23 2. A part of the evaluation may be a composite of the evaluation by individual board members, but
- 24 the Board, as a whole, will meet with the director to discuss the composite evaluation.
- 25
- 26 3. The evaluation shall include a discussion of strengths as well as weaknesses.
- 27
- 28 4. Both the Board and director will prepare for the evaluation; the director will conduct a self-eval-
- 29 uation and board members will document the evidence used in rating the director's
- 30 performance.
- 31
- 32 5. All documentation will be supported by objective evidence.
- 33
- 34 6. The evaluation process shall take place prior to the Board's regular July meeting of each year. A
- 35 final, written copy of the Board's evaluation shall be delivered to the director on or before Au-
- 36 gust 1st of each year of his contract. The director shall have a right to prepare a written or oral
- 37 response to the evaluation. Within 30 days of delivering the written evaluation to the director,
- 38 the Board shall meet with the director to discuss the evaluation.

39 _____
Legal Reference:

Cross Reference:

40
41 1. TRR/MS 0520-2-1-.01

Board-Director Relations 1.205

Hamilton County Board of Education

Monitoring: Review: Annually in March	Descriptor Term: Collaborative Conferencing	Descriptor Code: 5.900	Issued Date: 08/21/14
		Rescinded:	Revised: 04/20/23

PROFESSIONAL PERSONNEL- LEGAL STATUS

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

1. To manage and control public education in this school system;¹
2. To not delegate or abdicate its legal responsibilities;
3. To retain its legal status in any state, federal or private statute even with passage of the PECCA;²
4. To collaborative conference with its employees subject to the requirements and limitations set forth in the Professional Educators Collaborative Conferencing Act of 2011 (PECCA); and
5. To not be subject to the National Labor Relations Act.²

PROFESSIONAL SCOPE

The Board shall restrict the scope of professional conferences to those specific conditions of employment that are designated as mandatory topics for collaborative conferencing by the Professional Educators Collaborative Conferencing Act of 2011 (PECCA),³ which are:

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

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

WRITTEN REQUEST

Between October 1 and November 1 of any given year, 15% or more of the professional employees in a LEA must submit a written request to conduct collaborative conferencing (CC). This written request may be in the form of a signed petition, with district verification of signatures allowed.

Upon the submission of the 15%, the BOE appoints an equal number of professional employees and board members or his/her designee to serve on a special question committee.⁴

SPECIAL QUESTION COMMITTEE

1 The special question committee shall conduct a confidential poll of any professional employee in the
2 manner of and as defined by state law. ⁴

3
4 If a majority vote to conduct collaborative conferencing is secured, the board of education shall
5 appoint at least seven (7) but no more than eleven (11) persons to serve. Each professional employee’s
6 organization receiving fifteen percent (15%) or more of the vote shall select and appoint the
7 appropriate number of representatives, proportional to the same number of representatives as the
8 number of management personnel selected by the board of education. Representatives shall be
9 appointed no later than December 1.

10
11 If a majority vote to conduct collaborative conferencing is not secured, then during any subsequent
12 year, the professional employees may again seek to engage in collaborative conferencing pursuant to
13 state law. ⁴

14
15 **DIRECTOR OF SCHOOLS**

16
17 The director of schools shall serve as a member of the Board’s collaborative conference team.

18
19 The director’s duties shall be:

- 20
- 21 1. To consult with the Board on all proposals presented to the Board’s collaborative conferencing
- 22 team; and
- 23 2. To coordinate the collective efforts of the central office staff and the Board’s collaborative
- 24 conferencing team.
- 25

26
27 **PROGRESS REPORTING**

28 The Board shall report on the progress of collaborative conferencing to the extent that the best interest
29 of the public and the school district is served. Any release of information shall be made through the
30 Board’s official spokesman.

31
32 When a state of misunderstanding or misrepresentation exists, the Executive Committee of the Board
33 may authorize the release of information to the extent necessary to foster greater understanding by all
34 parties.

35
36
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41 _____
41 Legal References:

- 42 1. TCA 49-2-203(a)(2)
- 43 2. TCA 49-5-601)
- 44 3. TCA 49-5-601(4)(5)
- 45 4. TCA 49-5-605
- 46

Cross References:

Hamilton County Board of Education

6 - STUDENT

Descriptor Code	Policy Title	Revised Date
6.100	Student Goals	05/11/23
Attendance		
6.200	Attendance	05/11/23
6.201	Compulsory Attendance Ages	09/15/16
6.202	Home Schools	05/11/23
6.203	School Admissions	05/11/23
6.204	Attendance of Non-Resident Students	09/16/21
6.205	Student Assignments	05/11/23
6.209	Child Custody/Parental Access	10/17/19
6.210	Registered Sex Offenders	09/16/21
Behavior and Discipline		
6.300	Code of Behavior and Discipline	05/11/23
6.301	Rights and Responsibilities	05/11/23
6.302	Procedural Due Process	05/11/23
6.3021	Student Disciplinary Procedures	06/15/23
6.3022	Student Disciplinary Appeals	05/11/23
6.3023	Disciplinary Procedures for Students Receiving Social Education	01/18/24
6.303	Interrogations and Searches	05/11/23
6.304	Student Discrimination/ Harassment/Hazing and Bullying/ Intimidation	05/11/23
6.3041	Title IX & Sexual Harassment	10/08/20
6.307	Alcohol and Drug Use	12/16/04
6.309	Zero Tolerance Offenses	08/17/23
6.310	Alternative School Program	08/17/23
6.311	Cell Phone Use	07/20/23
Student Welfare		
6.401	Student Health Services	06/15/23
6.402	Wellness	05/11/23
6.403	Student Communicable Diseases	06/15/23
6.404	Student Surveys, Analyses, and Evaluations Supervision of Students	08/17/23
6.408	Child Abuse and Neglect	06/19/14
6.409	Emergency Allergy Response Plan	06/15/23
6.412	Prevention and Treatment of Sports Related Concussions	09/16/21
6.413		04/20/17
6.415	Student Suicide Prevention	05/11/23
Individual Needs Students		
6.500	Special Education Students	11/9/23
6.501	Educational Equality	03/18/21
6.502	Foreign Exchange Students	05/11/23
6.503	Homeless Students	05/11/23

6.504	Migrant Students	11/9/23
6.505	Students in Foster Care	05/11/23
6.506	Homebound Instruction Program Guidelines	09/16/21

Student Records

6.600	Student Records	06/15/23
6.601	Student Records Annual Notification of Rights	10/19/23
6.602	Students Records Inspections & Correction Procedure	10/19/23

Student Activities

6.701	Student Solicitations/Fundraising Activities	06/15/23
6.702	Student Clubs and Organizations	06/15/23

Hamilton County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Goals	Descriptor Code: 6.100	Issued Date: 12/16/04
		Rescinds:	Issued: 05/11/23

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

- 3
- 4 1. To assure all students the same educational opportunities regardless of race, color, creed, religion,
5 ethnic origin, sex, disabilities, community they live in, the school they attend, or
6 social, economic, or demographic factors of their household.¹
- 7 2. To protect and observe the legal rights of students;
- 8
- 9 3. To promote a learning environment which provides opportunities for all students without regard
10 to race, creed, ethnic origin, sex or disabilities;
- 11
- 12 4. To enhance the self-image of each student by helping him/her feel respected and valued through
13 a learning environment which provides positive encouragement;
- 14
- 15 5. To provide an environment in which students can learn personal and civic responsibility for their
16 actions through meaningful experiences as school citizens;
- 17
- 18 6. To deal with students in matters of discipline in a fair and constructive manner;
- 19
- 20 7. To provide for the safety, health, and welfare of students; and
- 21
- 22 8. To promote faithful attendance and diligent effort.
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37 _____
Legal Reference:

38 1. 20 U.S.C. § 1703; TCA 49-6-3109

36
37 _____
Cross References:

38 School District Goals 1.700
39 Instructional Goals 4.100
40 Discrimination/Harassment 6.304
41

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Attendance	Descriptor Code: 6.200	Issued Date: 08/02/18
		Rescinded:	Revised: 05/11/23

STATEMENT

The Hamilton County Board of Education believes in the establishment of a tradition of regular school attendance for each student. This establishes the first step toward a successful academic career culminating in a high school diploma and this is an essential concept to learn for the job market.

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

RECORDING

The Hamilton County Department of Education has a state approved system for maintaining attendance records for each student enrolled in the district.

It shall be the duty of the principal or teacher of all public and non-public schools to report promptly to the director of schools or his/her designated representative, the names of all children who have withdrawn from school or who have been absent three (3) three. (This means a total of (3) three days during the school year and not necessarily (3) three consecutive days.)

The director of schools or designee shall oversee the entire attendance program, which shall include The Attendance Supervisor shall oversee the entire attendance program, which shall include: ¹

1. All accounting and reporting procedures and their dissemination;
2. Providing documentation of enrollment status upon request for students applying for new or reinstatement of driver's permit or license; and
3. Notifying the Department of Safety whenever a student with a driver's permit or license withdraws from school.
4. Report all children who have been absent for five days without an adequate excuse and have failed to show improved attendance with support through the *Tiered Attendance Interventions* to the Juvenile Judge.

The principal or designee shall be responsible for ensuring that:

1. Attendance is checked and reported daily for each class;
2. Written excuses are submitted for absences and tardiness;
3. System-wide procedures for accounting and reporting are followed;
4. Notification in writing is provided to the director of schools and the parents of the student of any action taken by the school.

EXCUSED ABSENCES

Conditions for which a student's absence may be excused are:

- 1
- 2 1. **Personal Illness:** Students are excused who are sick and whose attendance would be detrimental
- 3 to their health and the health of other students. A physician's statement may be required.
- 4 2. **Death in Immediate Family:** Students may be excused for three (3) days in the event of a death
- 5 in their immediate families including mother, father, stepparent, brother, sister, or grandparent.
- 6 Extenuating circumstances may require a longer period of excused absence.
- 7 3. **Family Illness:** Students having an illness in the family which requires them to give temporary
- 8 help will be excused from attendance after receipt of a physician's statement concerning the
- 9 necessity of the student's assistance.
- 10 4. **Religious Holiday:** Students shall be excused on special or recognized religious holidays
- 11 regularly observed by that particular faith. Prior approval is required should these days occur
- 12 while school is in session.²
- 13 5. **Personal:** Students who are absent for a good cause such as a doctor or dental appointment which
- 14 cannot be scheduled at times other than school hours, court appearances, etc. may be excused
- 15 upon proof of appointment. Prior approval by parent or guardian and the principal or his designee
- 16 is required.
- 17 6. **Approved School Sponsored Activities:** Students shall be marked present when participating
- 18 in a school sponsored activity away from the school building.
- 19

20 All other reasons for absence, including out of school suspensions and failing to report a reason, will be
21 deemed an unexcused absence. Ten (10) consecutive or fifteen (15) total unexcused absences during any
22 semester renders a student ineligible to retain a driver's permit or license, or to obtain such if of age.

23 24 **EXPLANATION OF ABSENCES**

25
26 By law students must attend school daily. HCDE will allow parent/guardian excuses to serve as
27 documentation for three (3) personal illness days only. After three (3) parent/guardian excused personal
28 illness days, parents must provide medical services documentation for the following: personal illness,
29 family illness, or personal (as defined above). To avoid student absences being recorded as unexcused,
30 a written statement signed and dated by the parent/guardian and any medical documentation should be
31 presented to the appropriate school official within five (5) days of the student returning to school.

32 33 **HABITUAL TRUANCY**

34
35 Truancy is defined as an absence for an entire school day, a major portion of the school day or the major
36 portion of any class or activity during the school day for which the student is scheduled. A student who
37 accumulates three (3) three days of unexcused absences may be deemed habitually truant.⁷

38
39 The principal must report the names of all students who have withdrawn from school or who have
40 accumulated three (3) days of unexcused absences to director of schools or designee. Upon a student's
41 accumulation of three (3) days of unexcused absences, the principal or designee will serve written notice
42 that the child's attendance at school is required by law to the parent, guardian, or other person having
43 control of a child subject to compulsory attendance.⁷

44
45 Ten (10) consecutive or fifteen (15) total unexcused absences during any semester renders a student
46 ineligible to retain a driver's permit or license, or to obtain such if of age. The principal shall be

1 responsible for notifying, in writing, the director of schools and the parents of the student of any action
2 taken by the school.

3
4 District personnel will intervene to address habitual truancy using a Tiered Attendance Intervention
5 support structure for students and their families, as detailed below.

6
7 A student who is absent five (5) days without adequate excuse shall be reported to the Director of
8 Schools/designee who will, in turn, provide written notice to the parent(s)/guardian(s) of the student's
9 absence. If a parent/guardian does not provide documentation within adequate time excusing those
10 absences or request an attendance hearing, then the Director of Schools shall implement the progressive
11 truancy plan described below prior to referral to juvenile court.

12 *Progressive Truancy Plan*³

13 Tier One

14
15 Tier One of the Progressive Truancy Plan shall apply to all students within the district and include
16 schoolwide prevention-oriented supports to assist with satisfactory attendance. These supports shall
17 include, but are not limited to:

- 18 1. Parents and students will be notified of attendance expectations and the Truancy Plan in the
19 Student Handbook;
- 20 2. At three (3) unexcused absences, parents and students will be made aware of the number of
21 absences and that five (5) unexcused absences will begin Tier Two.

22 Tier Two

23
24 Tier Two of the progressive truancy plan shall apply to students who have accumulated five (5)
25 unexcused absences and shall be implemented after the accumulation of five (5) unexcused absences
26 but before referral to a juvenile court. Tier Two includes:

- 27 1. A conference with the student and parent, guardian, or other person having control of the
28 student;
- 29 2. A resulting attendance contract, to be signed by the student, parent/guardian, and the attendance
30 supervisor/designee. The contract shall include:
 - 31 a. A specific description of the school's attendance expectations for the student;
 - 32 b. The period for which the contract is effective; and
 - 33 c. Penalties for additional absences and alleged school offenses, including
34 additional disciplinary action and potential referral to juvenile court.
- 35 3. Regularly scheduled follow-up meetings to discuss the student's progress; and
- 36 4. A school employee shall conduct an individualized assessment detailing reasons the student has
37 been absent from school. This employee may refer the student to counseling, community-based
38 services, or other services to address the student's attendance problems.

39 Tier Three

1 Tier Three shall be implemented if the interventions under Tier Two are unsuccessful.

2
3 Tier Three may consist of one or more of the following:

- 4
- 5 1. School-based community services;
- 6 2. Participation in a school-based restorative justice program;
- 7 3. Referral to a school-based teen court; or
- 8 4. Courses outside of school hours designed to improve attendance and behavior.
- 9

10 If any tier of progressive truancy intervention is unsuccessful, and the school can document that the
11 student's parent or guardian is unwilling to cooperate with the truancy intervention requirements
12 outlined in the plan, the director of schools/designee may report the student's absences to the juvenile
13 judge without first having to implement subsequent intervention tiers, if any. ³

14 **PROCEDURAL DUE PROCESS**

15
16
17 The established policy should be reviewed periodically to ensure that procedural due process is provided.

- 18
- 19 1. Prior to its enactment, notice of the rules, regulations, and penalties are provided to students and
20 parents.
- 21 2. All students receive a written copy of the policy. Students who arrive during the school year also
22 receive the policy.
- 23 3. Policy is to be enforced by all in a fair, consistent, nondiscriminatory manner.
- 24 4. The policy provides for exceptions through an impartial hearing and appeals process.
- 25 5. Announce policy at student assemblies and parent meetings.
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42 Legal References:

- 43 1. TCA 49-6-3006
- 44 2. TCA 49-6-2904(b)(5)
- 45 3. TCA 49-6-3009

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Compulsory Attendance Ages	Descriptor Code: 6.201	Issued Date: 07/18/13
		Rescinds:	Issued: 09/15/16

General Provisions

Children between the ages of 6 and 17 years, inclusively, must attend a public or private school.¹

The compulsory attendance law, however, shall not apply to the following:²

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

A parent or guardian or legal custodian who believes that his or her six-year old child is not ready to attend school may make application to the principal of the public school that the child would attend requesting a one-semester or one-year deferral in required attendance. Any such deferral shall be reported to the director of schools by the principal. Under certain circumstances, the Board may temporarily excuse students from complying with the provisions of the compulsory attendance law.³

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

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

Five-year old children

Any child residing within the State who will be five years of age on or before August 15 and whose parent(s) or legal guardian(s) applies for admission shall be enrolled in the school designated by the Board.⁴

Adult Students

Any student presently enrolled in the Hamilton County Schools who has his or her 18th birthday during the school year will be allowed to complete the school year at that school.

The student may be allowed to continue in that school for one additional semester provided that (1) the student will be able to earn sufficient credits in order to graduate at the end of that semester; (2) in the judgment of the principal, the student has had good attendance; and (3) in the judgment of the principal, the student has not been a disciplinary problem. Any student who wishes to remain enrolled in Hamilton County Schools who does not meet these criteria may apply to attend Hamilton County High School's adult high school program.

¹ T.C.A. §49-6-3001(c)(1)

² T.C.A. §49-6-3005

³ T.C.A. §49-6-3005

⁴ T.C.A. §49-6-201(3); T.C.A. §49-6-201(8)(d); Tennessee Rules and Regulations 0520-1-3.03(10)

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Home Schools	Descriptor Code: 6.202	Issued Date: 09/19/13
		Rescinded:	Revised: 05/11/23

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

8
9 A parent wishing to conduct a home school, except as defined above, shall meet the following
10 requirements:

- 11
12 1. Provide notice to the director of schools by August 1 before the commencement of each school
13 year of the intent to conduct a home school;
- 14
15 2. Submit to the director of schools the name, number, age, grade level of children involved,
16 location of the school, curriculum to be offered, proposed hours of instruction, qualifications of
17 the parent/teacher, whether a college preparatory or general course of education will be taught
18 in grades 9-12, and a description of the courses to be taught each year;
- 19
20 3. Maintain attendance records, subject to inspection of the local director of schools;
- 21
22 4. Submit attendance records to the director of schools at the end of each school year;
- 23
24 5. Provide instruction for at least four (4) hours per day for the same number of instructional days
25 as are required by state law for public schools;
- 26
27 6. Possess a high school diploma, GED, or HiSET in order to conduct classes in grades 9-12, or
28 submit proof of State Department of Education
- 29
30 7. Cooperate in the administration to home school students of appropriate tests by the
31 Commissioner of Education, his/her designee or by a professional testing service;
- 32
33 8. Take action according to state law if home school student falls behind appropriate grade level;
- 34
35 9. Submit proof to the director of schools that the home school student has been vaccinated as
36 required by law;
- 37
38 10. Submit proof to the director of schools that other health services and examinations as require
39 by law have been received by the home school student; and
- 40
41 11. In the event of illness or inadequacy of the home school parent-teacher to teach a specific
42 subject, employ a tutor having the same qualifications as required of parent/teacher.

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

4
5 It shall be the policy of this Board that public school facilities shall be available for home school
6 instruction only when all of the following conditions exist:

- 7
- 8 1. Special needs courses are being taught which require services unavailable to the home school
9 student;
- 10
- 11 2. These services cannot be provided through any means other than the public schools;
- 12
- 13 3. Requests for services are made known by the home school parent when notice is given to the
14 Director of Schools of the intent to conduct a home school;
- 15
- 16 4. The Director of Schools investigates request and makes recommendations to the Board;
- 17
- 18 5. No overcrowding, additional expenses including providing transportation, or other special
19 situations which interfere with the normal operation of the school system shall be incurred; and
20
- 21 6. Approval by the Board on a case-by-case basis.
- 22

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

26
27 If a home school student falls more than one (1) year behind his/her appropriate grade level in his/her
28 comprehensive test score for two (2) consecutive tests, and if a certified teacher who would have
29 taught the child at his/her grade level determines through appropriate means that the student does not
30 have a learning disability, the director of schools shall require the parents to enroll the child in a public,
31 private, or church-related school.

