




Section 504 and ADA Grievance Procedures

Policy Number: 1.802	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

The Achievement School District (ASD) is committed to maintaining equitable employment/educational practices, services, programs and activities that are accessible and usable by qualified individuals with disabilities.

DEFINITION

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

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

COORDINATOR³

The ASD shall designate at least one (1) employee to coordinate its efforts to comply with and carry out its responsibilities under the Americans with Disabilities Act (ADA) and Section 504, including any investigation of any complaint alleging non-compliance with the Acts or alleging any actions that would be prohibited by the Acts.

NOTICE⁴

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

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

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

COMPLAINT PROCEDURE⁵

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

DUE PROCESS HEARING PROCEDURES

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

Request for Hearing

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

Impartial Hearing Officer

The superintendent or their designee shall appoint an impartial hearing officer to preside over the hearing and issue a decision. Such appointment will be made within fifteen (15) days of the date of receipt of a request for a due process hearing. The hearing officer will be hired as an independent contractor at no expense to the parent. The hearing officer that is appointed shall not be a current employee of the ASD and shall not be related to any employee of the ASD. The hearing officer need not be an attorney but shall be familiar with the requirements of Section 504 and the hearing procedures under Section 504. The choice of an impartial hearing officer is final and may not be presented as an issue at the due process hearing since such an issue would not relate to the identification, evaluation, or placement of a disabled child under Section 504. If a parent/guardian disputes the impartiality of the appointed hearing officer, he/she may raise such issue in a review of the hearing officer's opinion by a court of competent jurisdiction or in a complaint to the Office for Civil Rights.

Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: 404-974-9406
Email: OCR.Atlanta@ed.gov

⁵ 28 CFR § 35.170, 35.172

⁶ 34 CFR §104.36

Scheduling of Hearing

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

Continuances

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

Legal Representation at Hearing

If a parent/guardian is represented by a licensed attorney at the due process hearing, he/she must inform the Section 504 coordinator and the appointed hearing officer of that fact, in writing, at least seven (7) calendar days prior to the hearing date, or the hearing can be continued upon the coordinator's request.

Pre-Hearing Conference

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

Dismissals

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

Hearing

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

Recording

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

Witnesses

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

Format of Presentation

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

Submission of Exhibits

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

Closing Arguments

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

Decision

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

Review Procedure/Appeal

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



Tobacco-Free Schools

Policy Number: 1.803	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

All uses of tobacco and tobacco products, including smokeless tobacco, electronic/battery operated devices, vapor products, and all other associated paraphernalia are prohibited in all of the Achievement School District's (ASD) buildings and in all vehicles that are owned, leased or operated by the ASD.¹ Smoking and vaping shall be prohibited in any public seating areas, including but not limited to, bleachers used for sporting events, or public restrooms.²

ASD employees and students enrolled in the ASD's schools will not be permitted to use these products while they are participants in any class or activity in which they represent the ASD.

Signs will be posted throughout the ASD's facilities to notify students, employees and all other persons visiting the school that the use of tobacco and tobacco products is forbidden. The following notice shall be prominently posted (including at each ticket booth) for elementary and secondary school sporting events: Smoking is prohibited by law in seating areas and in restrooms.³


¹ 20 USCA § 6083; Tenn. Code Ann. § 39-17-1604(6); Tenn. Code Ann. § 39-17-1503(9), (10)

² Tenn. Code Ann. § 39-17-1604(10)

³ Tenn. Code Ann. § 39-17-1605



Use of Email

Policy Number: 1.805	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

All Achievement School District (ASD) employees who have access to the ASD network shall adhere to the following guidelines when sending or receiving messages via electronic mail:

1. Messages shall pertain to legitimate ASD business. E-mail shall not be used to circumvent requirements of the Open Meetings Act.¹
2. Because all computer hardware and software belong to the Tennessee Department of Education, all data including e-mail communications stored or transmitted on ASD computers will be monitored. ASD employees have no right to privacy with regard to such data. Confidentiality of e-mail communication cannot be assured. E-mail correspondence may be a public record under the public records law and may be subject to public inspection.²
3. ASD employees will be asked to sign the Tennessee Department of Education Acceptable Use Policy. ASD employees shall not reveal their passwords to others in the network or to anyone outside of it. If anyone has reason to believe that a password has been lost or stolen or that e-mail has been accessed by someone without authorization, they shall contact the Chief Information Officer immediately.
4. It is the responsibility of the sender not to violate copyright laws.
5. Messages shall not be sent that contain material that may be defined by a reasonable person as obscene or that are racist, sexist or promote illegal or unethical activity.

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

¹ Tenn. Code Ann. § 8-44-102

² Tenn. Code Ann. § 10-7-512



Emergency Closings

Policy Number: 1.8011	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

General

The Tennessee Department of Education authorizes the Director of Schools to close schools in the event of hazardous weather, a public health emergency, 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 schools is made, the Director of Schools will notify the public media and request that an announcement be made.

If school is not in session or is dismissed early due to snow or inclement weather, the Director of Schools in consultation with the principal(s) of the impacted school(s) shall determine if all scheduled activities in which students are involved shall be postponed or cancelled.

EMPLOYEE RESPONSIBILITIES

In the event of an emergency that requires closure of a school building, group of schools, or the entire district, the Director of Schools is authorized to continue to pay employees who are not able to physically report for duty as a result. These employees shall receive their regular wages. Such payments shall not exceed the number of days budgeted for each employee.

¹ Tenn. Code Ann. § 49-6-304(e)(1); TRR/MS 0520-01-02-.31(1)(a)(1)(i); Tenn. Code Ann. § 58-2-101; Public Acts of 2021 Chapter No. 96



Comparability of Services

Policy Number: 2.300	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

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

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

The superintendent shall develop procedures to ensure compliance with this policy and state and federal requirements regarding the comparability of services.

¹ 20 USCA § 6321



Fundraising Activities

Policy Number: 2.601	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

General

The following guidelines shall be followed:¹

1. Fundraising activities shall be authorized by the Achievement School District and shall be for the purpose of supplementing funds for established school programs and not for replacing funds which are the responsibility of the Achievement School District.
2. Fundraising companies and other salespersons shall obtain permission in writing from the superintendent' office in order to visit the schools.
3. Any commission payable by companies shall 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.
4. The principal shall obtain written approval from the superintendent/designee for all fundraising activities, including online fundraising activities, that involve the participation of the general student population in the marketing process of the fundraising effort. All other fundraising activities, including online fundraising activities, shall have written approval from the principal and comply with all administrative procedures issued by the superintendent. The authorization request shall contain the following information:²
 - a. A list of the proposed fundraising activities;
 - b. Purpose of the fundraising activity;
 - c. Proposed uses of funds raised;
 - d. Expected student involvement in fundraising activity (school-wide, individual class, or club);
and
 - e. Margin of profit and how it is to be paid to the school.
5. The superintendent 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 Achievement School District's required contributions.

¹ Tennessee Internal School Uniform Accounting Policy Manual, Section 4-30, 4-31

² Tennessee Internal School Uniform Accounting Policy Manual, Section 4-32

6. Students shall not be excused from a regular class to participate in a fundraising activity. No grade in a subject or course shall be affected by a student's participation in a fundraising activity.
7. No quotas shall be imposed on students involved, and their efforts shall be voluntary. Students who do not participate in fundraising activities shall not be punished or discriminated against in any way.

This policy shall not be construed as preventing a teacher from using instructional or informational materials even though the materials might include reference to a brand, a product, or a service.

LOTTERIES

No fundraising activity shall be conducted which distributes prizes or makes awards to winners from among purchasers of chances by means of tickets through a random selection process.³

ONLINE FUNDRAISING

Individual schools may establish school-wide online fundraising accounts. The accounts shall meet all fundraising requirements established by the Achievement School District and the *Tennessee Internal School Uniform Accounting Policy Manual*. The principal/designee of each school shall have access to the established fundraising account to ensure all funds are properly accounted for, and the information is recorded in the school's accounting records by the designated personnel. Online fundraising shall not be used on behalf and for the benefit of an outside party.