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Legal References:

- 41 1. TCA 49-6-3050

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: School Admissions	Descriptor Code: 6.203	Issued Date: 06/20/13
		Rescinded:	Revised: 05/11/23

1
2 Any student entering school for the first time must present:

- 3
4 1. A birth certificate or officially acceptable evidence of date of birth at the time of registration;
- 5
6 2. Evidence of a current medical examination.¹ There shall be a complete medical examination of
7 every student entering school for the first time. This applies to kindergarten, first grade and other
8 students for whom there is no health record;
- 9
10 3. Evidence of state-required immunization;²
- 11
12 4. Proof of residence;
- 13
14 5. In the case of a child not living with both parents:
- 15
16 a. If the child lives with a divorced parent, a copy of the parenting plan; or
17 b. If the child lives with a custodian or guardian, a copy of an appropriate court order; or
18 c. If the child lives with an appointed caregiver, a properly executed power of attorney
19 setting forth some extreme hardship that renders the parent or guardian unable to care for
20 the child; provided that the school administration shall have the authority to inquire into
21 the validity of the hardship and the residence of the caregiver; and further provided that
22 the Superintendent of Schools or his designee shall have final authority to determine the
23 validity of any power of attorney.
- 24

25 Students will be enrolled in the name that appears on their birth certificate or certificate of birth by
26 adoption if the adoption occurs prior to student's school registration. Name changes due to marriage or
27 court order will be entered on the student's record upon receipt of appropriate documents.⁴ If the parent
28 does not have or cannot obtain a birth certificate, then the name used on the records of such student will
29 be the same as that shown on documents which are acceptable to the school principal as proof of date of
30 birth.⁵

31
32 A student may transfer into the school system at any time during the year if his/her parent(s) caregiver
33 or legal guardian moves his/her residence into the school district. Students may be disenrolled if the
34 parent/caregiver/guardian gives a false address.

35
36 Unless a student enrolls in a school of choice, e.g., magnet school, open enrollment school, or charter
37 school, the student will be assigned to the appropriate school based upon the Board of Education's zoning
38 plan and the actual residence of the student's custodial parent, caregiver, or legal guardian. If the
39 student's parents, caregiver, or guardians have joint custody or some other arrangement whereby the
40 student occupies more than one residence during the course of a month, then the student will be assigned
41 to a school based upon the residence where the student spends most of the school nights during any given
42 month. In the case of a hardship, the parent, caregiver, or guardian may appeal the assignment to the

1 Superintendent of Schools or his designee whose decision shall be final. In the case of a child who
2 spends an equal number of school nights with each parent, the parents shall designate which residence
3 shall be used for purposes of determining school assignment.
4

5 When a student enrolls in a school of choice, that student commits to attending that school for the entire
6 school year. Absent unusual circumstances, the student may not withdraw from a school of choice before
7 the end of the school year and enroll back into his or her zoned school. In the case of a hardship, the
8 parents, caregiver, or guardians may ask the Superintendent of Schools or his/her designee to waive this
9 policy. The Superintendent's decision shall be final.
10

11 Parents of students who enter school who have been judged delinquent for an offense involving
12 murder, rape, robbery, kidnapping, aggravated assault, reckless endangerment, or aggravated sexual
13 battery in Tennessee or any other state shall notify the principal in writing. Parents of students who
14 enter school who have been judged delinquent for an offense involving voluntary manslaughter,
15 criminally negligent homicide, sexual battery by an authority figure, statutory rape by an authority
16 figure, prohibited weapon, unlawful carrying or possession of a firearm, carrying weapons on school
17 property, carrying weapons on public recreational buildings and grounds. handgun possession or
18 providing handguns to juveniles in Tennessee shall notify the principal in writing. This information
19 shall be shared only with school employees who have responsibility for classroom instruction of the
20 student. Such information is otherwise confidential and shall not be released to others except as
21 required by law. The written notification shall not become a part of the student's record.⁴
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37 Legal References:

- 38 TCA 49-6-3008(b)
39 1. TRR/MS 0520-1-3-.08(2)(a)
40 2. TCA 49-6-5004(a)
41 3. TCA 49-6-5001(c)
42 4. TCA 49-6-5106

Cross References:

Student Transportation 3.400
Homeless Students 6.503
Students in Foster Care 6.505

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Attendance of Non-Resident Students	Descriptor Code: 6.204	Issued Date: 08/20/09
		Rescinded:	Revised: 09/16/21

1
2 Students residing outside of Hamilton County may attend Hamilton County schools subject to the
3 following requirements:

- 4
5 1. Non-resident students must make application to attend a Hamilton County school at least two
6 weeks prior to the first day of school. After two (2) weeks prior to the beginning of school and
7 thereafter during the remainder of the school year, students wishing to transfer into the system
8 must also have the approval of the sending system.
9
- 10 2. Any such application must be approved by the director of schools, who shall have the discretion
11 to decide whether to admit any non-resident student on a case by case basis, provided, however,
12 that he shall give specific consideration to whether space is available at the school the non-res-
13 ident student has requested.¹ If space is not available at the requested school, the director of
14 schools may offer a space at an alternate school in Hamilton County.
15
- 16 3. Non-resident students must pay a tuition fee established annually by the Board. Tuition may
17 not exceed per student, per annum, an amount equal to the amount of funds actually used for
18 school purposes by the school system per student during the preceding school year minus any
19 funds received from the state or from the student's resident system.² Students that require
20 specialized services will be assessed for said service in addition to required tuition payments.
21 Tuition may be paid in ten (10) equal installments. Failure to pay tuition for two (2)
22 consecutive months shall result in the student's loss of eligibility to attend any county school.
23
- 24 4. When accepted at a specific school, the non-resident's enrollment at that school will be guar-
25 anteed only for the upcoming school year if space is available at the school the non-resident
26 requested. During this period of time, brothers and sisters will be assured of enrollment at the
27 same school. Non-resident students must reapply each year for readmission into a Hamilton
28 County school.
29
- 30 5. Students who become residents of the school system will be refunded any unused portion of
31 the tuition on a pro-rata basis.
32
- 33 6. Non-resident students seeking a School Choice/Magnet placement will automatically be placed
34 on the waitlist. After all waitlisted residents have been placed in School Choice/Magnet seats
35 only then will non-residents on the waitlist be considered for an unfilled School Choice/Magnet
36 seat.
37
- 38 7. If an employee of the Hamilton County school system resides outside Hamilton County, the
39 children of that employee may attend Hamilton County Schools tuition-free at the school or
40 within the feeder system of the school to which that employee is assigned to work.³ In the

1 event the employee works at the central office, W. 40th Street or at the Dodds Avenue location,
2 then the employee's children may attend whichever school is the closest geographically to the
3 employee's primary place of assignment.
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Legal References:

1. TCA 49-6-3104; TCA 49-6-3105; TRR/MS 0520-1-3-.03(11)(f-i)
2. TCA 49-6-3003; TCA 49-6-403(f)
3. TCA 49-6-403(f)

Cross References:

Foreign Exchange Students 6.502

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Student Assignments	Descriptor Code: 6.205	Issued Date: 04/20/17
		Rescinded:	Revised: 05/11/23

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TO SCHOOLS

Parents who wish to have their child attend a school other than his or her assigned school may apply/be entered into the lottery for School Choice and/or magnet schools applications open by the end of November of each school year.¹

TO CLASSES

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

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

The principal shall separate an alleged victim of child sexual abuse from an alleged perpetrator if the abuse allegedly occurred while the child was under the supervision or care of the school. If available and appropriate, a child shall be reassigned if a request is made by the child's parent or custodian and the perpetrator has been: (1) substantiated by the department of children's services; (2) adjudicated by a juvenile court to have committed the child sexual abuse; or (3) criminally charged.²

Legal References:

1. TCA 49-6-3102(i)

Cross References:

Public Acts of 2015, Chapter No. 286

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Child Custody/Parental Access	Descriptor Code: 6.209	Issued Date: 12/16/04
		Rescinded:	Revised: 10/17/19

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

5
6 Parents or guardians shall have the right to receive information contained in school records concerning
7 their minor child. ¹ The Board, unless informed otherwise, assumes there are no restrictions regarding
8 the non-custodial parent's right to be kept informed of the student's progress and activities. If
9 restrictions are made relative to the rights of the non-custodial parent, the custodial parent shall be
10 requested to submit a certified copy of the court order which curtails these specific rights.

11
12 Unless there are specific court-imposed restrictions, the non-custodial parent, upon request, shall be
13 given access to all of the student's educational records including but not limited to the student's
14 cumulative file and the student's special education file, if applicable. ²

15
16 No school official shall permit a change in the physical custody of a child at school unless:

- 17
18 1. The person seeking custody of the child presents the school official with a certified
19 copy of a valid court order from a Tennessee court designating the person who has
20 custody of the child; and
21
22 2. The person seeking custody shall give the school official reasonable advance notice of
23 his/ her intent to take custody of the child at school. ³

24
25 The individual who has official custody of a child controls access of all other individuals to the child
26 at school, unless a court order specifies otherwise. A copy of all court orders, such as a restraining
27 order, which affects access to a child, shall be on file at school.

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35 _____
36 Legal References:

- 37 1. 20 U.S.C. § 1232g
38 (Family Educational Rights and Privacy Act of 1974)
39 2. TCA 49-6-902
40 3. TCA 36-6-105

35 _____
36 Cross References:

37 Student Records 6.600-604

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Registered Sex Offenders	Descriptor Code: 6.210	Issued Date: 10/14/10
		Rescinded:	Revised: 09/16/21

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The State of Tennessee has determined that perpetrators of certain sex crimes pose a continuing threat to society as a whole even after completion of their criminal sentences.¹ Recognizing that the safety and welfare of students is of paramount importance, the Hamilton County Board of Education hereby declares that, except in limited circumstances, Hamilton County schools should be off limits to registered sex offenders.

EMPLOYMENT

Notwithstanding any other Board policy, individuals listed by the State of Tennessee as registered sex offenders are ineligible for employment in any position within the Hamilton County Department of Education; provided, however, that the Superintendent shall have discretion consistent with other Board policies to hire an individual whose names has been expunged from the Sex Offender Registry only after conferring with local law enforcement or the Tennessee Bureau of Investigation.

SCHOOLS OFF LIMITS

Consistent with the State of Tennessee’s restrictions governing residency and employment, the Board of Education hereby declares that no registered sex offender may come on, about, or within 500 feet of any Hamilton County school except as otherwise provided in this policy. If a principal becomes aware that such a sex offender is on, about, or within 500 feet of school property, the principal shall direct the sex offender to leave the area immediately. The Board of Education authorizes the principal to request the assistance of the appropriate law enforcement authorities to secure the removal of any registered sex offender from the area. If a registered sex offender disregards the terms of this policy or the directives of the school principal, then the Superintendent is authorized to confer with counsel and to pursue such criminal or civil action as may be necessary to enforce compliance with this policy.

This policy shall not be construed to impose any duty upon any principal or any other employee of the Hamilton County Department of Education to review the Sex Offender Registry or to screen individuals coming on, about, or within 500 feet of school property to ascertain whether they are on the Registry. This policy shall apply only when principals are actually aware that the person in question is on the Sex Offender Registry.

The provisions of this policy prohibiting a registered sex offender from coming on, about or within 500 feet of school property shall not apply in the event that a sex offender’s name should be expunged from the Registry.

1 RIGHTS OF PARENTS ON THE SEX OFFENDER REGISTRY

2

3 In the event that a registered sex offender has a child attending the Hamilton County schools, the
4 principal of the school where the child attends shall be authorized to modify this policy's restrictions
5 to permit the parent to drop off and pick up the child from school and to come onto campus to attend
6 parent-teacher conferences where the parent has first received written permission from the principal;
7 provided, however, that the parent may not linger on or about school property before or after dropping
8 off his or her child; and further provided that the parent is prohibited from being in any part of the
9 school building except the front office.²

10

11 This policy does not impose a duty upon the principal of any school or any other employee of the
12 Hamilton County Department of Education to review the Sex Offender Registry and the school
13 system's directory information to ascertain whether a registered sex offender may have a child in
14 the Hamilton County school system. The provisions of this policy shall apply only if a principal
15 actually becomes aware that a parent of a student at the principal's school is a registered sex
16 offender.

17

18 To facilitate voluntary compliance with this policy, principals are encouraged to speak with any
19 affected parents upon learning of their status as sex offenders to communicate the restrictions of this
20 policy. At all times, the principal shall endeavor to protect the privacy of the offender's child.

21

22 In the event of a truly exceptional situation such as graduation, a parent on the Sex Offender Registry
23 may ask the Superintendent for a waiver of this policy to permit the parent on the Sex Offender
24 Registry to attend these special events. It is the intent of the Board, however, that these special
25 circumstances be truly unusual and infrequent occurrences.

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Legal References:

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¹ T.C.A. § 40-39-201 *et seq.*

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² T.C.A. § 40-39-211(d)(2)(B)

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Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Code of Behavior and Discipline	Descriptor Code: 6.300	Issued Date: 12/16/04
		Rescinded:	Revised: 05/11/23

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The director of schools shall be responsible for the overall implementation and supervision of the Board’s Code of Acceptable Behavior and Discipline and shall ensure that students at all schools are subject to a uniform and fair application of the COAB.

The principal of each school shall be responsible for implementation and administration in his/her school and shall apply the COAB uniformly and fairly to each student at the school without partiality and discrimination.

The Board delegates to the director of schools the responsibility of developing more specific codes of behavior and discipline which are appropriate for each level of school, namely, elementary, middle, and senior high. The development of each code shall involve principals and faculty members of each level of school and shall be consistent with the content of the Board’s Code.

A copy of the COAB shall be posted at each school and guidance counselors shall be supplied copies for discussion with students. The code shall be referenced in all school handbooks. All teachers, administrative staff and parents shall be provided electronic copies of the COAB.¹ A parent/guardian for the student must acknowledge that they have reviewed and understand the COAB during registration and enrollment process. In grades 6-12, students must also acknowledge the COAB, and schools are responsible for ensuring this process is complete as well as maintaining appropriate records.

Legal References:

- 1. TCA 49-6-4001, et. al.

Cross References:

Student and Employee Safe Environment Act of 1996

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Rights and Responsibilities	Descriptor Code: 6.301	Issued Date: 12/16/04
		Rescinded:	Revised: 05/11/23

1
2 The Board expects all school staff, students and parents to assume the responsibility for appropriate behaviors in
3 the school.

4
5 Each student has the right to:

- 6
- 7 1. Have the opportunity for a free education in the most appropriate learning environment;
- 8 2. Be secure in his/her person, papers and effects against unreasonable searches and seizure;
- 9 3. Expect that the school will be a safe place;
- 10 4. Have an appropriate environment conducive to learning;
- 11 5. Not be discriminated against on the basis of sex, race, color, creed, religion, national origin or
- 12 disabilities¹; and
- 13 6. Be fully informed of school rules and regulations.
- 14 7. Fair communication with teachers, administration, bus drivers, and other staff; to have a safe and
- 15 respectful relationship that will nurture their academic process.
- 16

17 Each student has the responsibility to: ²

- 18
- 19 1. Attend school daily, be prepared for class, and complete assignments to the best of their ability;
- 20 2. Be punctual and present each day of school;
- 21 3. Dress and groom in a manner that meets reasonable standards of health, cleanliness, modesty, and
- 22 safety;
- 23 4. Know and adhere to reasonable rules and regulations established by the Board;
- 24 5. Respect the human dignity and work of every other individual;
- 25 6. Refrain from libel, slanderous remarks, and obscenity in verbal and written expression;
- 26 7. Study and maintain the best possible level of academic achievement;
- 27 8. Know and obey school and bus rules and instructions given by the school principal and staff;
- 28 9. Tell school staff about any dangerous behavior or activity that occurs on or off school grounds or on the
- 29 bus if it may result in disruption to the educational setting;
- 30 10. Bring only those materials to school or onto the bus that are allowed;
- 31 11. Behave respectfully toward everyone in the school community;
- 32 12. Respect the authority of school administrators, teachers and other authorized personnel in maintaining
- 33 discipline in the school and at school-sponsored activities;
- 34 13. Refrain from behavior which would lead to physical or emotional harm or disrupts the educational
- 35 process;
- 36 14. Report when peers are carrying weapons or anything else that may be perceived as a threat. Assist in
- 37 creating a classroom environment that encourages a sense of learning and support by denouncing
- 38 offensive and demeaning behavior;
- 39 15. Accept responsibility for their actions. Students who feel they have been disciplined unfairly should
- 40 respectfully approach a staff member to discuss the situation;
- 41 16. Maintain and/or improve the school environment, preserve school and private property, and exercise
- 42 care while using school facilities;
- 43 17. Refrain from using loud voices, profanity, and/or obscene gestures, and respect the rights and safety of
- 44 others;

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- 18. Follow the law and school rules as to the possession or the use of alcohol, illegal drugs and other unauthorized substances or materials; and
- 19. Possess on school grounds only those materials which are acceptable under the law, Board policy and school rules and accept the consequences for articles stored in one's locker or vehicle.

Legal References:

- 1. 20 U.S.C. § 1703
- 2. TCA 49-6-3401

Hamilton County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Procedural Due Process	Descriptor Code: 6.302	Issued Date: 12/16/04
		Rescinds:	Issued: 05/11/23

1 Prior to the enactment of procedural due process, notice of the rules, regulations, and penalties are pro-
2 vided to students and parents. Electronic access to this policy is found on the HCS website.

3
4 Before school authorities administer disciplinary measures, reasonable inquiry shall be made to
5 determine the truth of what happened.¹ The nature of this inquiry will vary in degree with the
6 seriousness of the offense and the consequence attached thereto.²

7
8 For minor offenses where corrective measures are taken by the classroom teacher, no formal
9 procedure is required. An inquiry into the incident to ensure that the offender is accurately
10 identified, that he/she understands the nature of the offense, and that he/she knew the
11 consequences of the offense for which he is accused.

12
13 In case of severe offenses where there is a possibility of suspension, the student shall be advised of
14 the nature of his/her misconduct, questioned about it, and allowed to give an explanation.

15
16 If the principal determines that the offense is of such nature that the student's continued presence would
17 be detrimental to the school or persons within the school, he/she shall suspend the student for an
18 appropriate number of days.³

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36 Legal References:	36 Cross References:
37 1. <i>Ingraham v. Wright</i> , 430 U.S. 651 (1977)	37 Interrogations and Searches 6.303
38 2. <i>Goss v. Lopez</i> , 410 U.S. 565, (1975)	38 Discipline Procedures 6.313
39 3. TCA 49-6-3401	39 Disciplinary Hearing Authority 6.317

40
41

Hamilton County Board of Education

Monitoring: Review: Annually in May	Descriptor Term: Student Disciplinary Procedures	Descriptor Code: 6.3021	Issued Date: 01/16/20
		Rescinded:	Revised: 06/15/23

1 Any administrator may suspend any student from school, from any school-related activity on or off
2 campus, from a specific class or classes (i.e., in-school suspension), or from riding a school bus for any
3 misconduct prejudicial to good order and discipline, including, but not limited to, any misconduct
4 described more particularly in the Board's Code of Acceptable Behavior and Discipline or Zero
5 Tolerance policies, or any misconduct that violates the law.¹

6 **PROCEDURES FOR SUSPENSIONS²**

7
8
9 Unless the student's continued presence in the school, class or school-related activity presents an
10 immediate danger to the student or other persons or property, no principal shall suspend any student
11 until that student has been advised of the nature of his/her misconduct, questioned about it, and
12 allowed to give an explanation.

13
14 Upon suspension of any student, including an in-school suspension in excess of one (1) day, the
15 principal shall make an immediate attempt to contact the parent or guardian to inform him or her of the
16 suspension, the reason for the suspension, and any conditions on readmission to the school. Within
17 twenty-four (24) hours, the principal shall provide this same information in writing to the Chief
18 Operations Officer (COO) or designee.

19
20 The student shall not be sent home before the end of the school day unless the parent or guardian has
21 been contacted.

22 **SUSPENSIONS IN EXCESS OF FIVE (5) DAYS:³**

23
24
25 For any suspension in excess of five (5) days, whether in-school or out-of-school, the principal shall
26 develop a behavioral intervention plan. If the student is one with a disability, the principal shall notify
27 the case manager and collaborate with the student's IEP team or Section 504 committee.

28 **SUSPENSIONS IN EXCESS OF TEN (10) DAYS:⁴**

29
30
31 If at the time of the suspension the principal determines that an offense has been committed which, in
32 the judgment of the principal, would justify a suspension for more than ten (10) days, he/she may
33 suspend the student unconditionally for a specified period of time or upon such terms and conditions as
34 are deemed reasonable.

35
36 The principal shall immediately give written or actual notice to the parent or guardian and the student
37 of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed,
38 orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or
39 guardian, the student, or any person holding a teaching license who is employed by the school system

1 if requested by the student. The appeal from this decision shall be to the Disciplinary Hearing
2 Authority per Board Policy No. 6.3022.

3
4 If the suspension occurs during the last ten (10) days of any term or semester, the student shall be
5 permitted to take such final examinations or submit such required work as necessary to complete the
6 course of instruction for that semester, subject to conditions prescribed by the principal.⁵

7
8 Students found to be eligible for special education shall only be suspended in accordance with Board
9 Policy No. 6.3023 governing such suspensions.

10 **IN-SCHOOL SUSPENSIONS⁶**

11
12 For purposes of this Policy, in-school suspensions include any removal of a student from a regular
13 class or classes and assigning that student to a restricted class, night school, or some other program at
14 the same school.

15
16 Students given an in-school suspension in excess of one (1) day shall attend either special classes
17 attended only by students being disciplined for misconduct or be placed in an isolated area appropriate
18 for study.

19
20 Personnel responsible for in-school suspension will see that each student is supervised at all times and
21 has textbooks and classwork assignments from his/her regular teachers. Students given in-school
22 suspension shall be required to complete academic assignments and shall receive credit for work
23 completed.

24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 **Legal References:**

¹ T.C.A. § 49-6-3401(a) and (b)

² T.C.A. § 49-6-3401(c)

³ T.C.A. § 49-6-3401(c)(3)

⁴ T.C.A. § 49-6-3401(c)(4)

⁵ T.C.A. § 49-6-3401(d)

⁶ T.C.A. § 49-6-3401(b)

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Student Disciplinary Appeals	Descriptor Code: 6.3022	Issued Date: 10/17/19
		Rescinded:	Revised: 05/11/23

1 **DISCIPLINARY HEARING AUTHORITY¹**

2
3 A Disciplinary Hearing Authority (DHA) will conduct hearings for students who have been suspended
4 for more than ten (10) school days. The DHA will have the authority to determine accountability for
5 any disciplinary case and, subject to the provisions of T.C.A. § 49-6-3401 and Board Policy Nos. 6.300
6 and 6.301, appropriate consequences.

7 **CONSTITUTION OF THE DHA**

8
9
10 The DHA will operate under the office of the Chief of Equity Each year in July, the Board will appoint
11 up to nine (9) licensed employees to serve on the DHA. Four members of the DHA will constitute a
12 quorum for the hearing of any case.

13
14 The Chief of Equity or designee shall appoint a chair of the DHA from the members appointed
15 by the Board. The chair will be trained appropriately in the conduct of disciplinary hearings.

16
17 The chair shall schedule a hearing within forty-eight (48) hours of the timely request of a student,
18 parent, guardian, or teacher acting on the student's behalf. In no event will the hearing be scheduled
19 more than ten (10) days after the commencement of the suspension.

20
21 The chair shall assign members of the DHA to sit as the panel hearing each case. The chair is
22 responsible for having the hearing recorded or transcribed.

23 **CONDUCT OF THE HEARING**

24
25
26 During the hearing, the chair will announce on the record the purpose of the hearing, including the
27 nature of the offense, the date the offense occurred, and the date the appeal was lodged. The chair will
28 ask each member of the DHA to introduce himself/herself on the record and will then ask the
29 administrators and the student to introduce themselves as well. The chair will then describe the
30 process the DHA will observe during the course of the hearing.

31
32 The administration will set forth the basis for its belief that the student is accountable for misconduct
33 warranting a suspension in excess of ten (10) days. This explanation may consist of a summary of any
34 investigation presented by the charging administrator, or it may consist of one or more witnesses as the
35 administration deems appropriate. The DHA may ask such questions as it deems necessary to ensure a
36 clear understanding of the case. Neither the student nor his parents/guardians may cross-examine the
37 administration or the administration's witnesses.

38
39 After the administration has presented its charges and the DHA has questioned the administrators and
40 their witnesses to their satisfaction, the student may respond. The student may speak on his/her behalf

1 and may call such witnesses as are willing to speak for the student. The DHA may question the
2 student and anyone speaking on the student's behalf.

3
4 While the student may have counsel present during the hearing, counsel may not examine or cross-
5 examine any witnesses, nor may counsel advocate on behalf of the student.²

6
7 After the administration and the student have both explained their respective positions, the DHA shall
8 retire to deliberate off the record and to make a decision. The first issue for the DHA to decide is
9 whether the student engaged in the misconduct alleged. If the DHA sustains the allegation, then,
10 except in the case of a zero-tolerance offense set forth in Board Policy No. 6.309, the DHA has the
11 authority to decide the appropriate consequence within the scope set forth in Board Policy No. 6.300,
12 which provides for the student Code of Acceptable Behavior and Discipline.

13
14 Upon reaching a decision, the DHA shall reconvene on the record and shall announce one of the
15 following decisions:³

- 16 1. To affirm the decision of the school principal;
- 17 2. To order removal of the suspension unconditionally;
- 18 3. To order removal of the suspension upon such terms and conditions as it deems reasonable;
- 19 4. To remand the student to an alternative placement; or
- 20 5. To suspend the student for a specified period of time.

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26
27 The DHA shall provide the student, parent/guardian, and administration of its written decision no later
28 than five (5) days after the hearing. As part of this notice, the DHA shall explain the right of the parties
29 to appeal to the Chief of Equity, as the designee of the director of schools, and the Board. In the case
30 of a zero-tolerance offense, the notice shall indicate that the Chief of Equity has the sole discretion
31 whether to modify the statutory 365-day suspension.

32 33 34 **APPEAL TO THE CHIEF OF EQUITY OFFICE⁴**

35
36 Any student, parent/guardian, or administrator who is dissatisfied with the decision of the DHA has the
37 right to lodge an appeal with the Chief of Equity, who shall serve as the designee of the director of
38 schools. He/she shall have broad discretion to decide a student's accountability and appropriate
39 consequences. He/she shall have sole discretion to modify 365-day suspensions established by state law
40 and Board policy.

41 42 **APPEAL TO THE BOARD OF EDUCATION⁵**

43
44 If the student, parent/guardian, or administrator is dissatisfied with the decision of the Chief of Equity,
45 he/she may request the Board review the decision. As part of any such review, the Chief of Equity and
46 the chair of the DHA shall prepare the record, a summary of the proceedings and explanation of any
47 decision, and a summary of the position of the administration and the student or parent/guardian,
48 and submit these to the Board under seal.

1
2 The Board, at its next regular meeting, shall vote whether to sustain the decision of on the record, to
3 reverse or modify the decision on the record, or to grant a new hearing. The Board does not have the
4 jurisdiction to modify the consequences for a zero-tolerance offense.

5
6 If the Board votes to grant a new hearing, any such hearing shall be closed to the public unless the
7 student or parent/guardian, within five (5) days, requests that the hearing be open. Any such hearing
8 shall operate as would any DHA hearing except that, in the event of an open hearing, the Board shall
9 not retire to deliberate. At the conclusion, the Board may affirm the decision of the Chief of Equity or
10 modify the decision of the Chief of Equity, to include the imposition of a more severe consequence.

11 12 **OVERSIGHT OF THE STUDENT DISCIPLINARY PROCESS**

13
14 The Chief of Equity shall establish procedures pursuant to which all cases of discipline are overseen by his/
15 her office. These procedures will include means whereby principals report any suspension, including in-
16 school suspensions in excess of one day, to his/her office; forms whereby parents/guardians are aware
17 of their students' suspension and their rights to appeal; and a process whereby the panels of the DHA
18 are aware of similar cases within the district that might serve as precedent to ensure consistent
19 application of the Board's Code of Acceptable Behavior and other Board policies.
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42 **Legal References:**

¹ T.C.A. § 49-6-3401(c)(4) and (5)

² Newsome v. Batavia Local School District, 842 F.2d 920 (6th Cir. 1988)

³ T.C.A. § 49-6-3401(6)

⁴ T.C.A. § 49-6-3401(6)

⁵ T.C.A. § 49-6-3401(6)

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Disciplinary Procedures for Students Receiving Special Education	Descriptor Code: 6.3023	Issued Date: 05/11/23
		Rescinded:	Revised: 01/18/24

1
2 The purpose of this policy is to inform students, parents/guardians, and educators in general terms of the
3 procedures governing the discipline of students with disabilities under the Individuals with Disabilities
4 Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504). In the event of an apparent
5 conflict between this policy and the provisions of federal law, federal law shall control.
6

7 **LIMITS ON OUT OF SCHOOL SUSPENSIONS**

8
9 Administrators may suspend students with disabilities for misconduct just as they would non-disabled
10 students for up to ten (10) days during the course of any given school year.¹
11

12 Any time an administrator determines that a student with a disability should be suspended for five (5)
13 days, or if any given suspension, when added to previously imposed suspensions, exceeds the total of
14 five (5) days, the principal shall have the student's case manager convene an IEP team or Section 504
15 committee meeting as soon as practicable. The purpose of this meeting may be to obtain permission for
16 a functional behavior assessment (FBA), develop a behavioral intervention plan (BIP) and, if necessary,
17 revise the IEP or Section 504 plan. The team must consider whether the IEP or Section 504 is appropriate
18 to the student's needs and, if so, whether it is being implemented with fidelity. It is the Board's intention
19 that the school administration and the IEP team or Section 504 committee will collaborate to develop
20 appropriate interventions aimed to reduce the need for further disciplinary measures.²
21

22 For any given suspension that would exceed ten (10) days, or for any suspension that, when combined
23 with previous suspensions, would exceed a total of ten (10) days for any given school year, the school
24 principal shall immediately notify the Department of Exceptional Education (in the case of a student
25 receiving services under the IDEA) or SEAD (in the case of a student receiving services under Section
26 504) to convene a manifestation determination review (MDR). The MDR shall operate in accordance
27 with this policy and the requirements of federal law.
28

29 **MANIFESTATION DETERMINATION REVIEW³**

30
31 The MDR meeting will include a fully convened IEP team, including the parents/guardians of the student,
32 the principal or his/her designee, a representative from the Department of Exceptional Education or
33 SEAD, Psychologist, Case Manager, and such other members of the IEP team or Section 504 committee
34 as may be appropriate.
35

36 The MDR shall meet within ten (10) days of the decision to suspend the student to determine whether
37 the behavior was a manifestation of the student's disability.⁴ The MDR shall occur prior to the
38 implementation of further discipline. The MDR shall consider all relevant information, including the
39 IEP, teacher observations, and the most current evaluations of the student. The MDR shall also consider
40 any functional behavioral assessment (FBA) and behavioral intervention plan (BIP) or any student safety
41 plan. The MDR shall also consider whether the student's behavior might be a manifestation of any

1 disability or documented and suspected disability voiced by any member of the IEP team or Section 504
2 committee.

3
4 **For behavior that is a manifestation:**

5
6 If the MDR is unable to rule out a known or suspected disability as a cause of or a direct and substantial
7 factor in the student's misconduct, then the IEP team shall take appropriate steps to address the
8 educational needs of the student, including obtaining consent for and conducting a FBA (unless the MDR
9 determines that any recent FBA is adequate), the developments or the refining of a BIP, and the revision
10 of any IEP or 504 plan.

11
12 Except as set forth below, the student may not be suspended or removed from the existing educational
13 placement but must "stay put" in that placement unless the IEP team or Section 504 committee, including
14 the parents/guardians, agree that a more restrictive placement is appropriate for the implementation of
15 the BIP so that the student may receive a free appropriate public education.⁵

16
17 **For behavior that is not a manifestation:**

18
19 If the MDR can rule out a known or suspected disability as a cause or direct and substantial factor in the
20 student's misconduct, then the MDR shall adjourn. The student may be disciplined as would any student
21 without disabilities per Board Policy Nos. 6.300 and 6.3021, which provides for the student Code of
22 Acceptable Behavior and Discipline.⁶

23
24 In the case of a student receiving services under the IDEA, the case manager will coordinate to ensure
25 that the student will continue to receive any services required by the IEP during the time of his/her
26 suspension. The case manager shall convene an IEP team meeting to discuss the change of placement if
27 such a meeting is necessary to provide a free appropriate public education.

28
29 In the case of a student receiving services under Section 504, services will cease during the period of any
30 out-of-school suspension. If the student is remanded to an alternative educational setting and services
31 are required to enable the student to participate in the program, the case manager will coordinate these
32 services.

33
34 **EXCEPTIONS TO "STAY-PUT"**⁷

35
36 Irrespective of whether a student's conduct may be a manifestation of his/her disability, a student may
37 be suspended to an interim alternative educational placement for up to forty-five (45) days for:

- 38
39
- 40 • Carrying or possessing a dangerous weapon as defined in 18 U.S.C. § 930 on school property or at a
41 school function;
 - 42 • Knowingly using or possessing or selling or soliciting the sale of illegal drugs on school property or
43 at a school function; or
 - 44 • Inflicting serious bodily injury, meaning an injury with a substantial risk of death, extreme physical
pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a

1 bodily member, organ or mental faculty, while on school property or at a school function.

2
3 An interim alternative educational placement shall not automatically be forty-five (45) days but shall be
4 in conformity with consequences imposed on students without disabilities. The case manager at the
5 student's school of enrollment will coordinate with the interim alternative educational placement how to
6 provide services to any students with an IEP assigned to an interim alternative educational placement.

7 8 **APPEAL RIGHTS FOR STUDENTS WITH DISABILITIES**

9
10 Any student or parent/guardian who disputes that the student violated the Code of Acceptable Behavior,
11 Board policy, or state law; or who disagrees with the decision of the MDR that the student's behavior
12 was not a manifestation of a known or suspected disability; or who objects to the consequences imposed
13 by the administrator may request a hearing before the disciplinary hearing authority, the COO, and the
14 Board of Education pursuant to Board Policy No. 6.3022.

15
16 Alternatively, a student or parent/guardian may request a due process hearing before an administrative
17 law judge.⁸

18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 Legal References:

- 37 1. C.F.R. § 300.530(b)(1)
- 38 2. T.C.A. § 49-6-3401(c)(3)
- 39 3. 34 C.F.R. § 300.530(e)
- 40 4. 34 C.F.R. § 300.530(e)(1)
- 41 5. 34 C.F.R. § 300.530 € and (f)
- 42 6. 34 C.F.R § 300.530(d)(1)
- 43 7. 34 C.F.R. § 300.530(g)
- 44 8. 34 C.F.R. § 300.532

36 Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Interrogations and Searches	Descriptor Code: 6.303	Issued Date: 06/18/15
		Rescinded:	Revised: 05/11/23

1 2 **INTERROGATIONS BY SCHOOL PERSONNEL**

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

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

13 14 **INTERROGATIONS BY LAW ENFORCEMENT (AT ADMINISTRATOR'S REQUEST)**

15
16 If the principal has requested assistance by law enforcement to investigate a crime involving his/her
17 school, law enforcement shall have permission to interrogate a student suspect in school during school
18 hours. The principal shall first attempt to notify the parent(s)/guardian(s) or legal custodians of the
19 student of the intended interrogation, but the interrogation may proceed without attendance of the
20 parent(s)/guardian(s) or legal custodians. The principal or his/her designee shall be present during the
21 interrogation.

22
23 The use of a female officer or female staff members is desirable in the interrogation of female students.

24 25 **LAW ENFORCEMENT-INITIATED INTERROGATIONS**

26
27 If the law enforcement deems circumstances of sufficient urgency to interrogate students at school for
28 unrelated crimes committed outside of school hours, law enforcement shall first contact the principal
29 regarding the planned interrogation, inform him/her of the probable cause to investigate within the
30 school. The principal shall make reasonable effort to notify the parent(s)/guardian(s) or legal custodians
31 of the interrogation, but the interrogation may proceed without attendance of the parent(s)/guardian(s)
32 or legal custodians. The principal or his/her designee shall be present during the interrogation.

33 34 **SEARCHES BY SCHOOL PERSONNEL**

35
36 Any principal, or his/her designee, having reasonable suspicion may search any student, place or thing
37 on school property or in the actual or constructive possession of any student during any organized school
38 activity off campus, including buses, vehicles of students or visitors (*Notice shall be posted in the school*
39 *parking lot that vehicles parked on school property by students or visitors are subject to search for*
40 *drugs, drug paraphernalia or dangerous weapons*), and containers or packages if he/she receives
41 information which would cause a reasonable belief that the search will lead to the discovery of:
42

- 1 1. Evidence of any violation of the law;
- 2 2. Evidence of any violation of school rules or regulations or proper standards of student or faculty
- 3 conduct;
- 4 3. Any object or substance which, because of its presence, presents an immediate danger of harm
- 5 or illness to any person.

6
7 A student using a locker that is the property of the school system does not have the right of privacy in
8 that locker or its contents. All lockers or other storage areas provided for student use on school premises
9 remain the property of the school system and are provided for the use of students subject to inspection,
10 access for maintenance and search. *Notice shall be posted in each school that lockers and other storage*
11 *areas are school property and are subject to search.*

12
13 A student may be subject to physical search or a student's pocket, purse or other container may be re-
14 quired to be emptied because of the results of a locker search, or because of information received from
15 a teacher, staff member or other student if such action is reasonable to the principal. All of the following
16 standards of reasonableness shall be met:

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

26
27
28 A student, his/her possessions or room may be searched while the student is on a school-sponsored field
29 trip. The reason for the search must be based on reasonable information or evidence that the student has
30 violated or is violating a rule related to the trip. Students shall be advised of the above prior to the trip.

31 **USE OF METAL DETECTORS**

32
33
34 In view of the escalating presence of weapons in the schools, the Board of Education authorizes the use
35 of hand-held or walk-through metal detectors to check a student's person or personal effects as follows:
36 School officials or law enforcement officers may conduct metal detector checks of groups of individuals
37 if the checks are done in a minimally intrusive, nondiscriminatory manner (e.g., on all students in a
38 randomly selected class; or every third individual entering an athletic event). Metal detector checks of
39 groups of individuals may not be used to single out a particular individual or category of individuals.

40
41 If a school official or a law enforcement officer has reasonable suspicion to believe that a particular
42 student is in possession of an illegal or unauthorized metal-containing object or weapon, he/she may
43 conduct a metal detector check of the student's person and personal effects.

44
45 A student's failure to permit a metal detector check as provided in this policy will be considered grounds
46 for disciplinary action including possible suspension.

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

3 **SEARCHES BY LAW ENFORCEMENT**

5 If public health or safety is involved, upon request of the principal who shall be present, law enforcement
6 may make a general search of students' lockers and desks, or students' or non-students' automobiles for
7 drugs, weapons, or items of an illegal or prohibited nature.

9 If the principal has received reliable information which he/she believes to be true that evidence of a
10 crime or of stolen goods, not involving school property of members of the school staff or student body,
11 is located on school property and that any search for such evidence or goods would be unrelated to school
12 discipline or to the health and safety of a student or the student body, he/she shall request law
13 enforcement; and procedures to obtain and execute a search warrant shall thereafter be followed.

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

- 18 1. Seized and admitted as evidence in any hearing, trial, suspension, or dismissal proceeding. It
19 should be tagged for identification at the time it is seized and kept in a secure place by the
20 principal or the principal's designee until it is presented at the hearing. At the discretion of the
21 principal, the items seized may be returned to the parent or guardian of a student or, if it has no
22 significant value, the item may be destroyed, but only with the express written permission of the
23 director of schools.
- 24 2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or
25 drug as defined in TCA 49-6-4202 shall be turned over to an appropriate law enforcement official
26 after completion of an administrative proceeding at which its presence is reasonably required.

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

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

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

39 In order to facilitate a search, dogs or other animals trained to detect drugs by odor or other means may
40 be used in conducting the search. Such animals shall be used only to pinpoint areas required to be
41 searched and shall not be used to search the persons of students or visitors.