An employee shall not engage in online fundraising for educational purposes in his/her official capacity as an Achievement School District employee or make any reference to non-school sponsored fundraisers, online or otherwise, that would lead another to believe such activity is an approved school fundraiser.

FUNDRAISING FOR NONEDUCATIONAL PURPOSES⁴

On approval of the principal, an employee may be authorized to raise and use funds for the following noneducational purposes:

1. Bereavement support;
2. Award recognition;
3. Employee morale;
4. Banquets; or
5. Other situations at the principal's discretion.

These funds shall be derived from vending machine revenue, donations, or additional sources approved by the superintendent.


The superintendent shall develop administrative procedures regarding the receipt, disbursement, accounting, and auditing of these noneducational funds. The superintendent shall ensure that the procedures are consistent with board policy and state law and disseminate them to all employees.

³ Tenn. Op. Att'y Gen. No. 03-049 (Apr. 22, 2003)

⁴ Tenn. Code Ann. § 49-2-134



Safety

Policy Number: 3.201	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

Each principal is responsible for ensuring that safety is a part of the instructional program of the school. The safety program shall include:¹

1. Fire prevention;
2. Accident prevention;
3. Warning systems;
4. Emergency drills;
5. Traffic safety;
6. Safety inspections;
7. First aid; and
8. Disaster preparation.

Only students assigned to the school, the staff of the school, parent(s)/guardian(s) of students, and other persons with lawful and valid business shall enter onto the grounds or into the buildings of a school during the hours of student instruction. All staff shall report all persons appearing to be improperly on school premises to the principal.²

The principal shall secure assistance from law enforcement officials when he/she deems it necessary. In addition, the superintendents/designee shall provide the local law enforcement agency with all safety and security plans.³

¹ Tenn. Code Ann. § 49-6-805(7)

² Tenn. Code Ann. § 49-6-2008(a), (b)

³ Tenn. Code Ann. § 49-6-804(c); Tenn. Code Ann. § 49-6-805



Emergency Preparedness Plan

Policy Number: 3.202	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

General

The superintendent shall be responsible for developing, maintaining, and acquiring approval of the Achievement School District's (ASD) Emergency Preparedness Plan¹ which shall include procedures for bomb threats, civil disturbances, armed intruders, earthquakes, fires, tornadoes or other severe weather, and medical emergencies.

The principal of each ASD school shall develop and implement emergency preparedness drills which shall be approved by the superintendent. When appropriate, such drills shall be held in conjunction with emergency response agencies.

FIRE AND SAFETY DRILLS

The principal shall ensure that one (1) fire drill requiring full evacuation is given every thirty (30) school days, with two (2) fire drills occurring during the first thirty (30) full days of the school year. Additionally, he/she shall ensure that four (4) fire safety educational announcements are conducted throughout the year.²

The principal shall ensure that three (3) additional safety drills are given during the school year.³ These drills may cover inclement weather, earthquakes, armed intruders, or other emergency drills that do not require full evacuation. A record of all fire or safety drills, including the time and date, shall be kept in each school's office.³

The principal shall regularly check the quantity, locations, and conditions of fire extinguishers and shall give all school personnel instructions on how to properly use fire extinguishers.

ARMED INTRUDER DRILLS

¹ TRR/MS 0520-01-02-.30(2); Tenn. Code Ann. § 49-6-804; Tenn. Code Ann. § 49-6-805(8)

² Tenn. Code Ann. § 68-102-137(b)

³ Tenn. Code Ann. § 68-102-137(f)

The principal shall ensure that the school safety team conducts at least one (1) armed intruder drill annually in coordination with local law enforcement.⁴

AED DRILLS⁵

All ASD schools shall conduct a CPR and AED drill to ensure awareness of the steps that shall be taken in the event of a medical emergency. The principal shall ensure that the drill occurs.