43 Legal References:

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

Cross References:

Procedural Due Process 6.302
Child Abuse and Neglect 6.409

Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term: Student Discrimination/Harassment/Hazing and Bullying/Intimidation	Descriptor Code: 6.304 Rescinded:	Issued Date: 11/15/12 Revised: 05/11/23

1
2 **HAMILTON COUNTY BOARD OF EDUCATION’S EXPECTATION OF STUDENT CONDUCT**
3

4 The Hamilton County Board of Education expects all students to treat each other with civility and respect
5 and not to engage in behavior that is disruptive or violent. Hamilton County students are expected to
6 behave in a way that does not interrupt the education of other students.
7

8 This policy addresses conduct taking place on school grounds, at any school-sponsored activity, on school-
9 provided transportation or equipment, or at any school bus stop immediately before boarding and
10 immediately following debarking. This policy also addresses any conduct taking place off school property
11 or outside of the school sponsored activity if this conduct is directed at a specific student or students and
12 has the effect of either creating a hostile educational environment or substantially disrupting the
13 educational environment or learning process.¹
14

15 **HAMILTON COUNTY BOARD OF EDUCATION’S COMMITMENT**
16

17 The Hamilton County Board of Education is fully committed to providing a safe and orderly learning
18 environment for all students in order for them to achieve academic success. This environment shall be free
19 from discrimination, harassment, intimidation, sexual harassment, hazing, bullying or cyber-19 bullying.
20

21 The Hamilton County Board of Education will not tolerate acts of discrimination, harassment, sexual
22 harassment, intimidation, hazing, bullying, or cyber-bullying toward students by other students or staff. In
23 addition, the Board of Education will not tolerate conduct aimed at defining a student in a sexual manner,
24 and or conduct impugning the character of a student based on allegations of alleged sexual promiscuity.¹²
25

26 **DISCRIMINATION AND HARRASSMENT**
27

28 It shall be a violation of this policy for any employee or any student to discriminate against or harass
29 another student on the basis of sex, gender identity, race, ethnicity, disability, or religion.² Discrimination
30 and harassment will not be tolerated.³
31

32 For purposes of this policy, discrimination and harassment include words, gestures, threats, or any other
33 conduct that is severe or pervasive and that creates a hostile environment that substantially interferes with
34 or limits a student’s ability to participate in or benefit from services, activities, or opportunities offered by a
35 school.
36

37 Examples of discrimination and harassment include any act that, alone or in combination with other acts,
38 has the effect of:
39

- 40 1. Unreasonably interfering with the student’s work or educational opportunities; or
41 2. Creating an intimidating, hostile or offensive learning environment; or

3. Implying that submission to such conduct is made an explicit or implicit term of receiving grades or credit; or
4. Implying that submission to or rejection of such conduct will be used as a basis for determining the student's grades and/or participation in a student activity; or
5. Defining a student in a sexual manner; or
6. Impugning the character of a student based on allegations of sexual promiscuity.

BULLYING, CYBER-BULLYING, AND HAZING

It shall be a violation of this policy for any student to bully or haze another student whether directly, through a third party, or through the use of electronic devices such as text messages or posts on social media sites.

For purposes of this policy, bullying, intimidation, and harassment includes any act that substantially interferes with a student's educational benefits, opportunities, or performance. If the act occurs on school grounds, on a school sponsored activity, on school sponsored transportation or at a school designated bus stop, it is bullying if it has the effect of, 1) harming a student or damaging his or her property; 2) knowingly placing a student in reasonable fear of harm to the student or to his or her property; 3) causing emotional distress to the student; or 4) creating a hostile educational environment. If the act occurs off school property or outside of any school sponsored activity, it is nevertheless bullying/intimidation/harassment if it is directed at a specific student or students and has the effect of creating a hostile educational environment or a substantial disruption to the educational environment or the learning process.⁴

Cyber-bullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets, as well as communication tools including social media sites, text messages, chat, and websites. Examples may include inappropriate text messages or emails, rumors sent by email or posted on social network sites, and embarrassing pictures, videos, websites, or fake profiles.

Hazing is any act intended or reasonably expected to endanger the physical or mental health of a student or students, or to humiliate, intimidate or demean a student or students in connection with joining or maintaining membership in any team or organization affiliated with any school or school program.⁵

PROCEDURES

Victims of or witnesses to discrimination, harassment, intimidation, bullying, cyber-bullying, or hazing shall report these incidents immediately to a teacher, counselor, building administrator, or anonymously on the Quick Tip link located on the Hamilton County Department of Education website.⁶ The willful filing of a false report will itself be considered harassment and/or bullying and will be treated as such.

Any staff member who witnesses any action that may be a violation of this policy or who receives any report of any alleged conduct that would constitute a violation of this policy must report to the principal/designee as quickly as possible, but in no event more than 24 hours after receiving the report.

1 If the principal is involved in the incident or if the adult/student is uncomfortable reporting the incident
2 to the principal/designee of the school, the following reporting options can be used:

- 3
- 4 • Title VI Coordinator, Title VI of the Civil Rights Act of 1964 (race, color, national origin) 423-
5 498-7021
- 6 • Title IX Coordinator, Title IX of the Education Act of 1972 (sex) 423-498-7221
- 7 • 504 Coordinator, Section 504 of the Rehabilitation Act of 1973 (disability) 423-498-7082
- 8

9 All allegations shall be fully investigated by a building administrator and/or school official.
10 Investigations must commence as soon as possible but in no event more than 48 hours after the report
11 unless the need for more time is appropriately documented. Investigations must be resolved within 20
12 days of the report unless the need for more time is appropriately documented.⁷ The Principal/designee
13 shall provide information on district counseling and support services. Students involved in an act of
14 discrimination, harassment, intimidation, bullying, or cyber-bullying shall be referred to the appropriate
15 school counselor by the principal/designee when deemed necessary.⁸

16
17 Every building administrator shall record complaints of discrimination, harassment, intimidation,
18 bullying, cyberbullying, and hazing and shall document how the administrator or other school officials
19 responded to each complaint and the final disposition of each complaint. Administrators may not take
20 disciplinary action based solely upon anonymous complaints.⁹

21
22 At the end of each school quarter, each building administrator shall send a report summarizing
23 complaints of discrimination, harassment, intimidation, bullying, cyber-bullying, and hazing to the
24 Director of Schools. Each building administrator is expected to be aware of trends in his or her school
25 and to investigate and respond accordingly.

26
27 Even when a complaint has not been reported anonymously, the confidentiality of all parties and
28 witnesses will be respected. However, because confidentiality must be balanced against the school
29 system's obligation to cooperate with police investigations or legal proceedings, to provide due process
30 to the accused, to conduct a thorough investigation, or to take necessary action to resolve a complaint,
31 the identity of parties and witnesses, when known by school system officials, may be disclosed in
32 appropriate circumstances to agencies and persons with a need to know.

33
34 There will be no retaliation against any person who reports harassment or participates in an investigation.
35 However, any employee who refuses to cooperate or gives false information during the course of any
36 investigation may be subject to disciplinary action. The consequences for a person who engages in
37 retaliation shall be determined by the principal/designee after consideration of the nature, severity, and
38 circumstances of the act.¹⁰

39
40 False accusations accusing another person of having committed an act prohibited under this policy are
41 prohibited. The consequences for a person found to have falsely accused another may range from positive
42 behavioral interventions up to and including expulsion.¹¹

43
44 Building administrators are responsible for educating and training their respective staff and students as
45 to the terms of this policy and the procedures for reporting discrimination, harassment, intimidation,
46 bullying, cyber-bullying, and hazing.

1 At the start of every school year, the policy should be review through the Code of Acceptable Behavior
2 Conduct with Students acknowledging having read it and/or parents indicating having explained it to
3 their child.

4 5 **CONSEQUENCES**

6
7 For students, a substantiated charge of discrimination, harassment, intimidation, bullying, cyber-
8 bullying, and hazing may result in consequences ranging from behavioral interventions to suspension or
9 expulsion.

10
11 Additionally, acts of discrimination, harassment, intimidation, bullying, cyber-bullying, and hazing may
12 also be prosecuted as criminal acts under the laws of the State of Tennessee.

13
14 The following factors will be considered in determining the consequences and appropriate remedial
15 action:

- 16
17
- 18 • The developmental level and maturity levels of the parties involved;
 - 19 • The levels of harm as determined by the student's ability to be educated in a safe and
20 orderly environment;
 - 21 • The surrounding circumstances;
 - 22 • The nature of the behavior(s)
 - 23 • Past incidences or continuing patterns of behavior;
 - 24 • The relationships between the parties involved; and
 - 25 • The context in which the alleged incidents occurred.

26 For employees, a substantiated charge shall result in disciplinary action up to and including termination.
27 Additionally, acts of discrimination, harassment, intimidation, bullying, cyber-bullying, and hazing may
28 also be prosecuted as criminal acts under the laws of the State of Tennessee.

29 30 31 32 33 Legal References:

- 34 1. TCA § 49-6-4502
- 35 2. TCA § 49-6-3109
- 36 3. TCA 49-2-2001(c)
- 37 4. Title VII
- 38 5. TCA 49-6-4502(3)
- 39 6. TCA 49-2-120(a)
- 40 7. TCA 49-6-4503(b)(5)
- 41 8. TCA 49-6-4503(b)(6)
- 42 9. TCA 49-6-4503(b)(14)
- 43 10. TCA 49-6-4503(b)(5)
- 44 11. TCA 49-6-4503(b)(9)
- 45 12. TCA 49-6-4503(b)(10)
- 46 13. TCA 49-6-4503(b)(13)

Cross References:

Davis v. Monroe County Board of Education,
No. 97-843 Board 1.404 (U.S. Sup. Ct. May 24, 1999)

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Title IX & Sexual Harassment	Descriptor Code: 6.3041	Issued Date: 10/08/20
		Rescinded:	Revised:

General

In order to maintain a safe, civil, and supportive learning environment for all students, all forms of sexual harassment and discrimination on the basis of sex are prohibited.¹ This policy shall cover employees, employees' behaviors, students, and students' behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop in accordance with federal law. This policy shall be disseminated annually to all school staff, students, and parent(s)/guardian(s).²

The Title IX Coordinator as well as any personnel chosen to facilitate the grievance process shall not have a conflict of interest against any party of the complaint.³ These individuals shall receive training as to how to promptly and equitably resolve student and employee complaints.³

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

TITLE IX COORDINATOR⁵

The Title IX Coordinator shall be responsible for the school system's Title IX obligations, including training and response to complaints. He/she shall respond promptly to all general reports and formal complaints of sexual harassment. He/she shall be kept informed by school-level personnel of all investigations and shall provide input on an ongoing basis as appropriate.

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

Title: Title IX Coordinator

Mailing address: 1161 West 40th Street Room 310

Phone number: (423) 498-7221

DEFINITIONS⁴

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

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

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

1. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;

- 1 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and
2 objectively offensive that it effectively denies a person equal access to the education program
3 or activity; or
4
- 5 3. Sexual assault,⁶ dating violence,⁷ domestic violence,⁸ or stalking⁹ as defined in state and federal
6 law.
7

8 Behaviors that constitute sexual harassment may include, but are not limited to:
9

- 10 1. Sexually suggestive remarks;
- 11 2. Verbal harassment or abuse;
- 12 3. Sexually suggestive pictures;
- 13 4. Sexually suggestive gesturing;
- 14 5. Harassing or sexually suggestive or offensive messages that are written or electronic;
- 15 6. Subtle or direct propositions for sexual favors; and
- 16 7. Touching of a sexual nature.
17

18 Sexual harassment may be directed against a particular person or persons, or a group, whether of the
19 opposite sex or the same sex.
20

21 “Supportive measures” are non-disciplinary, non-punitive, individualized services and shall be offered
22 to the complainant and the respondent, as appropriate. These measures may include, but are not limited
23 to, the following:
24

- 25 1. Counseling;
- 26 2. Course modifications;
- 27 3. Schedule changes; and
- 28 4. Increased monitoring or supervision.
29

30 The measures offered to the complainant and the respondent shall remain confidential to the extent that
31 maintaining such confidentiality would not impair the ability of the school district to provide the
32 supportive measures.
33

34 **GRIEVANCE PROCESS** 35

36 Upon learning of an instance of alleged sexual harassment, even if no formal complaint is filed, the
37 Title IX Coordinator or his/her designee shall:
38

- 39 1. Promptly contact the complainant to discuss the availability of supportive measures;
- 40 2. Consider the complainant’s wishes with respect to supportive measures;
- 41 3. Inform the complainant of the availability of supportive measures; and
- 42 4. Explain the process for filing a formal complaint.¹⁰
43

44 While the school district will respect the confidentiality of the complainant and the respondent as much
45 as possible, some information may need to be disclosed to appropriate individuals. All disclosures shall

1 be consistent with the school district's legal obligations and the necessity to investigate allegations of
2 harassment and take disciplinary action.
3

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

12 **Complaints**

13
14 Any individual who has knowledge of behaviors that may constitute a violation of this policy shall
15 immediately report such information to the Title IX Coordinator; however, nothing in this policy requires
16 a complainant to either report or file a formal complaint within a certain timeframe. If the complaint
17 involves the Title IX Coordinator, the complaint shall be filed with the Director of Schools.
18

19 If a complaint involves allegations of child abuse, including child abuse on school grounds, appropriate
20 notification shall be made per the board policy on reporting child abuse.
21

22 Upon receipt of a formal complaint, the Title IX Coordinator shall promptly.¹⁴
23

- 24 1. Provide written notice of the allegations, and the grievance process to all known parties to give
- 25 the respondent time to prepare a response before an initial interview;
- 26 2. Inform the parties of the prohibition against making false statement or knowingly submitting
- 27 false information;
- 28 3. Inform the parties that they may have an advisor of their choosing present during any
- 29 subsequent meetings;
- 30 4. Notify parents and/or guardians that they are entitled to participate; and
- 31 5. Offer supportive measures in an equitable manner to both parties.

32 The complaint must be dismissed if it does not meet the definition of harassment or occur within an
33 activity or program. If the Title IX Coordinator dismisses a complaint, written notice, including the
34 reasons for dismissal, shall be provided to both parties simultaneously.¹⁵
35

36 **Investigations**¹⁶

37
38 All investigations require a signed, written complaint. A school system administrator, designated by the
39 Title IX Coordinator, shall serve as the investigator and be responsible for investigating complaints in
40 an equitable manner that involves an objective evaluation of all relevant evidence. The burden for
41 obtaining evidence sufficient to reach a determination regarding responsibility rests on the school district
42 and not the complainant or respondent.
43

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

5
6 All investigations shall be completed within twenty (20) calendar days from the receipt of the initial
7 complaint. If the investigation is not complete within twenty (20) calendar days, the investigator shall
8 provide the Title IX Coordinator with appropriate documentation detailing the reasons why the
9 investigation has not been completed.

10
11 All investigations shall:

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

30
31
32 Within the parameters of the federal Family Educational Rights and Privacy Act,¹⁸ the Title IX
33 Coordinator shall keep the complainant and the respondent informed of the status of the investigation
34 process. At the close of the investigation, a written final report on the investigation will be delivered to
35 the parent(s)/guardian(s) of the complainant, parent(s)/guardian(s) of the respondent, and to the
36 Director of Schools.

37 38 **Determination of Responsibility**¹⁹

39
40 The respondent is presumed not responsible for the alleged conduct until a determination regarding
41 responsibility is made at the conclusion of the grievance process.²⁰ The preponderance of evidence
42 standard shall be used in making this determination.²¹

43
44 The Principal shall act as the decision-maker for student-respondents. The Human Resources Director
45 will act as the decision-maker for employee-respondents. He/she shall receive the final report of the

1 investigation and allow each party the opportunity to submit written questions that he/she wants asked
2 of any party or witness prior to the determining responsibility.
3

4 The decision-maker shall make a determination regarding responsibility and provide a written
5 determination to the parties simultaneously along with information about how to file an appeal. He/she
6 may consult with the Title IX Coordinator in drafting the written determination.
7

8 A substantiated charge against a student may result in corrective or disciplinary action up to and
9 including expulsion. A substantiated charge against an employee shall result in disciplinary action up to
10 and including termination.
11

12 After a determination of responsibility is made, the Title IX Coordinator shall work with the complainant
13 to determine if further supportive measures are necessary. The Title IX Coordinator shall also determine
14 whether any other actions are necessary to prevent reoccurrence of the harassment.
15

16 **APPEALS**²²

17

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

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

- 25 1. Assign an impartial hearing officer within five (5) days of receipt of the appeal.
 - 26 a. Appeals for cases in which the respondent is a student shall be to the Board's
27 Disciplinary Hearing Authority.
 - 28 b. Appeals for cases in which the respondent is an employee shall be to the Director of
29 Schools.
 - 30 2. Notify the parties in writing, who will be hearing the appeal, and the procedures that the
31 hearing officer(s) will be following in the appeal. This notice may refer to other Board Policies
32 that explain disciplinary procedures.
33
- 34

35 During the appeal process, the parties shall have a reasonable, equal opportunity to submit written
36 statements. Within ten (10) calendar days, the hearing officer shall issue a written decision describing
37 the result of the appeal and the rationale for the result. The written decision shall be provided
38 simultaneously to both parties.
39

40 **RETALIATION**²³

41

42 Retaliation against any person who makes a report or complaint or assists, participates, or refuses to
43 participate in any investigation of an act alleged in this policy is prohibited.
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Legal References:

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

Cross References:

- Section 504 and ADA Grievance Procedures 1.802
- Discrimination/Harassment of Employees (Sexual, Racial, Ethnic, Religious) 5.500
- Staff-Student Relations 5.610
- Code of Conduct 6.300
- Student Discrimination, Harassment, Bullying, Cyberbullying, and Intimidation 6.304
- Child Abuse and Neglect 6.409

Hamilton County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Alcohol and Drug Use	Descriptor Code: 6.307	Issued Date: 12/16/04
		Rescinds:	Issued:

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

9
 10 Through the use of state guidelines the director of schools shall be responsible for:
 11
 12 1. Developing and implementing an appropriate curriculum on alcohol and drug education for stu-
 13 dents;
 14 2. Providing adequate information and training for all staff personnel as appropriate to their respon-
 15 sibilities;
 16 3. Implementing the relevant portions of the Drug-Free Youth Act² by:
 17 a. Informing all students in grades seven (7) through twelve (12) of its provisions;
 18 b. Distributing to all such students a pamphlet describing the law;
 19 c. Including the teaching of the components of the law in the annual pre-school year in-service
 20 training for teachers and principals; and
 21 4. Developing administrative rules and guidelines for the school system to effectively respond to
 22 alcohol and drug situations that may occur at school or school-sponsored events.

23
 24 Students will not possess, distribute or be under the influence of illegal drugs or alcoholic beverages in
 25 school buildings or on school grounds, in school vehicles or buses, or at any school-sponsored activity
 26 at any time, whether on or off school grounds.

27
 28 Students will not market or distribute any substance which is represented to be or is substantially similar
 29 in color, shape, size or markings to a controlled substance in school buildings or on school grounds,
 30 in school vehicles or buses, or at any school-sponsored activity at any time, whether on or off school
 31 grounds.³

32
 33 Upon information that a student is suspected of violating this policy, the principal of the school shall
 34 be notified immediately. If it is determined that board policy has indeed been violated, the principal
 35 shall notify the student’s parent or guardian and the appropriate law enforcement officials.⁴ A student
 36 who unlawfully possesses any narcotic, stimulant, prescription drug or other controlled substance shall
 37 be subject to suspension for a period of not less than one (1) calendar year. The director of schools
 38 shall have the authority to modify this suspension requirement on a case-by-case basis. ⁵

39
 40 **Legal References:**
 41 1. TRR/MS 0520-1-3-.08(2)(d) 4. TCA 49-6-4209
 2. TCA 55-10-701 et seq. 5. TCA 49-6-4018
 3. TCA 39-17-417

Cross References:
 Drug-Free Workplace 1.804
 Suspensions 6.316

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Zero Tolerance Offenses	Descriptor Code: 6.309	Issued Date: 09/15/16
		Rescinded:	Revised: 08/17/23

1
2 In order to ensure a safe and secure learning environment, the following offenses will not be tolerated,
3 and in accordance with state law, any student in violation shall be expelled for a period of not less than
4 one (1) calendar year:

6 **WEAPONS & DANGEROUS INSTRUMENTS**

7
8 Students shall not possess, handle, transmit, use, or attempt to use any dangerous weapon in school
9 buildings or on school grounds at any time, or in school vehicles and/or buses or off the school grounds
10 at a school-sponsored activity, function, or event.¹

11
12 Dangerous weapons for the purposes of this policy shall include but are not limited to a firearm or
13 anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily
14 injury or anything that in the manner of its use or intended use is capable of causing death or serious
15 bodily injury.²

16
17 Violators of this section shall be subject to suspension and/or expulsion from school for a period of not
18 less than one (1) calendar year.

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

21
22 In accordance with state law, any student who brings or possesses a firearm on school property shall be
23 expelled for a period of not less than one (1) calendar year. The Director of Schools shall have the
24 authority to modify this expulsion requirement on a case-by-case basis.⁴

26 **DRUGS**

27
28 In accordance with state law, any student who unlawfully possesses or is under the influence of any drug
29 including any controlled substance or legend drug shall be expelled for a period of not less than one (1)
30 calendar year. The Director of Schools shall have the authority to modify this expulsion requirement on
31 a case-by-case basis.⁵

33 **ASSAULT**

34
35 In accordance with state law, any student who commits aggravated assault or commits an assault that
36 results in physical contact with any teacher, principal, administrator, any other employee of the school,
37 or school resource officer, shall be expelled for a period of not less than one (1) calendar year. The
38 Director of Schools shall have the authority to modify this expulsion requirement on a case-by-case
39 basis.

41 **THREAT BY ELECTRONIC DEVICE**

1 In accordance with state law, any student who transmits by an electronic device a credible threat to cause
2 bodily injury or death to another student or school employee and the threat causes actual disruptive
3 activity at the school shall be expelled for a period of not less than one (1) calendar year. The Director
4 of Schools shall have the authority to modify this expulsion requirement on a case-by-case basis.
5

6 **THREATS OF MASS VIOLENCE**

7
8 In accordance with state law, any student who threatens mass violence on school property or at a school-
9 related activity shall be expelled for a period of not less than one (1) calendar year. The Director of
10 Schools shall have the authority to modify this expulsion requirement on a case-by-case basis. ⁵
11

12 **NOTIFICATION**

13
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 in writing and the criminal justice or juvenile delinquency system as required
16 by law. ⁶
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40 Legal References:

- 41 1. TCA 39-17-1309
- 42 2. TCA 39-11-106(a)(5)(A)(B)
- 43 3. 18 U.S.C. 921
- 44 4. TCA 49-6-3401(g)
- 45 5. TCA 49-6-3401(g)
- 46 6. TCA 49-6-4209; TCA 39-17-1312

Cross References:

- Discipline Procedures 6.313
Suspension/Expulsion/Remand 6.316

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Alternative Education Program	Descriptor Code: 6.310	Issued Date: 09/19/19
		Rescinded:	Revised: 08/17/23

OPERATION

The Board shall operate an alternative education program for students in grades six through twelve (6-12) who have been suspended or expelled from regular school programs.¹ Alternative education programs shall be operated in accordance with state law and the Rules of the State Board of Education, and instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student's home school.²

The Director of Schools, or his/her designee, shall develop procedures that provide appropriate educational opportunities for all students assigned to an alternative education program. These educational opportunities shall utilize Tennessee's academic standards, incorporate innovative teaching strategies, deliver research-based instructional techniques, and provide the resources necessary to foster student learning and achievement.³

Annually, the Director of Schools or his/her designee shall submit the following information to the Department of Education:³

1. Alternative school(s) or program(s) currently in operation in the district;
2. Number and grade level of students served in an alternative education program;
3. Primary reason for student assignment to an alternative education program; and
4. Number of faculty and staff serving each alternative education program.

ASSIGNMENT

Students who have been suspended for more than ten (10) days or expelled shall be assigned to the alternative education program if there is a suitable program and/or staff available.⁷ The suitability of any program and/or the availability of staff shall be determined at the time the disciplinary action is rendered.

The Director of Schools, or his/her designee, is not required to assign a student, in grades 7-12, to the alternative education program if the student committed an offense of violence or threatened violence, an offense that threatened the safety of persons attending or assigned to the student's school¹², or a zero-tolerance offense.⁸ Consideration to assign these students to the alternative education program will be determined by the Director of Schools, or his/her designee, on a case-by-case basis.

Prior to the assignment of the student to an alternative school program, the Director of Schools or the DHA shall provide written notice to the student's parent/guardian stating the reason for the student's placement.⁹

If a student has an IEP, a Section 504 plan, or is suspected of having a disability, all state and federal laws, rules, and regulations related to special education shall be followed.¹⁰

1 The Director of Schools or his/her designee shall monitor and regularly evaluate the academic
2 progress of each student enrolled in an alternative education program.

4 **REMOVAL**

6 A student may be removed from the alternative education program if:

- 8 1. He/she violates the rules of the alternative education program; or
- 9 2. He/she is not benefitting from the assignment and all interventions have been exhausted
10 unsuccessfully.¹¹

12 **TRANSITION PLAN**

14 The Director of Schools or his/her designee shall develop procedures regarding the implementation of
15 transition plans for the integration of students entering and exiting the program.⁶

31 **Legal References:**

- 32 1. T.C.A. § 49-6-3402(a)
- 33 2. T.C.A. § 49-6-3402(b)
- 34 3. State Board of Education Policy 2.302
- 35 4. T.C.A. § 49-6-3401(c)(5); TCA 49-6-3401(g)(3)
- 36 5. T.C.A. § 49-6-3402(c)
- 37 6. T.C.A. § 49-6-3402(h)
- 38 7. TCA 49-6-3402(c)(1)(A)
- 39 8. TCA 49-6-3402(c)(1)(B)
- 40 9. TRR/MS 0520-01-02-.09(9)(i)
- 41 10. TRR/MS 0520-01-02-.09(9)(h)
- 42 11. TCA 49-6-3402(c)(2)(B)
- 43 12. T.C.A. 49-6-3402(c)(1)(C)(i)

Cross References:

Hamilton County Board of Education

Monitoring: Review: Quarterly in September, December, March, & June	Descriptor Term: Cell Phone Use	Descriptor Code: 6.311	Issued Date: 07/20/23
		Rescinded:	Revised:

1
2 The increase in use of cell phones and personal communication devices by students during the school
3 day has become a significant distraction in the school environment and is impeding student learning.
4 While there is considerable dependence on cell phones and personal communication devices, additional
5 guidance is needed to protect valuable time for learning and foster and maintain positive school
6 environments.

7
8 Devices are defined as cell phones, personal communication devices, and personal electronic devices
9 including, but not limited to, wearable technology such as eyeglasses, rings, earbuds, headphones, or
10 watches that have the capability to record, live stream, or interact with wireless technology.

11
12 Restrictions to device use:

- 13
14
- 15 • Taking photos or recording videos, whether by cell phone or any other device, is prohibited.
 - 16 • Using cell phone cameras to record altercations on school grounds or at school events is
17 prohibited. In such cases, phones may be confiscated as evidence and consequences will be
18 assigned. Consequences may be issued for the person who records and/or shares an altercation.
 - 19 • Cell phone recordings done outside of school that are shared by and with members of the school
20 community and cause harm toward students and/or a significant disruption in school are
prohibited.

21 Consequences for cell phone violations will be issued in alignment with the HCS Code of Acceptable
22 Behavior. The consequences for violating this cell phone policy may be in addition to any other
23 violations of the HCS Code of Acceptable Behavior. Finally, students bring cell phones and personal
24 electronic devices to school at their own risk. School staff are not liable for lost or stolen cell phones and
25 are not responsible to conduct any investigations regarding the loss of a student electronic device.

26 Students may possess devices so long as they are not seen or heard, and should be stored in closed
27 pockets, backpacks, purses, bags, assigned locker, automobile, or other school approved location.

28 When technology is utilized to support the instruction of standards in the classroom, the use of chrome
29 books should be prioritized over cell phones. The principal or his/her designee may grant a student
30 permission to use a cell phone as a device to assist with instruction at his/her discretion. For grades 9-
31 12, each individual school may choose to allow cell phones in designated areas during lunch period.

32 STUDENT EXCEPTIONS

33 Students may be allowed to use a cell phone as a tool for hearing, translation, or other functions for
34 students with a 504 Plan or IEP that articulates both the need and parameters for use. All staff will be
35 informed if a student has an identified exception and will accommodate the student accordingly.

Hamilton County Board of Education

Monitoring: Review: Annually in May	Descriptor Term: Student Health Services	Descriptor Code: 6.401	Issued Date: 05/19/16
		Rescinded:	Revised: 06/15/23

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The major objective of student health services is to protect and promote the health of the student. This responsibility is shared by all individuals and agencies in the community.

To obtain this objective:

1. A safe, sanitary, healthful school environment shall be provided; and
2. Basic principles of healthful living shall be taught.

The student health services program¹ shall include:

1. Identification of physical, mental or emotional characteristics of students which will prevent them from attaining their potentialities through public education;
2. Evidence of a complete medical examination of every student entering school for the first time;
3. Proof of immunization except those who are exempt by statute;
4. A medical examination as directed by the TSSAA of every student prior to participation in interscholastic athletics;
5. A cumulative health record;
6. A record for each student which contains information as to how and where to contact parents in case of emergency;
7. A report of each accident taking place while the student is under the jurisdiction of the school;
8. Plan for taking care of sick or injured students;
9. Procedures for reporting suspected child abuse or neglect;
10. Plan for dealing with communicable diseases;
11. Procedures for dispensing medication;
12. Teacher referral of students for available health service; and
13. Method for evaluating criteria, including the extent and use of available health services based upon the needs of students within the school.
14. Procedures for handling drug/alcohol problems that may arise in schools.

Legal References:
1. TRR/MS 0520-1-3-.08 (2)

Cross References:
Communicable Diseases 6.403
Medicines 6.405

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Wellness Policy	Descriptor Code: 6.402	Issued Date: 05/24/48
		Rescinded:	Revised: 05/11/23

The Hamilton County Board of Education recognizes the link between student wellness and academic achievement. In order to implement overall wellness for students, the plan below shall be followed by all schools in the district. Teachers, school health professionals, parents, administrators, and interested citizens can participate in the development of wellness policies.

COMMITMENT TO ENSURING A HEALTHY SCHOOL ENVIRONMENT

Hamilton County Schools strives to ensure that all schools offer a healthy, safe and a supportive environment for students, parents, and visitors. To further this goal, Hamilton County Schools shall implement all state and federal laws and regulations to the development, curriculum, services, standards, staffing and assessment of wellness programs.

All schools shall implement the CDC'S Coordinated School Health (CSH) approach to managing new and existing wellness-related programs and services in schools based on State Law, State Board of Education CSH Standards and guidelines. The district Coordinated School Health Coordinator shall be responsible for overseeing compliance with the State Board of Education CSH Standards and Guidelines in the school district.

I. School Health Advisory Council

The advisory council will consist of a group of individuals representing the school and community, including parents, students, teachers, school administrators, school board members, health professionals, school food service representatives and members of the public. The council will serve as a resource to school health committees for implementing the local wellness policy as a part of the school improvement plan. The primary responsibilities of the council include, but not limited to:

- Developing, monitoring, reviewing and as necessary, revising physical activity and nutrition policies;
- Encouraging all schools within Hamilton County Schools to create and implement an action plan related to modules from the School Health Index;
- Ensuring that the results of the action plan are annually reported to the School Health Advisory Council; and
- Ensuring that school level results include measures of progress on each indicator of the School Health Index;

Hamilton County Schools will consider the recommendations of the School Health Advisory Council in making any policy changes that affect the healthy learning environment.

II. Commitment to Nutrition

a. Nutrition Standards Goals for foods or beverages sold on campus:

- i. School meals meet the minimum nutrition standards in accordance with USDA regulations for the National School Breakfast and Lunch Programs as outlined in 7 CFR 210 and 220. Menus will be developed by a Registered Dietitian.
- ii. All foods and beverages sold in a la carte programs, vending machines, and students stores, or concession stands during the school day will meet the nutrition standards for competitive foods as defined by the Smart Snack in Schools nutrition standards.
- iii. Schools may choose to conduct infrequent school-sponsored fundraisers that include the sale of foods or beverages that do not meet the Smart Snacks in Schools nutrition standards as written in the Rule for the State Board of Education for Tennessee § 0520-010-06-04. These specially exempted fundraisers may not exceed 20 days per semester per school site. Foods and beverages sold cannot be in competition with the school meals in the food service area during meal service. All school principals must document the dates of their exempt fundraisers and the items sold.
- iv. All foods and beverages provided as part of the USDA’s After School Snack Program or the Fresh Fruit and Vegetable Program will meet the minimum nutrition standards for that program as defined by the USDA regulations.
- v. The School Nutrition Program will work with the vending companies used in the schools and disseminate to the district a list of foods and beverages that meet these standards.
- vi. All School Nutrition Managers in the district will be offered the ServSafe course and will work towards certification.
- vii. All School Nutrition Program staff will regularly receive the minimum required.
- viii. professional development as defined by the USDA Professional Standards through district department meetings and training on site from job related courses.

b. Nutrition Education Goals:

- i. Nutrition education will be integrated into all areas of the curriculum such as math, science, language arts and social studies as appropriate.
- ii. Students will have an awareness to eat a variety of foods (i.e., fruits, grains, vegetables, lower fat food items) and be physically active.
- iii. Nutrition education will involve sharing information with families and the community to positively impact students and the health of the community.
- iv. Schools will provide information to families that encourages them to teach children about health and nutrition and to provide nutritious meals for their families.
- v. The district will participate in farm-to-school activities including purchasing local foods and will incorporate nutrition and agricultural lessons as appropriate.

c. Nutrition Promotion Goals:

- i. The district will promote nutrition through enhancing the school campuses with the addition of posters, displays, bulletin boards, and/or food/nutrition/health-related artwork for students.

- 1 ii. Additionally, televisions in the cafeterias will promote healthy menu items, and
2 display tips on increasing milk, fruit, and vegetable consumption, and the importance
3 of whole grains and lean proteins.
4 iii. Participation in school meal programs and healthy options will be promoted to
5 students and families.

6
7 **d. Food and Beverage Marketing Goals:**

- 8
9 i. The signage displayed on school campuses throughout the district will market foods
10 and beverages that meet the Smart Snack in Schools nutrition standards. This includes
11 but is not limited to the exterior of vending machines, posters, bulletin boards, menu
12 boards, coolers, trashcans, other equipment throughout the school campus, cups for
13 beverages, sporting venues, and concessions stands. All newly purchased or replaced
14 equipment across the school campus must have logos and products marketed that
15 meet the regulations for competitive foods and beverage The district will strive to
16 market healthy foods including but not limited to fruits, vegetables, whole grains, and
17 low-fat dairy products.

18
19 **e. Food and Beverages Provided but Not Sold to Students:**

- 20
21 i. School Nutrition and Coordinated School Health will encourage snacks offered as
22 part of classroom celebrations, parties, and student birthdays to include fresh fruits
23 and vegetables, whole grains, water, low-fat milk, and other foods low in fat, sugar,
24 sodium, and caffeine.

25
26 **f. Other School-Based Activities that Promote Student Wellness:**

- 27
28 i. Students and school staff members will have access to fresh drinking water
29 throughout the school day. When feasible students will be allowed to bring and carry
30 (approved) water bottles filled with only water into the classroom. Staff will be
31 encouraged to model drinking water consumption.
32
33 ii. Students will be given adequate time to enjoy healthy meals and relax in a pleasant
34 environment. Good nutritional habits shall be encouraged.

35
36 **III. Commitment to Physical Activity and Physical Education**

37
38 Hamilton County Schools recognize that physical activity is extremely important to the overall health of
39 a child. Schools shall support and promote physical activity.

40
41 Physical activity may be integrated into any areas of the school program. Physical education classes shall
42 be offered with moderate to vigorous physical activity being an integral part of the class. Students shall
43 be encouraged by staff whenever possible to be physically active. All physical education classes shall
44 comply with the State Board of Education's physical education standards. In addition to the district's
45 physical education program, non-structured physical activity periods shall be offered as required by law.

1 Schools shall continue to offer after-school sports and activities. Physical activity shall not be employed
2 as a form of discipline or punishment.

3
4 **IV. Assessment of Wellness Policy**

5
6 The Superintendent and administrative cabinet will evaluate and oversee school compliance with the
7 policy. The Hamilton County School Health Advisory Council will monitor progress made toward
8 attaining policy goals. The Coordinated School Health Coordinator will document that the school
9 wellness policy and triennial assessments are made available to the public.

10
11 All principals will be encouraged to complete a baseline assessment of the school’s existing nutrition
12 and physical activity environments and policies. The results of these school assessments will be compiled
13 by the Superintendent or designee to identify and prioritize needs.

14
15 Assessments may be repeated annually starting 2017-2018 school year to help review policy compliance,
16 assess progress, and determine areas for improvement. The Superintendent or designee will be
17 responsible for reviewing these assessments and for the enforcement of the wellness policy across the
18 district. The results of these assessments completed for all schools will be reported to the Hamilton
19 County School Health Advisory Council at the end of each school year. The Superintendent or designee
20 will develop a report annually summarizing the district’s compliance on the wellness policy and goals
21 for student health and nutrition. This report will be made available to the Health Advisory Council, the
22 school board, parent-teacher-organizations, school principals, and school health services personnel.

23
24 The individual schools and the district will, as necessary, review the wellness policy and goals and
25 develop plans to facilitate their implementation. The district will reserve the right to amend this policy
26 as needed to reflect any changes in local, state, or federal regulations that relate to student health,
27 nutrition, or physical activity and education.

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42 Legal References:

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Student Communicable Diseases	Descriptor Code: 6.403	Issued Date: 12/16/04
		Rescinds:	Issued: 06/15/23

1 No student will be denied an education solely because of a communicable disease, and his/her educational
2 program shall be restricted only to the extent necessary to minimize the risk of transmitting the disease.

3
4 Parents or guardians of infected students shall inform appropriate school officials of the infection so that
5 proper precautions for the protection of other students, employees, and the infected student shall be taken.

6
7 No student with a communicable disease which may endanger the health of either himself/herself or
8 other individuals will enter or remain in the regular school setting.^{1,2} If a school principal has reason to
9 believe a student has a communicable disease which may endanger the health of either himself/herself
10 or other individuals in the regular school setting, the principal shall:

- 11
12 1. Assign the student to a setting which will protect other students, employees and the student
13 himself; or
- 14
15 2. Exclude the student from school until certification is obtained from a physician or the County
16 Health Department by either the parent or principal stating that the disease is no longer commu-
17 nicable.

18
19 If the principal has reason to believe that the student has a long-term communicable disease, the
20 principal must require confirmation from a physician or the county health department as to
21 the student's condition. If the student is confirmed to have a long-term communicable disease,
22 the principal may refer the student for homebound instruction, special education services and/
23 or 504 accommodations if appropriate to the situation.³

24
25 The principal may request that further examinations be conducted by a physician or County Health De-
26 partment and may request periodic re-examinations after the student has been readmitted to the school.²

27
28 Parents/guardians of students who have been excluded from school shall meet with the school leader
29 and school nurse prior to returning to school to ensure that the proper physician or county health
30 department certificate has been provided, and that the student's transition back to school is
31 appropriate.

32
33 Expenses incurred from examinations requested by school officials shall be paid by the Board. The
34 names of all students excluded from school under this policy will be forwarded to the office of the
35 director of schools.

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39 Legal References:

- 40 1. TRR/MS 0520-1-3-.08(2)(c)
- 41 2. TCA 49-2-203(b)(2)
3. State Board of Education Rule 6.403

Cross References:

- Special Education 4.202
Special Programs 4.206

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Student Surveys, Analyses, and Evaluations	Descriptor Code: 6.404	Issued Date: -
		Rescinded:	Revised: 08/17/23

1
2 Surveys, analyses, and evaluations for research purposes shall be allowed by the Board when the project
3 is viewed as contributory to a greater understanding of the teaching-learning process, the project does
4 not violate the goals of the Board, and the disruption of the regular school program is minimal. The
5 Director of Schools or his/her designee shall develop administrative procedures for approving requests
6 for conducting surveys, analyses, or evaluations by agencies, organizations or individuals. The request
7 shall outline what is to be done, who is to be involved and how the results will be used and distributed.¹
8

9 Prior to the dissemination of a survey, analysis, or evaluation to students, parent/guardians shall be
10 notified of their ability to review the materials. Such notification shall include information indicating the
11 purpose of the survey, analysis, or evaluation as well as who will have access to the results. Following
12 such notification and prior to the administration of the survey, analysis, or evaluation, parents/guardians
13 must provide consent before the student participates in a survey, analysis, or evaluation.
14 Parents/guardians may withdraw consent at any time before the student participates. Prior consent does
15 not apply if the full survey, analysis, or evaluation is related to classroom instruction of a curriculum and
16 is distributed to students as a way of evaluating the effectiveness of an instructional curriculum.¹
17

18 The Director of Schools or his/her designee shall develop procedures for obtaining parental/guardian
19 consent as described above and to implement the other provisions of this policy.¹
20

21 No student shall be required, as part of any program, to submit to a survey, analysis or evaluation that
22 reveals information concerning:^{2,1}
23

- 24 1. Mental or psychological problems of the student or student's family;
- 25 2. Sexual behavior or attitudes;
- 26 3. Illegal, anti-social, self-incriminating, or demeaning behavior;
- 27 4. Critical appraisals of other individuals with whom respondents have close family relationships;
- 28 5. Legally privileged relationships;
- 29 6. Income; or
- 30 7. The collection of student biometric data involving the analysis of facial expression, EEG brain
31 wave patterns, skin conductance, galvanic skin response, heart-rate variability, pulse, blood
32 volume, posture, and eye-tracking³
33

34 Without the prior consent of the student (if the student is an adult or emancipated minor), or in the case
35 of an emancipated minor, without the prior written consent of the parent.¹
36

37 The collection of the following student data is strictly prohibited:⁴
38

- 39 1. Political affiliation or voting history;
- 40 2. Religious practices; and
- 41 3. Firearm ownership

COLLECTING, DISCLOSING OR USING INFORMATION FOR MARKETING³

In general, the district will not collect, disclose or use personal student information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

If any collected information is to be marketed or sold, parents will be directly notified at least annually at the beginning of the school year of the specific or approximate dates when such information will be collected. Parents, upon request, may inspect any instrument used to collect personal information for the purpose of marketing or selling that information before the instrument is administered or distributed to the student. All parents and students of appropriate age may decline to provide the information requested.