The superintendent shall develop the necessary administrative procedures on AED and CPR training, planning, notification, and maintenance to comply with state law.

MEDICAL EMERGENCIES/PANDEMIC FLU⁶

In the event of medical emergencies such as a pandemic flu outbreak, school officials shall cooperate and consult with the local and state health departments and other local emergency or healthcare providers in protecting students and the community from further infection. The superintendent shall develop procedures for health emergencies in accordance with state law and regulations.


⁴ Tenn. Code Ann. § 49-6-807

⁵ Tenn. Code Ann. § 49-2-122; Tenn. Code Ann. § 49-6-1208

⁶ Tenn. Code Ann. § 49-6-3004(a), (e); Tenn. Code Ann. § 49-5-404



Crisis Management

Policy Number: 3.203	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

The principal shall develop a crisis management plan for use in times of crisis, including suicides, shootings, and the death of a student or faculty member.¹ Within the development of such plan, the principal shall appoint a crisis team which shall deal with specific situations, make decisions, and disseminate information in the event of a crisis. Members of the team shall consist of:

1. Principal
2. Assistant Principal
3. School Safety Coordinator
4. School Nurse
5. School Counselor
6. SPED Coordinator
7. Fire Department
8. Police / Sheriff Department


In the event of a crisis, the principal shall notify the crisis team and the superintendent. If necessary, the principal shall contact the appropriate emergency services (police, fire, ambulance, etc.).

All media attention shall be directed to the Tennessee Department of Education director of communications.

¹ Tenn. Code Ann. § 49-6-804(a); Tenn. Code Ann. § 49-6-805(1)



Threat Assessment Team

Policy Number: 3.204	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

*General*¹

A threat assessment team shall be created within the Achievement School District (ASD) to develop intervention-based approaches to prevent violence, manage reports of potential threats, and create a system that fosters a safe, supportive, and effective school environment. The superintendent shall appoint the members of the threat assessment team.

The superintendent shall develop administrative procedures regarding the training and operations of the team to comply with state law and State Board of Education rules and regulations.

TEAM MEETINGS

All threat assessment team meetings shall be closed to the public.²

RECORDKEEPING³

The team shall document all behaviors and incidents deemed to pose a risk to school safety or that resulted in intervention and shall provide the information to the superintendent.

A report of the activities of the threat assessment team will be compiled and shared with the Tennessee Department of Education before each regular meeting.

Documents produced or obtained regarding these assessment activities will not be open for public inspection.


¹ Tenn. Code Ann. § 49-6-2701 *et seq.*

² Tenn. Code Ann. § 49-6-2701(f)

³ Tenn. Code Ann. § 49-6-2702(g); Tenn. Code Ann. § 49-6-2702



Security

Policy Number: 3.205	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

General¹

The Director of Schools for the Achievement School District (ASD) shall establish procedures to protect school property which shall include, but not be limited to:

1. Closing and securing teacher work areas when left unattended or at the end of the day;
2. Denying students permission to use the classrooms, laboratories, gymnasiums, or other school facilities or equipment without appropriate supervision;
3. Controlling the issuance of keys;
4. Developing programs that contribute to the proper care and use of school facilities and equipment; and
5. Ensuring that equipment purchased with federal funds is managed as directed by federal law.²

The principal of each ASD school shall call law enforcement officials in cases involving illegal entry, building damage, theft, or vandalism. The principal shall notify the Director of Schools as soon as practical, but no longer than twenty-four (24) hours, after a case of vandalism, theft, building damage, and/or illegal entry. The Director of Schools/designee is authorized to sign a criminal complaint and press charges. The Director of Schools shall report all signing of such complaints to the Tennessee Department of Education.

LAW ENFORCEMENT SERVICES¹

The ASD may enter into collaborative partnerships with appropriate law enforcement agencies. Partnerships may include, but not be limited to, education and recreational programs, delinquency prevention, and mentoring initiatives.

¹ Tenn. Code Ann. § 49-6-805(3)

² 2 C.F.R. § 200.313

The ASD may enter into a memorandum of understanding (MOU) with the chief of a law enforcement agency to provide school policing. The MOU shall address, at a minimum, the following issues:

1. Any school resource officer (SRO) assigned under the MOU shall be in compliance with all laws, regulations, and rules of the Peace Officer Standards and Training Commission at the time of assignment and remain compliant throughout his/her assignment.
2. As a condition of assignment, any SRO shall participate in forty (40) hours of basic training in school policing within twelve (12) months of assignment. Every year thereafter, the SRO shall participate in a minimum of sixteen (16) hours of training specific to school policing. All training programs shall be approved by the Peace Officers Standards and Training Commission.³
3. Any SRO assigned under the MOU remains an employee of the law enforcement agency and is subject to that agency's direction, control, supervision, and discipline.
4. No SRO shall be assigned to a school, or continue in such an assignment, without the consent of the Director of Schools.
5. In the event that more than one (1) SRO is assigned to the ASD, the law enforcement agency shall designate one (1) of the SROs as the senior SRO. The duties of the senior SRO shall include, but not be limited to, the following:
 - a. Representing and carrying out the policies of the law enforcement agency assigning the SROs;
 - b. Supervising the SROs in the performance of their duties;
 - c. Consulting with the Director of Schools regarding the best use of the available resources for school policing; and
 - d. Resolving disputes between the SROs and students or staff members.
6. The MOU may be effective for any length of time, including continuing until terminated by the parties, and may contain any reasonable notice requirement for the termination of the MOU. However, the MOU shall contain a provision allowing the Director of Schools to suspend the active participation of any SROs in the event that the Director of Schools believes that such suspension is best for the health, safety, or wellbeing of the students or staff members.

CYBERSECURITY⁴

³ Tenn. Code Ann. § 49-6-4217

⁴ Public Acts of 2021, Chapter No. 335

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



Facilities Planning

Policy Number: 3.208	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

The superintendent shall present an annual assessment of facility needs to the Tennessee Department of Education. The needs assessment shall include a review of each school site. Each principal shall prepare the assessment for his/her school with input from staff, parent(s)/guardian(s), and community leaders. Funds, design, and all major purchases shall be approved by the Tennessee Department of Education. Additionally, all changes shall meet or exceed existing school standards.

The individual school needs assessment shall include the following information:

1. Building, site, and utility deficiencies;
2. Maintenance issues;
3. Number of classrooms with class sizes;
4. Population and enrollment projections;
5. Community needs; and
6. Other information as directed.

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

1. Individual school assessments;
2. System-wide population growth projections;
3. Industrial and business forecasts; and
4. Other information as deemed necessary.

ASBESTOS¹

The superintendent shall maintain an Asbestos Management Plan for all buildings leased, owned, or otherwise used as school buildings and update the plan to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities.

The superintendent shall:


1. Annually publish a notification on the Asbestos Management Plan availability and the status of asbestos activities;
2. Educate and train maintenance and custodial staff about asbestos and how to deal with it in accordance with state and federal law;
3. Notify short-term or temporary workers on the locations of the building materials containing asbestos;
4. Post warning labels in routine maintenance areas where asbestos was previously identified or assumed;
5. Follow set plans and procedures designed to minimize the disturbance of building materials containing asbestos; and
6. Survey the condition of these materials every six (6) months to assure that they remain in good condition.

The superintendent shall designate an Asbestos Hazard Emergency Response Act (AHERA) Manager as the designated Asbestos Program Coordinator. All inquiries regarding the asbestos plan and asbestos related issues shall be directed to the AHERA Manager.

¹ 40 CFR § 763.91-93; 15 USCA § 2641-2656



Water Testing

Policy Number: 3.212	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

General

All Achievement School District facilities built before January 1, 1998 shall be tested for lead in drinking water every two (2) years.¹

The superintendent shall develop appropriate administrative procedures to facilitate this testing and address any necessary corrective action.

RESPONSE TO TESTING RESULTS¹

If test results show that lead levels exceed fifteen parts per billion (15 ppb) but are below twenty parts per billion (20 ppb), that school shall conduct lead level tests on an annual basis. This shall continue until tests show that the lead levels are under fifteen parts per billion (15 ppb).


If test results show that lead levels equal or exceed twenty parts per billion (20 ppb), the school shall immediately remove the drinking water source from service. The drinking water source shall not be available for use until retesting confirms the water lead level does not exceed twenty parts per billion (20 ppb). If corrective action is taken, retesting shall occur within ninety (90) days.

The superintendent/designee shall notify the appropriate authorities within twenty-four (24) hours of a test result showing that lead levels equal or exceed twenty parts per billion (20 ppb). Parent(s)/guardian(s) shall be notified within five (5) business days of such test result.

¹ Tenn. Code Ann. § 49-2-133



Access to Private Facilities

Policy Number: 3.220	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

Students, employees, or teachers may request reasonable accommodations if they desire greater privacy when using multi-occupancy restrooms or changing facilities located in the school building or when using multi-occupancy sleeping quarters while attending a school-sponsored activity.¹

Such requests shall be submitted in writing to the principal, and any appeals regarding the principal's decision shall be in accordance with state law.¹

The Director of Schools for the Achievement School District shall develop an administrative procedure on access to private facilities.

¹ Public Acts of 2021, Chapter No. 452



Student Transportation Management

Policy Number: 3.400	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

School buses shall be maintained and operated in accordance with state law and State Board of Education Rules and Regulations.^{1,2}

All accidents, regardless of the damage involved, shall be reported to the Transportation Supervisor, including incidents in which any part of the bus contacts any other object or vehicle.

Transportation Supervisor

The ASD superintendent shall appoint a transportation supervisor. The transportation supervisor shall be responsible for monitoring and overseeing transportation services for the ASD.

The transportation supervisor shall complete a student transportation management training program upon appointment. The transportation supervisor shall complete a minimum of four (4) hours of training each year.

The ASD superintendent shall ensure the training is completed and provide TDOE with the appropriate documentation confirming completion.

Student Transportation

The ASD transportation program shall be monitored by the transportation coordinator and subjected to periodic evaluations as necessary. The transportation coordinator shall be prepared to apprise the superintendent of the condition of the transportation service at any time.

The transportation supervisor shall be responsible for surveying all bus routes and scheduling bus transportation, including the determination of bus stops and the assignment of students.

Each ASD vehicle transporting students shall be equipped with the phone number for reporting safety complaints. This number shall appear on the rear bumper.³

No ASD employee shall transport ASD students.

¹ Tenn. Code Ann. § 49-6-2109

² Tennessee State Board of Education Rule 0520-01-05

³ Tenn. Code Ann. § 49-6-2116(d)(3)

The transportation supervisor shall develop procedures to ensure compliance with the statutory and regulatory requirements for the transportation program.

The transportation supervisor shall develop and maintain safety inspection records. In addition, the school bus shall be available for regular state inspections. Any defects noted by either the regular local or state inspection shall be remedied prior to returning the unit to regular service

Emergency evacuation instruction shall be conducted regularly throughout the school term to acquaint student riders with procedures in emergency situations.

All ASD schools shall comply with current regulators regarding the transportation of special education students.

Complaint Process

The following procedure shall govern how students, teachers, staff, and community members shall submit bus safety complaints:

- (1) All complaints shall be submitted to the TDOE Director of Safety. Complaints may be submitted in person or by phone at (901)-440-9136.
 - a. Written complaints shall be submitted on phones located in the office of the Director of Safety.
 - b. For complaints received by phone, the person receiving the call shall be responsible for completing the form and submitting it to the Director of Safety
- (2) The transportation supervisor shall begin an investigation of all bus safety complaints within twenty-four (24) hours of receipt.
- (3) Within forty-eight (48) hours of receipt of the initial complaint, the Director of Safety shall submit a preliminary report to the superintendent. This report shall include:
 - a. The date and time the complaint was received
 - b. The name of the driver involved in the incident
 - c. A copy or summary of the complaint; and
 - d. Any prior complaints or disciplinary actions taken against the driver
- (4) Within sixty (60) days of receiving the initial complaint, the Director of Safety shall submit a final written report to the ASD superintendent that details the findings of the investigation as well as any action(s) taken in response to the complaint.
- (5) Parents and students shall receive annual notification of the process for reporting complaints⁴.

Recordkeeping⁵

The transportation coordinator shall be responsible for the collection and maintenance of the following records:

- (1) Bus and ASD vehicle maintenance and inspection forms
- (2) Bus driver and ASD employment credentials (including required background checks, health records, and performance reviews)
- (3) Driver training records
- (4) Vehicle sign in/sign out forms
- (5) Trip request form which includes destination, purpose, passengers, and chaperones; and
- (6) Complaints received and any records relating to the investigation of the complaint.

⁴ Tenn. Code Ann. § 49-6-2116

⁵ Tenn. Code Ann. § 49-6-2116(d)(5)



Student Transportation (Scheduling and Routing)

Policy Number: 3.401	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

The Transportation Supervisor shall be responsible for surveying all bus routes and scheduling bus transportation, including the determination of bus stops and the assignment of students.

Appeals of transportation decisions shall be made to the transportation supervisor.

No student shall be in transit to and from school more than one and one-half hours each way.¹

Upon being hired and at the beginning of each school year thereafter, every bus driver shall be given the policies and procedures relative to the transportation program.²

Once the official route is begun, stops shall only be made to take on, discharge or transfer students. Buses are not to make any non-designated stops, except for emergencies, when transporting students.

Bus drivers are not permitted to allow a student to exit at a point other than the student's regular bus stop.³

In the event that the driver finds it necessary for a student to exit the bus at a stop other than the student's designated stop in order to preserve the safety of other student passengers or the driver, the driver may remove the offending student from the bus provided that the driver secures the safety of the student for the uncompleted trip. A driver shall report to school authorities as soon as possible, but no later than the end of the route, any student refusing to obey the driver or exiting the bus without the driver's permission at a point other than the student's destination for that trip.⁴

Students who ride school buses shall attend the school designated unless the ASD designates an alternate school. If a parent/guardian chooses to send their child to another school in the ASD, the parent/guardian shall provide transportation to and from that school.

¹ Tenn. Code Ann. § 49-6-2105

² Tenn. Code Ann. § 49-6-2118(b)

³ Tenn. Code Ann. § 49-6-2118 (a)(1)

⁴ Tenn. Code Ann. § 49-6-2118 (c),(d)



Instructional Standards

Policy Number: 4.101	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

General

The Achievement School District (ASD) Director of Schools is charged with selection of the curriculum. No subjects or topics prohibited by state or federal law shall be taught.¹ The Director of Schools shall develop administrative procedures to implement this policy.

STATE STANDARDS²

Only Tennessee state standards shall be taught within the ASD. The following are prohibited:

1. Instructional materials, textbooks, or supplemental materials created to align exclusively with Common Core; or
2. Instructional materials, textbooks, or supplemental materials that are marketed or otherwise identified as Common Core textbooks or instructional materials.

CURRICULUM AND INSTRUCTIONAL PROGRAMMING

All curriculum and instructional programming implemented in the ASD shall adhere to state and federal laws. ASD employees shall not include or promote any concepts that would violate state law when providing instruction, using instructional or supplemental materials, or when implementing the instructional program and curriculum.¹


The Director of Schools shall develop procedures to ensure that the ASD's instructional program complies with state law.

¹ Public Acts of 2021, Chapter No. 205; Public Acts