This portion of the policy does not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for or to student or educational institutions to the extent allowed by law, such as the following:

1. College or other postsecondary education recruitment or military recruitment;
2. Book clubs, magazines and programs providing access to low-cost literary products;
3. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments);
4. The sale by students of products or services to raise funds for school-related or education related activities;
5. Student recognition programs.

Legal References:

1. TCA 49-2-211
2. 20 USCA § 1232h
3. TCA 49-1-706
4. TCA 49-1-705

Cross References:

Testing Programs 4.700

Hamilton County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Supervision of Students	Descriptor Code: 6.408	Issued Date: 6/19/14
		Rescinds:	Issued:

1 Students will be under the supervision of school personnel, either certified or noncertified, ¹ at all times,
2 including play periods and lunch periods, as well as during the school day and during extracurricular
3 activities.

4
5 The principal shall assign students to school personnel and ensure proper supervision.

6
7 The principal, teacher or school personnel may relocate a student from the student's present location to
8 another location for the student's safety or safety of others. The use of reasonable or justifiable force, if
9 required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps
10 beyond the use of reasonable or justifiable force are required, the student shall be allowed to remain in
11 place until such a time as local law enforcement officers or school resource officers can be summoned to
12 relocate the student or take the student into custody until such time as a parent or guardian can retrieve the
13 student. Teachers and school personnel may also intervene in a physical altercation between two (2) or
14 more students, or between a student and LEA employees using reasonable or justifiable force upon student,
15 if necessary to end the altercation by relocating the student to another location. ²

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Legal Reference:

1. TCA 49-2-303(6)(10)(A)
2. TCA 49-6-4008

Cross Reference:

Time Schedules and Extra Duty 5.602

Hamilton County Board of Education

Monitoring: Review: Annually in May	Descriptor Term: Child Abuse and Neglect	Descriptor Code: 6.409	Issued Date: 05/19/16
		Rescinded:	Revised: 06/15/23

CHILD ABUSE REPORTING PROCEDURES

All school system employees have a duty to report suspected child abuse immediately to the appropriate authorities.¹ Given the number of agencies that have the authority to investigate abuse, however, and further considering the lack of resources that many of these agencies face, the Hamilton County Board of Education has developed this policy to give employees guidance to ensure that suspected child abuse is promptly investigated and that children are adequately protected.

THE DUTY TO REPORT

A person has the duty to report suspected child abuse when the following occur:^{2,3}

- The person has knowledge of (or is called upon to render aid to) any child who is suffering from (or has suffered from) any wound, injury, disability, or other physical or mental condition; and the physical or mental condition is of such a nature that it reasonably appears to have been caused by brutality, abuse, or neglect caused by a caregiver of the child.
- or
- The person has reason to suspect that the child is a victim of sexual abuse regardless of whether the child has suffered a physical injury from the suspected sexual abuse and regardless of whom the perpetrator of the abuse may have been.

HOW TO REPORT

Anyone having knowledge of suspected child abuse, as described above, must report his or her belief to both of the following offices:

- The Department of Children’s Services by way of the statewide hotline (1-877-542-2873), the local DCS office, or the DCS website, bearing in mind that circumstances may dictate the need to speak to a DCS agent as quickly as possible.
- and
- The Hamilton County Sheriff’s Office or the local police department for the municipality in which the child lives.

Any report of child abuse shall include, if known, the name, age, address and telephone number of the child; the name, address, and telephone number of the child’s caregiver; and any facts pertinent to the

1 report. Once the report is given to DCS and local police department all confidential files should be given
2 to the school child abuse coordinator or alternate child abuse coordinator.

3
4 Additionally, if the suspected child abuse occurs outside of Hamilton County, it may be necessary to
5 notify the local law enforcement agency so that the child is protected, and the matter is investigated
6 promptly.

7
8 Any school-based employee who reports suspected child abuse must notify the school's child abuse
9 coordinator and his or her principal or supervisor and the child abuse coordinator will join the employee
10 in placing the phone call to the appropriate authorities. If the child abuse coordinator is not available to
11 participate in the phone call, the employee must notify the school's alternate child abuse coordinator,
12 who will assist in placing the phone call. If neither the child abuse coordinator nor the alternate child
13 abuse coordinator is available, the employee must nevertheless report any suspected child abuse to the
14 appropriate authorities without delay. When the alleged abuse involves someone employed by,
15 previously employed by, or otherwise affiliated with the school, the report may be made directly to the
16 department of children's services and law enforcement prior to notifying the school child abuse
17 coordinator.¹

18
19 The Hamilton County Department of Education strongly encourages any employee notifying any of
20 these offices of any suspected child abuse to make a written record of the report to include the following:
21 agency contacted; agency phone number; the person to whom the employee spoke; date and time of the
22 conversation; name of the child in question; the precise information conveyed to the agency; and the
23 DCS case number assigned.

24 25 ACTION BY ADMINISTRATORS AND SCHOOL CHILD ABUSE COORDINATORS

26
27 Each school shall designate a child abuse coordinator and alternate child abuse coordinator. These
28 individuals must:

- 29
- 30 1. Have access to an area providing privacy and access to a telephone for reporting suspected child
31 abuse;
 - 32 2. receive training in regard to mandatory reporting, multidisciplinary protocols, advocacy centers,
33 the importance of limited interviews, and signs of child abuse;
 - 34 3. be available for school personnel to share information about suspected child abuse;
 - 35 4. assist school personnel in reporting suspected child abuse to appropriate authorities;
 - 36 5. serve as a liaison between the school and law enforcement and DCS in child abuse investigations;
 - 37 6. assist law enforcement and DCS by sharing available information regarding suspected child
38 abuse and by providing an area within the school for law enforcement and DCS to meet with the
39 child and reporting school personnel as a group or individually if required; and
 - 40 7. maintain confidential files in accordance with Tenn. Code Ann. § 37-5-107 and 37-1-612
41 regarding all reported suspicions of child abuse.
- 42

43 The Hamilton County Board of Education does not expect administrators to screen or approve the
44 decision of subordinate employees to report suspected child abuse. Each employee has an independent
45 duty under state law and this policy to report child abuse whenever he or she believes it has occurred.
46 Nevertheless, the Board of Education expects administrators to support their employees and to provide
47 guidance as necessary.

1
2 Accordingly, the Board of Education advises administrators that it may be necessary and appropriate for
3 them to direct their employees to contact several agencies in order to ensure that the allegations of abuse
4 will be investigated promptly and that the child in question will be protected. If an administrator has any
5 question or concern about the effectiveness of any response, he or she is receiving regarding reports of
6 child abuse, the administrator should contact the Director of DCS' Special Investigations Unit and report
7 the suspected child abuse and what efforts the Board of Education employees have taken to report this
8 matter.

9
10 The Board of Education expects administrators to make a written record of any conversation they have
11 with their employees and any agency officials regarding allegations of suspected child abuse and efforts
12 made to report this abuse to the appropriate authorities. These records should be maintained in
13 confidential files kept separate and apart from other students or employee records.

14 15 NOTICE TO PARENTS OR LEGAL GUARDIANS

16
17 School personnel may notify parents or legal guardians of suspected child abuse: 1) when federal law or
18 regulation mandates disclosure; and 2) the parent or guardian to whom the notification is made is not
19 alleged to be the perpetrator or in any way complicit in the abuse or neglect. Any such notification to
20 parents or guardians must be done in conjunction with the Department of Children's Services.¹ In the
21 absence of those circumstances, school personnel shall not provide any information relevant to the
22 suspected child abuse to a child's parents or guardians and must refer any questions from the child's
23 parents or guardian to the investigating law enforcement agency and the Department of Children's
24 Services.

25
26 In circumstances where school personnel may provide notification of suspected child abuse to a child's
27 parents or guardian, school personnel will share with the parents or guardian whatever information is
28 necessary to provide for the future wellbeing of the child and, upon request, may provide additional
29 information pertaining to the suspected child abuse; provided, however, that school personnel will
30 protect otherwise confidential information including the name of the reporting employee, the name of
31 anyone whose safety would otherwise be jeopardized, and any information protected by federal law.

32 33 WRONGDOING BY A SCHOOL EMPLOYEE

34
35 In the event any school system employee becomes aware that another employee may have been
36 responsible for the suspected child abuse, or if the employee becomes aware that another employee has
37 failed to report suspected child abuse, then, after immediately contacting the Department of Children's
38 Services and Law Enforcement, and the employee shall also notify the Director of School or their
39 designee and report the other employee's suspected wrongdoing.

40 41 CONFIDENTIALITY

42
43 Once a school system employee becomes aware of suspected abuse, he or she is to report the matter to
44 the appropriate agencies and to the appropriate officials within the school system. Aside from his or her
45 duty to report to agency officials or school system administrators, however, no employee is to discuss
46 the suspected abuse of a child with anyone. Under no circumstances shall the employee discuss the
47 matter with the media or any member of the public, including the child's parents or legal guardian unless

1 the employee is given express permission by the Superintendent or the Superintendent’s designee to do
2 so. Violation of this instruction will be treated as insubordination and will be punished accordingly.

3
4 **FURTHER DIRECTIONS TO PRINCIPALS AND SUPERVISORS**

5
6 Administrators are to circulate these guidelines to their employees at faculty meetings, staff meeting,
7 and otherwise as may be appropriate. Written copies of these guidelines shall be kept in break rooms and
8 shall be disseminated to school system employees.

9
10 Additionally, administrators are to require that their employees receive appropriate training regarding
11 the application of this policy and Tennessee law. This training shall include signs of abuse, brutality or
12 neglect and appropriate reporting procedures.

13
14 Employees working directly with students shall annually complete the child abuse training program
15 required by state law.⁴

16
17 If there are any questions about this policy, including compliance, these questions shall be directed to
18 the Chief Equity Officer at 423-498-7104.

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31 Legal References:
32 1. TCA 49-6-1601 42
33 2. TCA 37-1-403 43
34 3. TCA 37-1-605 44
4. TCA 37-1-408

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in July	Descriptor Term: Emergency Allergy Response Plan	Descriptor Code: 6.412	Issued Date: 03/05/07
		Rescinded:	Revised: 09/16/21

1
2 The director of schools shall develop and maintain an Emergency Allergy Response Plan that
3 meets state guidelines for managing students with life-threatening allergies. The Plan shall
4 include measures to reduce exposure to allergens and procedures to treat allergic reactions.
5 Components of the plan shall include, but are not limited to; education and training of person-
6 nel, record keeping/documentation, development and reviews of the allergy action plan, and
7 protocols for classrooms and cafeterias that include strategies to reduce exposure to
8 allergens.¹ A copy of The Plan shall be located in every clinic in the Guidelines for Health Care
9 Procedures manual.

10
11 Using the state food allergy guidelines plan as a guide, the director shall also develop a
12 process to identify all students with food allergies and develop and implement an
13 Individualized Health Care Plan (IHCP) with an Allergy Action Plan for each specific student
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36 Legal References:

- 37 1. TCA 49-50-1602 (f)(1) and (2)
38 2. Guidelines for

39 *Health Care in the School Setting* (Tennessee Department of
40 Education and Tennessee Department of Health) (2019)

Cross Reference

Hamilton County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Prevention and Treatment of Sports Related Concussions	Descriptor Code: 6.413	Issued Date: 04/20/17
		Rescinds:	Issued:

1 A concussion is a traumatic brain injury caused by a direct or indirect blow to the head or body. In order to
2 ensure the safety of students that participate in interscholastic athletics, it is imperative that student athletes,
3 coaches, and parents are educated about the nature and treatment of sports related concussions. The board
4 recognizes that concussions can be a serious health issue and should be treated as such.

5
6 The Board adopts the guidelines and other pertinent information and forms developed by the Tennessee
7 Department of Health to inform and educate coaches, school administrators, student athletes, and
8 parent(s) / guardian(s) of the nature, risk and symptoms of concussions and head injuries. These guidelines
9 and materials may be viewed on the Department of Health's website and shall be made available to inter-
10 ested parties through the Central Office.

11
12 This policy shall govern all activities and those individuals involved in those activities which constitute an
13 organized athletic game or competition against another team or in practice or preparation for an organized
14 game or competition. It does not govern those activities or individuals involved in those activities which are
15 entered into for instructional purposes only or those that are incidental to a nonathletic program or lesson.

16 **REQUIRED TRAINING¹**

17
18
19 The director of schools shall ensure that each school's athletic director and coaches, employed or volunteer,
20 annually complete the *Concussion in Sports – What You Need to Know* online course. This course may
21 be accessed online at www.nfhslearn.com.

22
23 Prior to the annual initiation of practice or competition, the following persons must review and sign a
24 concussion and head injury information sheet approved by the Tennessee Department of Health: the
25 director of schools, licensed healthcare professionals (if appointed), each school athletic director, and each
26 coach, employed or volunteer.

27
28 In addition, prior to the annual initiation of practice or competition, all student athletes and their
29 parent(s) / guardian(s) shall review the concussion and head injury information sheet approved by the
30 Tennessee Department of Health. A form confirming this review shall be signed and returned by the student
31 athlete, if the athlete is eighteen (18) years of age or older; or by the student athlete's parent(s) / guardian(s),
32 for athletes younger than eighteen (18) years of age.

33
34 All documentation of the completion of a concussion recognition and head injury safety education course
35 program and signed concussion and head injury information sheets shall be maintained by the director of
36 schools or his/her designee for a period of three (3) years.

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Removal from Athletics²

Any student athlete who shows signs, symptoms and/or behaviors consistent with a concussion during an athletic activity or competition shall be immediately removed for evaluation by a licensed healthcare professional, if available, and if not, by the coach or other designated individuals.

No student athlete who has been removed from an athletic activity or competition due to a concussion or suspected concussion shall be allowed to return to any supervised team activities involving physical exertion, including games, competitions, or practices, until the student athlete has been evaluated by and received written clearance on forms approved by the Department of Health from a licensed health care provider for a full or graduated return. "Health care provider" means a Tennessee licensed medical doctor (M.D.), osteopathic physician (D.O.), a clinical neuropsychologist with concussion training, or a physician's assistant (P.A.) with concussion training who is a member of a health care team supervised by a Tennessee licensed medical doctor or osteopathic physician.

This requirement for clearance prior to a student athlete returning to an athletic activity shall not apply if there is a legitimate explanation other than a concussion for the signs, symptoms, and/or behaviors observed.

The director of schools or his/her designee shall ensure that all protocols approved by the Tennessee Department of Health or required by law relative to the provisions of this policy are followed and implemented within each school.

Legal References:
1. . TCA 68-55-502
2. Public Chapter No. 948

Hamilton County Board of Education

Monitoring: Review: Annually in January	Descriptor Term: Student Suicide Prevention	Descriptor Code: 6.415	Issued Date: 10/17/19
		Rescinded:	Revised: 05/11/23

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The Board is committed to protecting the health and well being of all students and understands that physical, behavioral, and emotional health are integral components of student achievement and overall well-being. Students are strongly encouraged to report if they, or a friend, may be struggling with thoughts of suicide and/or may be in need of help. Students will be provided information regarding The National Suicide Prevention Lifeline 1-800-273-8255 (TALK) and the Crisis Text Line (text “TN” to 741741).

The Hamilton County School District in recognition of the need to protect the health, safety, and welfare of its students, to promote healthy development, to safeguard against the threat or attempt of suicide among school aged youth, and to address barriers to learning, hereby adopts this policy.¹ This policy corresponds with and supports other federal, state and local efforts to provide youth with prevention education, early identification and intervention, and access to all local resources through links on the page dedicated solely to mental health, on the Hamilton County Department of Education website; in order to promote health and prevent personal harm or injury.

PREVENTION

All certified school-based employees shall either attend the annual in-service training on suicide prevention or participate in other equivalent training approved by the director of schools or designee. The training shall include, but not be limited to, identification of risk factors, warning signs, intervention and response procedures, referrals, postvention, protective factors, resources regarding youth suicide prevention, suicide contagion, and groups at elevated risk for suicide.

The director of schools or designee shall identify and publicize a District Suicide Prevention Coordinator(s) (DSPC) responsible for planning and coordinating the implementation of this policy. Each school principal shall designate a School Suicide Prevention Coordinator (SSPC) to act as a point of contact in each school for issues relating to suicide prevention and policy implementation. Contact information for the School Suicide Prevention Coordinator (SSPC) is publicized in each school to allow individual students to reach out privately.

Prevention Education

Students will receive age-appropriate lessons in their classrooms through health education on the importance of safe and healthy choices, as well as help seeking strategies for self or others. Lessons will contain information on comprehensive health and wellness, including emotional, behavioral, and social skills development. Lessons are taught by health and physical education teachers, school counselors, social workers, and/or community service providers. Students who are in need of intervention will be referred to the school counselor, and/or community counseling agencies.

Publication and Distribution

1 The resource page for parents, faculty, and students is available on the Hamilton County Department of
2 Education website. These resources shall include, but are not limited to, information about individual
3 mental health issues, counseling information, coping skills, and information as to how students can create
4 a change in mental health in their school.

5 6 **INTERVENTION**

7
8 Any employee who has reason to believe that a student is at risk of suicide, is made aware of a suicide
9 threat, or witnesses any attempt or evidence suggestive of self-harm, whether written, drawn, spoken or
10 threatened, shall report such belief to the principal or designee, and school counselor, social worker,
11 school psychologist, or School Suicide Prevention Coordinator (SSPC).

12
13 Upon notification, the principal or designee, school counselor, social worker, school psychologist, and/or
14 School Suicide Prevention Coordinator (SSPC) shall ensure the student is placed under adult
15 supervision. Emergency medical services shall be contacted immediately if an in-school suicide attempt
16 occurs. The principal or designee, school counselor, social worker, school psychologist, and/or School
17 Suicide Prevention Coordinator (SSPC) shall contact the director of schools or designee as soon as
18 practicable. Prior to contacting the student's parent/guardian, the director of schools or designee shall
19 determine if there could be further risk of harm resulting from parent/guardian notification. If
20 parent/guardian notification could result in further risk of harm or endanger the health or well-being of
21 the student, then local law enforcement and the Department of Children's Service shall be contacted.

22 23 Return to School Procedure

24
25 Prior to a student returning to school, the principal or designee, school counselor, social worker,
26 school psychologist, and/or School Suicide Prevention Coordinator shall meet with the student and
27 his/her parent or guardian in order to develop a safety plan. The safety plan shall identify actions the
28 student's caregivers and school personnel will take to ensure the safety of the student. The principal will
29 identify an employee to periodically meet with the student to monitor his/her safety and address any
30 problems or concerns with re-entry. In addition to implementing a safety plan, the principal or designee
31 and school staff shall establish the following expectations for the student body to support any student
32 returning from a traumatic experience.

- 33
- 34 1. Remember the Golden Rule: Do unto others as you would have them do unto you.
- 35 2. Value other's character: Do not gossip in person or online.
- 36 3. Respect other's privacy: Do not ask a person or their friends invasive questions.
- 37 4. Practice empathy: Work to understand a person's transition.
- 38 5. Be helpful: Understand challenging times in life are hard. Try to be as helpful as possible.
- 39

40 **POSTVENTION**

41
42 Immediately following a student suicide death, the Crisis Response Team led by the District Suicide
43 Prevention Coordinator(s) (DSPC) shall meet and implement the Crisis Management plan. In the event
44 the incident occurs on the school campus, refer to guidelines noted in the HCDE Emergency
45 Preparedness Plan. At a minimum, the Crisis Management plan shall address the following:
46

1. Verification of death;
2. Preparation of postvention response to include support services;
3. Informing faculty and staff of a student death;
4. Informing students that a death has occurred;
5. Providing information on the resources available to students.

The Crisis Team shall work with teachers to identify the students most likely to be impacted by the death in order to provide additional assistance and counseling if needed. The director of schools or designee shall be responsible for all media inquiries.

Staff Training and Responsibilities

All staff are responsible for safeguarding the health and safety of students. All staff are expected to exercise sound professional judgement, use caution and demonstrate extreme sensitivity throughout any crisis situation. All school personnel should be knowledgeable of the signs of youth depression/suicide.

Any staff member who is originally made aware of any threat or witnesses any attempt towards self-harm, that is written, drawn, spoken or threatened, will immediately notify the principal or their designee and school counselor. Any threat in any form must be treated as real and dealt with immediately. No student should be left alone during crisis. The district’s suicide crisis response procedures will be implemented.

Legal References:

1. TCA 49-6-1902(a)

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Special Education Students	Descriptor Code: 6.500	Issued Date: 12/12/19
		Rescinded:	Revised: 11/09/23

1
2 Special education students between the ages of three (3) and twenty-one (21), inclusive, shall receive the
3 benefit of a free and appropriate public education. These students shall be educated with the general
4 student population to the maximum extent appropriate and should be placed in separate or special classes
5 only when the severity of the disability is such that education in general education classes, even with the
6 use of supplementary aids and services, cannot be accomplished satisfactorily.¹

7
8 Eligibility standards and options of service for special education services shall be based upon the criteria
9 specified in state regulations.²

10
11 Students receiving special education services shall not be restrained, except as permitted by state law
12 and regulations.^{3,4} The Director of Schools shall develop administrative procedures to govern the
13 following:

- 14 1. Personnel authorized to use isolation and restraint;
- 15 2. Training requirements for personnel working with special education students; and
- 16 3. Incident reporting procedures.⁴

17
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19
20

Legal References:

- 21 1. TCA 49-10-103(c)
- 22 2. TRR/MS 0520-01-09-.01
- 23 3. TCA 49-10-1301 to 1307
- 24 4. TRR/MS 0520-01-09-.23

Cross References:

- Exceptional Education 4.202
Compulsory Attendance Ages 6.201
Alternative School Programs 6.310

Hamilton County Board of Education

Monitoring: Review: Annually in February	Descriptor Term: Educational Equity	Descriptor Code: 6.501	Issued Date: 03/18/21
		Rescinded:	Revised:

1
2 The Hamilton County Board of Education believes that every student in the Hamilton County
3 Schools should have the opportunity to receive an excellent public education regardless of the
4 community in which they live, the school they attend, or the social, economic, or demographic
5 factors of their household.

6
7 Therefore, the Hamilton Board of Education has defined the following terms to demonstrate its
8 commitment to Educational Equity in Hamilton County Schools:

9
10 **Closing the Opportunity Gap** – Serving all students and intentionally responding to individual
11 student needs, such that every child can perform at high levels and access the full range of social,
12 emotional, and academic supports to develop the whole child.

13
14 **Equity** – Ensuring every student receives what they need to help them reach their full potential,
15 regardless of race, language, ethnicity, gender, sexual orientation, gender identity, religion,
16 physical abilities, or any other characteristic of their identity. In education, equity means that
17 every student has access to effective teachers, resources, experiences, and the academic rigor
18 they need to be successful regardless of socioeconomic status.

19
20 **Diversity** – Understanding, accepting, and respecting differences between people.

21
22 **Inclusion** – Including a person within a group or structure; not simply tolerating or welcoming
23 a person, but creating a sense of belonging by intentionally engaging, accommodating, and
24 involving them.

25
26 **Cultural Competence** – Functioning comfortably in cross-cultural settings and to interact
27 harmoniously with people from cultures and races that differ from one’s own; understanding,
28 communicating with and productively interacting with people across cultures.

29
30 **Expectations** – Strongly believing that something will happen or be the case in the future;
31 believing that someone can and will achieve something. In education, this is not a neutral term;
32 it conveys positive expectations of universally high achievement.

33
34 Accordingly, the Hamilton County Board of Education adopts this Educational Equity policy
35 to authorize and direct the Administration of the Hamilton County Schools to develop an
36 Educational Equity Plan. The Educational Equity Plan should have the purpose of closing the
37 opportunity gap and creating equity for all students in Hamilton County Schools; strategies for
38 achieving this purpose include, but are not limited to: valuing diversity; increasing

1 opportunities for inclusion; building cultural competency; identifying and eliminating any
2 potential barriers to student success; and setting rigorous expectations for all students.

3
4 The Educational Equity Plan shall be shared with the Board annually, and Administration will
5 update the board on quarterly.
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44 Legal References:

- 45 1. TCA 49-1-211(a)
- 46 2. TCA 49-5-1002(1)

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Foreign Exchange Students	Descriptor Code: 6.502	Issued Date: 12/16/04
		Rescinded:	Revised: 05/11/23

1
2 Any foreign student is eligible for acceptance into the foreign exchange student program, provided
3 she/he is participating through any agency endorsed by the Council on Standards for International
4 Educational Travel and is sponsored by an individual or organization and has a J-1 visa. Before approval
5 to enroll in a local district school, the exchange program representative must make written application
6 on behalf of the student in the local school serving the host family. No foreign exchange student shall be
7 brought into the United States by the sponsor unless s/he has been accepted in writing as a student by
8 the principal of the school in which she/he is to be enrolled. It is the responsibility of the sponsoring
9 agency to obtain the necessary VISA for entering into the United States. The school shall accept the
10 student after determining the following:

- 11
- 12 1. The student will have a sufficient command of the English language to enable them to participate
- 13 in the general curriculum in grades 9-12;
- 14 2. Appropriate curriculum offerings can be provided for the student in grades 9-12; and
- 15 3. An overcrowded situation will not be further aggravated;
- 16 4. The student shall be enrolled by the 20th day of the school year;
- 17 5. There are no more than four (4) foreign exchange students enrolled in the school for that year.
- 18 6. Copy of the application received by the sponsoring agency;
- 19 7. Proof of host family's residence of Hamilton County.
- 20

21 Prior to enrolling a foreign student, the principal or designee shall require, in addition to a valid student
22 visa, the following documentation:

- 23
- 24 1. Citizenship;
- 25 2. Birthdate; (Must be at least fifteen (15) years of age and must not have obtained eighteen (18)
- 26 years of age upon enrollment)
- 27 3. Health/immigration records;
- 28 4. Custody (including phone number, name and address of person responsible for the student); and
- 29 5. School records, including a transcript of academics (in English). (The student must not have
- 30 graduated from high school or its equivalent)
- 31

32 Admission requirements and all other considerations and expectations shall be the same for foreign
33 students as for United States students. (Students may only participate in an exchange program for one
34 (1) school year.)

35
36 Students must have had acceptable academic achievement in their native countries and must have been
37 screened for maturity and ability to get the maximum benefit from an exchange program. Exchange
38 students must have an adequate command of the English language and be able to function without special
39 assistance in regular classes.

40
41 The principal shall be responsible for assignment to the appropriate grade level.
42

1 Each school shall name a faculty member as a student representative to serve as a liaison between the
2 school and exchange program agency and as an advisor to exchange students.
3

4 The sponsoring individual/organization shall provide evidence to the school that the student will receive
5 adequate financial support for the duration of his/her stay. Exchange students shall not be eligible for
6 free or reduced-price lunches, nor shall schools hold fund-raising events to pay expenses incurred by
7 exchange students. Foreign exchange student will be responsible for all school fees and expenses.
8

9 Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the district
10 has temporary guardianship and the student lives in the home of that guardian. Exchange students on an
11 F-1 visa are required to pay tuition at the established district rate. F-1 visa student admission is limited
12 to secondary schools and attendance may not exceed twelve (12) months.
13

14 Organizations or host families or students are subject to having their relationship with the Board
15 terminated due to violations of policy or rules and regulations.
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43 Legal References:

- 44 1. 22 CFR §514.2
- 45 2. Immigration and Nationality Act § 214(3)(m)(1)

Cross References:

School Admissions 6.203

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Homeless Students	Descriptor Code: 6.503	Issued Date: 05/18/17
		Rescinded:	Revised: 05/11/23

Under federal law, HCS will ensure that all homeless students shall have equal access to the same free, appropriate public education as provided to other children and youth. They must be included in state and district-wide assessments and accountability systems.

Information regarding this policy will be included in the Hamilton County Student Handbook which will be distributed to all students annually and upon enrollment. Information about the rights of homeless children and youth will be posted in every school in the system as well as other places where homeless children and families receive services.

A. Definitions

Homeless children and youth refer to children and youth who are otherwise legally entitled to or eligible for a free public education, including preschool, yet who lack a fixed, regular, and adequate nighttime residence, including:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, campgrounds, or trailer parks due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.
- Children and youth who have a primary nighttime residence that is a private or public place not designed for or ordinarily used as regular sleeping accommodations for human beings.
- Children and youth who are living in a car, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children and youth who are living in a situation described above.

A child or youth shall be considered homeless for as long as he or she is in a living situation described that is not fixed, regular, and adequate. Eligibility for McKinney-Vento services will be evaluated at the beginning of every school year.

Unaccompanied youth mean a youth not in the physical custody of a parent or guardian, who is also living in a homeless situation as defined above.

Enroll and enrollment mean attending school and participating fully in school activities.

School of origin means the school the child or youth attended when permanently housed, or the last school attended. This includes the designated receiving school at the next grade level for all feeder schools when a student completes the final grade level served by the school of origin. Preschools are also considered school of origin when they establish a feeder school pattern.

Liaison is the staff person designated by the Hamilton County Schools as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Act. The liaison is to assist

1 homeless children and youth to enroll and succeed in school and ensure that homeless children and youth
2 receive educational services for which they are eligible, including head start and Even Start programs,
3 preschool programs (if offered to others), and referrals to health care, dental, mental health and other
4 appropriate services.

5 6 **B. Identification**

7
8 In collaboration with school personnel and community organizations, the liaison designated for the
9 school system will identify homeless children in the district, both in and out of school. The liaison will
10 train school personnel on possible indicators of homelessness, sensitivity in identifying homeless
11 families and youth, and procedures for forwarding information indication homelessness to the liaison.
12 The liaison will also instruct school registrars and secretaries to inquire about possible homelessness
13 upon the enrollment in school. Community partners in identification may include the following: family
14 and youth shelters, soup kitchens, motels, campgrounds, drop-in centers, welfare departments, and other
15 social services agencies, street outreach teams, faith-based organizations, truancy and attendance
16 officers, local homeless coalitions, and legal services.

17 18 **C. School Selection**

19
20 Each homeless child has the right to remain at his or her school of origin or to attend the school for which
21 the child is zoned based upon where the child is actually living. Maintaining a student in his or her school
22 of origin is important for both the student and our district. Therefore, in determining the school that is in
23 the child's or youth's best interest to attend, school personnel must presume that staying in the school of
24 origin is in the child's or youth's best interest unless it is against the wishes of the parent, guardian, or
25 unaccompanied homeless youth. Student-centered factors must be considered, including factors related
26 to the impact of mobility on the achievement, education, health, and safety of the student. Students may
27 remain at their schools of origin the entire time they are homeless and until the end of any academic year
28 in which they acquire stable housing. The same applies if a child or youth loses his or her housing
29 between academic years.

30
31 In determining what is in the child's best interest, the school system will within parameters set forth by
32 the McKinney Vento Act comply with the request made by a parent or guardian or unaccompanied
33 youth regarding school selection. If a school decided not to allow the child to enroll at the school
34 selected by the parent, guardian, or unaccompanied youth, the school will provide a written
35 explanation of the school's decision to the parent, guardian, or unaccompanied youth. The written
36 explanation must also inform the parent or guardian of his/her right to appeal the decision. The parent
37 or guardian, or unaccompanied youth shall be referred to the liaison who shall carry out the dispute
38 process.

39 40 **D. Enrollment**

41
42 Consistent, uninterrupted education is vital for academic achievement. Due to the realities of
43 homelessness and mobility, homeless students may not have school enrollment documents readily
44 available. Nonetheless, the school selected for enrollment must immediately enroll any homeless child.

45
46 Enrollment may not be denied or delayed due to lack of any 1 document normally required for

1 enrollment, including:

- 2
- 3 • Proof of residency, including residency affidavit
- 4 • Transcripts/school records (The enrolling school must contact the student's previous school to
- 5 obtain school records. Initial placement of students whose records are not immediately available
- 6 can be made based on the student's age and information gathered from the student, parent, and
- 7 previous schools or teachers.)
- 8 • Immunizations or immunization/health/medical. physical records. Health records may often be
- 9 obtained from previous schools or state registries, and school-or community-based clinics can
- 10 initiate immunizations when needed. Students coming from areas where natural disasters have
- 11 occurred may never be able to provide immunization records, but it should be assumed that they
- 12 had the immunizations necessary to attend public school in their state.
- 13 • Proof of custody of guardianship
- 14 • Birth certificate
- 15 • Any other document requirements
- 16 • Unpaid school fees
- 17 • Lack of uniforms or clothing that conforms to dress codes
- 18 • Missing application or enrollment deadlines during any period of homelessness
- 19 • Any factor related to the students living situation
- 20

21 Homeless unaccompanied youth must also be immediately enrolled in school. They must either enroll
22 themselves or be enrolled by a parent, non-parent caretaker, older sibling, or liaison.

23
24 The school at which the homeless student enrolls shall immediately contact the last school attended to
25 obtain academic or relevant records. If the child needs immunizations or medical records, the school
26 shall contact the liaison. The liaison shall assist in obtaining immunizations or medical records, as
27 necessary.

28 29 **E. Transportation**

30
31 Without appropriate transportation, a student may not be able to continue attending his or her school of
32 origin. To avoid such forced school transfers, at the parent's, guardian's or unaccompanied youth's
33 request, transportation shall be provided to and from the school of origin for a homeless child.

34 Transportation shall be provided for the entire time the child or youth has a right to attend that school,
35 as defined above, including during pending disputes. The liaison shall request transportation to and
36 from the school of origin for unaccompanied youth.

37
38 School contacts and the liaison shall assist in arranging transportation requests. If a homeless student is
39 living and attending school in this district, the Hamilton County Schools shall arrange transportation. If
40 the homeless student is living in this district but attending school in another, or attending school in this
41 district but living in another, the Hamilton County Schools will seek a shared reimbursement of
42 transportation expenses from the other school district or, if applicable, be financially responsible for a
43 portion of the other school districts expenses in transporting the homeless student. Inter-district
44 disputes shall not result in a student in transition missing school. If such a dispute arises, this district
45 will arrange transportation and immediately bring the matter to the attention.

1 of the State Coordinator for the Education of Homeless Children and Youth.

2
3 Homeless students shall also be provided with other transportation services comparable to those
4 offered to housed students.

5 6 **F. Services**

7
8 All homeless children and youth in Hamilton County Schools will be enrolled and receive instruction
9 in the same schools and classrooms as all other students enrolled. They will not be isolated or
10 stigmatized by any activities of the school system. Homeless children shall be provided appropriate
11 services comparable to services offered to other students in the school, including:

- 12 • Transportation
- 13 • Title I
- 14 • Educational services for which the student meets eligibility criteria, including special education
15 and related services and programs for English language learners.
- 16 • Vocational and technical education programs
- 17 • Gifted and talented programs
- 18 • School nutrition programs
- 19 • Before and after school care (if offered and available to others)

20
21 The Hamilton County Schools will follow state procedures to ensure that homeless children and youth
22 who are out of school are identified and accorded equal access to appropriate secondary education and
23 support services. School personnel shall refer homeless children to appropriate health care services,
24 including dental and mental health services. The liaison will assist the school in making such referrals,
25 as necessary. The liaison and school personnel must inform unaccompanied homeless youth of their
26 status as independent students for college financial aid and that they may obtain assistance to receive
27 verification for the FAFSA.

28
29 School personnel must also inform parents of all educational and related opportunities available to
30 their children and provide parents with meaningful opportunities to participate in their children's
31 education. All parent information required by any provision of this policy must be provided in a form,
32 manner, and language understandable to each parent.

33 34 **G. Disputes**

35
36 If a dispute arises over any issue covered in this policy, including eligibility, the homeless student shall
37 be immediately admitted to the school in which enrollment is sought, pending final resolution of the
38 dispute. The student shall also have the right to all appropriate educational services, transportation, and
39 school nutrition programs.

40
41 The school where the dispute arises shall provide the parent, guardian, or unaccompanied youth with a
42 written explanation of its decision and the right to appeal and shall immediately refer the parent or
43 youth to the liaison. The liaison shall ensure the student is enrolled in the school of his or her choice,
44 46 within the parameters of the McKinney-Vento Act and receiving other services to which he or she
45 is entitled and shall resolve the dispute as expeditiously as possible. The parent, guardian, or
46 unaccompanied youth shall be given every opportunity to participate meaningfully in the resolution of

1 the dispute. The liaison shall keep records of all disputes in order to determine whether particular
2 issues or schools are repeatedly delaying or denying the enrollment of children and youth in
3 transition.

4
5 The parent, guardian, or unaccompanied youth, or school district may appeal the liaison's decision as
6 provided in the state's dispute resolution process.

7 8 **H. Free Meals**

9
10 To help ensure that children and youth in transition are available for learning, the U.S. Department of
11 Agriculture has determined that all homeless children are automatically eligible for free meals. On the
12 day a homeless child enrolls in school, the enrolling school must submit the student's name to the food
13 services office.

14 15 **I. Title I**

16
17 Homeless children are automatically eligible for comparable Title I services, regardless of what school
18 they attend. The Hamilton County School System shall reserve such funds as are necessary to provide
19 services comparable to those provided to Title I student to homeless children attending non-
20 participating schools. The amount reserved shall be determined by a formula based upon the per-pupil
21 Title I expenditure and developed jointly with the liaison and the Title I director. Reserved funds will
22 be used to provide educational-related support services to homeless children.

23
24 Our district's Title I plan will be coordinated with our McKinney-Vento services, through
25 collaboration between the Title I director and the liaison. Homeless children shall be assessed, reported
26 on, and included in accountability systems, as required by federal law and U.S. Department of
27 Education regulations and guidance.

28 29 **J. Training**

30
31 The school system liaison will conduct training and awareness activities for the appropriate school
32 system employees. The training and activities will be designed to increase staff awareness of
33 homelessness, facilitate identification and immediate enrollment, ensure compliance with this policy,
34 and increase sensitivity to homeless children and youth. The liaison has appointed the school social
35 workers/truancy officer as the building point of contact for homeless education. The building level
36 contact will lead and coordinate their school's compliance with this policy and the McKinney-Vento
37 Act and will receive training from the district liaison at least annually.

38 39 **K. Coordination**

40
41 The Hamilton County School System and its liaison shall coordinate with and seek support from the
42 state coordinator for the Education of Homeless Children, local social service agencies and other
43 agencies or programs providing services to homeless children and families in order to eliminate
44 barriers to the identification, enrollment, attendance and academic success of homeless children and
45 youth.

1 **L. Pre-school**

2
3 Homeless children between the ages three (3) and five (5) before August 15 who also have disabilities,
4 will be referred for pre-school services under the Individuals with Disabilities Education Act (IDEA).
5 Homeless children with disabilities under age three (3) will be referred for at-risk services under Part C
6 of IDEA and screened to determine if referrals for additional Part C services are appropriate. The
7 liaison will collaborate with Head Start and Even Start programs and other preschool programs within
8 the district to ensure that children in transition can access those programs.
9

10 **M. Privacy**

11
12 Schools must treat information about a homeless child’s or youth’s living situation as a student
13 education record, subject to all the protections of the Family Educational Rights and Privacy Act
14 (FERPA).
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35 Legal References:

- 36 1. McKinney Vento Education Assistance
37 Improvements Act of 2001, Part C, 721
38
39
40
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Cross References:

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

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Migrant Students	Descriptor Code: 6.504	Issued Date: 06/15/23
		Rescinded:	Revised: 11/09/23

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Definition of a Migratory Child According to Title I, Part C §§ 1115(b)(1)(A) and 1309(2), a child is eligible for the services provided by the Migrant Education Program (MEP) if the following conditions are met: 1) The child is between 3 and 21 years of age; and 2) The child is entitled to a free public education (through grade 12) under state law or is below the age of compulsory school attendance; and 3) The child is a migratory agricultural worker or a migratory fisher, or the child has a parent, spouse, or guardian who is a migratory agricultural worker or a migratory fisher; and 4) The child or child's parent(s) moved within the preceding 36 months in order to seek or obtain qualifying work, or to accompany or join the migratory agricultural worker or migratory fisher identified in condition 3 above, in order to seek or obtain qualifying work; and 5) With regard to the move identified in condition 4, above, the child has moved from one LEA to another.

The Director of Schools will designate a staff member to support the delivery of the preliminary screening tool, the Occupational Survey (OS) which supports the identification of migratory students in the district, as required by law, and to develop written administrative procedures for ensuring that migrant students receive services for which they are eligible. The state Migrant Education Program (MEP) contractor formalizes the identification of the migrant student.

In developing and implementing a program to address the needs of migratory students the district will:

1. Identify migratory students and assess the educational and related health and social needs of each student.
2. Provide a full range of services to migrant students including applicable Title I programs, special education, gifted education, vocational education, language programs, counseling programs, elective classes, fine arts classes, etc.
3. Provide migratory children with the opportunity to meet the same statewide academic content and student academic achievement.
4. To the extent feasible, provide advocacy and outreach programs to migratory students and their families and professional development for district staff.
5. Provide parents an opportunity for meaningful participation in the program.

If a migrant student is identified by the state MEP contractor, the LEA will identify the needs of migratory students and to the extent feasible provide advocacy and outreach programs to migratory students and their families, and professional development for district staff. The Director of Schools or designee will notify the Tennessee Department of Education and request assistance if needed.

Legal References:
20 USCA 6318; 20 USCA 6391

Cross References:
Time Schedules and Extra Duty 5.602

Hamilton County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Students in Foster Care	Descriptor Code: 6.505	Issued Date: 04/20/17
		Rescinds:	Issued: 05/11/23

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

3 4 **ENROLLMENT**

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

10 11 **PLACEMENT**

12
13 The district,² the child welfare agency, foster care liaison, and principal shall determine whether
14 placement in a particular school is in a student's best interest.⁵ Other parties, including the student, foster
15 parents, and biological parents (if appropriate), shall be consulted. If the child has an IEP or a Section n
16 504 plan, the the relevant school staff members shall participate in the best interest decision process.
17 This determination shall be made as quickly as possible to prevent educational disruption.

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

24
25 When determining placement, student-centered factors including, but not limited to, the following shall
26 be considered:

- 27
- 28 1. Preferences of the student;
- 29 2. Preferences of the student's parent(s) or education decision maker(s);
- 30 3. The student's attachment to the school, including meaningful relationships with staff and peers;
- 31 4. Placement of the student's siblings;
- 32 5. Influence of the school climate on the student, including safety;
- 33 6. The availability and quality of the services in the school to meet the student's educational needs;
- 34 7. History of school transfers and how they have impacted the student;
- 35 8. How the length of the commute would impact the student;
- 36 9. Whether the student is receiving special education and related services, and if so, the availability
37 of those required services in a school other than the school of origin; and
- 38 10. Whether the student is an EL and is receiving language services, and, if so, the availability of
39 those required services in a school other than the school of origin.
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41 Transportation costs should not be considered when determining a student's best interest.

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If it is not in the student’s best interest to attend the school of origin, the director or his/her designee shall provide a written explanation of the reasons for the determination. The written explanation shall include a statement regarding the right to appeal the placement decision. If the placement decision is appealed, the district shall refer the student to the district coordinator/foster care liaison for children in foster care, who shall carry out the dispute resolution process as expeditiously as possible and in accordance with the law.² Until the dispute is resolved, to the extent feasible, the student shall remain in his/her school of origin.³

TRANSPORTATION^{3,4}

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

The director of schools shall develop administrative procedures to provide for transportation of students in foster care.⁵ These procedures must ensure that Students in foster care needing transportation to their schools of origin will promptly receive that transportation in a cost-effective manner and in accordance with federal law;

If there are additional costs incurred in providing transportation to the school of origin, the district will provide such transportation if:

- the local child welfare agency agrees to reimburse the district for the cost of such transportation;
- the district agrees to pay for the cost; or
- the district and local child welfare agency agree to share the cost.⁴

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

Legal References

1. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95) § 1111(g)(1)(E)(ii)-(iii)
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)(B)(i)
5. TCA 499-6-3901

Cross References

- Attendance 6.200
- School Admissions 6.203

Hamilton County Board of Education

Monitoring: Review: Annually in July	Descriptor Term: Homebound Instruction Program Guidelines	Descriptor Code: 6.506	Issued Date: 04/19/07
		Rescinded:	Revised: 09/16/21

The Board of Education recognizes the importance of providing hospital or homebound instruction to students who are physically unable to attend class for an extended period of time. The Department of Education, therefore, shall implement a Homebound Instruction Program according to this policy.

Eligibility

Any school-age person enrolled in a Hamilton County school is eligible for homebound instruction provided the following conditions are met:

1. The student must obtain a homebound request form from the school he or she regularly attends.
2. A licensed physician must sign the medical form stating that the student is unable to attend school because of pregnancy or a serious health or orthopedic impairment, but will benefit from instruction. The physician must state that:
 - a. The student is expected to be absent from school due to the condition for at least two (2) weeks following the date of certification.
 - b. The student has no contagious disease that would endanger the health of the teacher or for which contagious disease precautions (e.g., quarantine) have been taken.
3. If the student is confined to a hospital and the above conditions are met, instruction will be provided in the hospital and, if necessary, will be continued when the student goes home.
4. Pregnant students may be approved for up to six (6) weeks of homebound instruction, the dates of which are to be designated by a physician.
 - a. If, in the opinion of the physician, a student suffers complications from the pregnancy and is unable to return to class following the expiration of the initial six (6) weeks, the physician may certify the need for up to an additional two (2) weeks of homebound instruction.
 - b. The physician may recertify the need for additional homebound instruction in successive increments of not more than two (2) weeks.

Program

1. The homebound program will consist of three (3) hours of instruction per week by a certified and properly endorsed teacher.
2. The homebound teacher will develop the instructional program for the homebound or hospitalized student in collaboration with the classroom teacher(s).
3. The homebound teacher will evaluate the student's progress and provide grades for the term of home or hospital instruction to the school administrator.
4. The student on homebound may not be employed.

- 1 5. The student on homebound instruction may not participate in extra-curricular activities (sports,
- 2 clubs, school events, plays, recitals, etc.) while on homebound status unless the student can
- 3 participate virtually. Participation in in-person extra-curricular activities may resume after the
- 4 student is released from doctor’s care and the student is capable of attending school daily.
- 5 6. Attendance at homebound services will be reported to the Attendance Office. The homebound
- 6 teacher must be notified if the student must be absent.
- 7 7. Parent/Legal guardian must be present during homebound instruction.
- 8 8. Parent/Legal Guardian will give sufficient notice to the homebound teacher if student is
- 9 unable to meet for scheduled instruction. Homebound may be discontinued after two (2)
- 10 canceled sessions or “no shows”, unless sufficient excuse is provided.
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44 Legal References:
45 1. 22 CFR §514.2
46 2. Immigration and Nationality Act § 214(3)(m)(1)

Cross References:
School Admissions 6.203

Hamilton County Board of Education

Monitoring: Review: Annually in May	Descriptor Term: Student Records	Descriptor Code: 6.600	Issued Date: 09/24/15
		Rescinded:	Revised: 06/15/23

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3 A cumulative record shall be kept for each student enrolled in school. The folder shall contain all
4 records required under federal and state law and policy; shall be kept current; and shall accompany the
5 student through his/her school career.¹
6

7 The name used on the record of the student entering the school system must be the same as that shown
8 on the birth certificate, unless evidence is presented that such name has been legally changed.² If the
9 parent does not have, or cannot obtain a birth certificate, then the name used on the records of such
10 student shall be as shown on documents which are acceptable as proof of date of birth.
11

12 The name used on the records of a student entering the system from another school must be the same
13 as that shown on records from the school previously attended unless evidence is presented that such
14 name has been legally changed as prescribed by law.
15

16 When a student transfers to another school within the system, copies of the student's records, including
17 the student's disciplinary records, shall be sent to the transfer school.³
18

19 When a student transfers to a school outside the system, copies of the student's records, including the
20 student's disciplinary records, shall be sent to the transfer school.³
21

22 All records shall be remitted in accordance with the Family Education Rights and Privacy Act
23 (FERPA).
24

25 **CONFIDENTIALITY OF STUDENT RECORDS**⁴

26
27 Except as provided in this Board Policy 6.600 or to comply with a valid court order, student records
28 shall be confidential.
29

30 Authorized school officials shall have access to and permit access to student education records only
31 for legitimate educational purposes.⁴ A "legitimate educational interest" is the official's need to know
32 information in order to:
33

- 34 1. Perform required administrative tasks;
- 35
- 36 2. Perform a supervisory or instructional task directly related to the student's education;
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3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

DEFINITION AND USE OF DIRECTORY INFORMATION ⁵

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

Pursuant to Board Policy 6.601, parents, guardians, and eligible students have the right to exclude any or all of the above referenced items from the student's directory information. Except as provided by law, federal regulation, or the terms of this policy, this information will not be shared without consent.

Limited Use of Directory Information

Directory information is not considered public record. Even so, school officials may release directory information for the following reasons:

1. To publish student and/or alumni directories for the convenience of the school community.
2. To publish programs for student events such as graduations, award ceremonies, athletic events, plays, musicals, and other programs where students are being recognized.
3. To recognize the accomplishments of one or more students are part of a media release.
4. To facilitate certain limited commercial opportunities that might be of interest to the school community such as the purchase of school merchandise, student pictures, class rings, yearbooks, etc.
5. To assist in the flow of information pertaining to vocational, educational, and scholarship opportunities available to students.
6. To comply with a request for information from an official recruiting representative of the military forces of the State of Tennessee or the United States of America. ⁶

RELEASE OF STUDENT RECORDS WITHOUT CONSENT

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

1. If the disclosure is an item of directory information; the definition and specific uses of directory information are set forth above;
2. To comply with a judicial order or lawfully issued subpoena: the school system will make a reasonable effort to notify the student's parent(s) or the eligible student before making a disclosure;

- 1 3. To comply with the requirements of child abuse reports to the extent known by the school
2 officials including the name, address, and age of the child, the name and address of the person
3 responsible for the care of the child, and the facts required in the report;³
4
- 5 4. When certain federal and state officials need information in order to audit or enforce legal
6 conditions related to federally-supported education programs in the school system;
7
- 8 5. When the school system has entered into a contract or written agreement for an organization to
9 conduct scientific research on the system's behalf to develop tests or improve instruction,
10 provided that the studies are conducted in a manner which will not permit the personal
11 identification of students and their parents by individuals other than representatives of the
12 organization and the information will be destroyed when no longer needed for the purpose for
13 which the study was conducted.
14
- 15 6. To appropriate officials if the parent(s) claim the student as a dependent as defined by the
16 Internal Revenue Code;
17
- 18 7. To accrediting organizations to carry out their accrediting functions;
19
- 20 8. When a student seeks or intends to enroll in another school district or a post-secondary school.
21 Parent(s) of students or eligible students have a right to obtain copies of records transferred
22 under this provision;⁴
23
- 24 9. To financial institutions or government agencies that provide or may provide financial aid to a
25 student in order to establish eligibility, to determine the amount of financial aid, to establish
26 conditions for the receipt of financial aid, and to enforce financial aid agreements.
27
- 28 10. To make the needed disclosure in a health or safety emergency when warranted by the
29 seriousness of the threat to the student or other persons, when the information is necessary and
30 needed to meet the emergency, when time is an important and limiting factor, and when the
31 persons to whom the information is to be disclosed are qualified and, in a position, to deal with
32 the emergency.
33
- 34 11. To the Attorney General or his designee for the official purposes related to the investigation or
35 prosecution of an act of domestic or international terrorism. An education agency that, in good
36 faith, produces education records in accordance with an order issued under this Act shall not be
37 liable to any person for that production.⁵
38
- 39 12. To any agency caseworker or other representative of a state or local child welfare agency or
40 tribal organization authorized to access the student's educational records when such agencies or
41 organizations are legally responsible for the care and protection of the student.⁶
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RELEASE OF STUDENT RECORDS CONSENT

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

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

RECORDKEEPING

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

The record will include at least:

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

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

Legal References:

- 1 20-123g; TCA 10-7-503; TCA 10-7-504
- 2 TCA 49-6-5106
- 3 TCA 49-6-3001(c)(1)
- 4 TCA10-7-504(a)(4); 20 USC 1232g
- 5 34 CFR § 99.3
- 6 USA Patriot Act of 2001 § 507

Cross References:

- School Board Records 1.407
- Promotion and Retention 4.603
- Attendance 6.200
- Custody/Parental Access 6.209
- Disciplinary Hearings 6.317

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Student Records Annual Notification of Rights	Descriptor Code: 6.601	Issued Date: 09/24/15
		Rescinded:	Revised: 10/19/23

1
2 As a part of new and returning student registration, the school system shall notify parent(s) or guardian(s)
3 of students and eligible students* of each student's privacy rights.¹ For students enrolling after the above
4 period, this information shall be given to the student's parent(s) or the eligible student at the time of
5 enrollment.² The notice shall include the right of the student's parent(s)/guardian(s) or the eligible
6 student to:²

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

21
22 *The student becomes an "eligible student" when he/she reaches age 18 or enrolls in a post-secondary
23 school, at which time all of the above rights become the student's rights.³
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Legal References:

- 30 1. 34 CFR 99.4; 34 CFR § 99.7
- 31 2. 34 CFR § 99.7;
- 32 3. 34 CFR § 99.5

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Student Records Inspection & Correction Procedure	Descriptor Code: 6.602	Issued Date: 09/24/15
		Rescinded:	Revised: 10/19/23

INSPECTION PROCEDURE⁵

Parent(s) or guardian(s) of students and eligible students* may inspect and review the student's education records upon written request.¹

Parent(s), guardian(s) or eligible students shall submit to the records custodian a request which identifies as precisely as possible the record(s) to inspect, and this inspection must be completed within 45 days from the receipt of the request.

The right to inspect and review educational records includes the right to a response from school officials concerning requests for explanation and interpretation of the data. School officials shall presume that the parent or guardian has the authority to inspect and review records relating to his/her child unless the school system has been advised that the parent or guardian does not have the authority under applicable state law governing guardianship, separation, and divorce.²

When a record contains information about students other than the parent's or guardian's child or the eligible student, the parent(s), guardian(s) or eligible student may not inspect and review that information.²

FEES FOR COPIES

A reasonable fee for copies provided to parent(s), guardian(s) or eligible students shall be determined by the Director of Schools. If the fee represents an unusual hardship, it may be waived in part or entirely by the records custodian.³

CORRECTION PROCEDURES

Parent(s)/guardian(s) of students or eligible students may seek to change any part of the student's record they believe to be incorrect.⁴ The Director of Schools shall develop an acceptable procedure to establish an orderly process to review and potentially correct an education record.

Transcript Corrections

Student transcript alterations may only be made when the change is supported by documentation providing an explanation of the reason for the transcript alteration and evidence that the student has earned the grade reflected in the altered transcript.⁶ This documentation must be reviewed and approved by both the principal and the school counselor. The approval must be formally documented via signature of both the principal and counselor on a cover letter attached to the documentation and maintained in school files.

1 Any employee who is aware of unauthorized transcript alterations must immediately report to their direct
2 supervisor or to the next level of supervision, as appropriate. District administration and/or the board
3 shall not retaliate against any employee who reports violations of this policy regarding transcript
4 alterations.

5
6 Any person who intentionally violates this policy may be subject to disciplinary action, including, but
7 not limited to, revocation of a professional educator license or certification issued by the department of
8 education, and may be subject to prosecution for falsification of educational or academic records under
9 T.C.A. § 39-14-136.

10
11 *The student becomes an “eligible student” when he/she reaches age 18 or enrolls in a post-secondary
12 11 school, at which time all of the above rights become the student’s rights.

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- 18 _____
19 Legal References:
20 1. 34 CFR §99.10
21 2. 34 CFR § 99.4
22 3. TCA 10-7-506; 34 CFR § 99.11
23 4. 34 CFR § 99.20
24 5. TCA 49-1-704
25 6. TCA 49-50-1101

_____ Cross References:

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Hamilton County Board of Education

Monitoring: Review: Annually in May	Descriptor Term: Student Solicitations/Fundraising Activities	Descriptor Code: 6.701	Issued Date: 12/16/04
		Rescinded:	Revised: 06/15/23

The schools shall avoid exploiting students, whether by advertising or otherwise promoting products or services, soliciting funds or information, or securing participation in non-school related activities and functions. Fundraising activities involving students shall be kept to a minimum and serve only to provide for goods and/or services that enhance the instructional program and provide desirable learning experiences. For purposes of this policy a fundraising activity is defined as any activity (e.g. resale, fund drive, use of school facilities for which the school receives a commission, or the requesting of voluntary contributions of money or other resources) conducted by the school or its representatives which is intended or designed to generate a profit for the general fund or for an individual club or class account. Property received through fundraising activities (including donations and grant awards) is considered to be property of the District and will remain in the classroom. If the teacher moves to another site, either within the District or to another school system, the materials remain in the school. To attempt a fair balance, the following general guidelines will apply:

1. Fundraising activities are authorized by the Board and shall be for the purpose of supplementing funds for established school programs and not for supplanting funds which are the responsibility of the local board of education.
2. Any commission payable by companies will be paid in the form of reduced prices to the students, or paid into the activity fund of the school for use by the school. No school employee shall personally benefit from any fundraising activity.
3. All fundraising activities that involve the participation of the general student population in the marketing process of the fundraising effort must be approved in writing by the director of schools or his/her designee. All other fundraising activities, such as donors choose classroom projects and club specific fundraisers that do not involve the participation of the general student population, must have written approval from the principal. In granting approval for a fundraising activity, the Director of Schools shall determine whether or not the activity will benefit the school, contribute to the welfare of the student body and supplement, not replace, funds necessary to fulfill the board's required contributions. The authorization request shall contain the following information: ¹
 1. A list of the proposed fundraising activities;
 2. Purpose of the fundraising activity;
 3. Amount needed and proposed uses;
 4. Present balance of affected fund and/or accounts;
 5. Expected student involvement in fundraising activity (school-wide or individual class or club);
 5. Anticipated beginning and ending dates; and
 6. Margin of profit and how it is to be paid to the school.

- 1 4. Students will not be excused from a regular class to participate in a fundraising activity. No grade
2 in a subject or course will be affected by a student's participation in a fundraising activity.
3
- 4
- 5 5. No quotas will be imposed on students involved and their efforts will be voluntary. Students who
6 do not participate in fundraising activities will not be punished or discriminated against in any
7 way.
8
- 9 6. Hamilton County Department of Education Employees who knowingly authorize unapproved
10 fundraising activities are subject to disciplinary actions up to and including termination of
11 employment.
12

13 This policy shall not be construed as preventing a teacher from using instructional or informational
14 materials even though the materials might include reference to a brand, product or a service.
15

16 **ONLINE FUNDRAISING**

17
18 Online fundraiser/donation sites should be considered fundraisers and follow all policies above and the
19 following:
20

- 21 1. All crowdfunding sites considered for approval must provide reliable contribution reports for the
22 fundraiser.
23
- 24 2. Property received through crowdfunding sites is considered to be the property of the District and
25 will remain in the classroom. If the teacher moves to another site, either within the District or to
26 another school system, the materials remain in the school.
27

28 All fundraisers must comply with the procedures established by the Tennessee Internal School Uniform
29 Accounting Policy Manual and by Hamilton County Department of Education.
30

31 **LOTTERIES**

32
33 No fundraising activity shall be conducted which distributes prizes or makes awards to winners from
34 among purchasers of chances by means of tickets or otherwise through a random drawing or other
35 random selection process.²
36

37 Legal References:

- 38 1. Tennessee Internal School Uniform Accounting
39 Policy Manual; Section 4-26
- 40 2. OP Tenn. Atty. Gen. 95-039 (April 18, 1995)
41
42

Cross References:

Student Activity Funds Management 2.900
Staff Gifts and Solicitations 5.605

Hamilton County Board of Education

Monitoring: Review: Annually in May	Descriptor Term: Student Clubs and Organizations	Descriptor Code: 6.702	Issued Date: 12/16/04
		Rescinded:	Revised: 06/15/23

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Student organizations are an extension of the academic curriculum and are intended to complement the basic instructional program.

The principal, in cooperation with the faculty and student body representatives, shall approve all clubs and organizations within the school.

One or more staff members will serve as sponsors of each activity and will attend all meetings. Each sponsor will evaluate the activity and make recommendations concerning changes, continuance, or deletion from the school's activity program.

An approved copy of the aims, objectives, and constitution for each organization will be kept on file in the principal's office.

The Director of Schools or their designee shall approve all requirements imposed by clubs which have restricted membership.

The nature of any initiation shall be outlined and presented in writing to the club sponsor and the principal of the school for approval prior to the actual initiation. Hazing of students is strictly prohibited.¹ Any organization which permits an initiation to go beyond the scope of activities planned and previously approved will be suspended until reinstated by the principal.

Sororities, fraternities, and all secret organizations are prohibited.

Legal References:
1. TCA 49-2-120

Cross References: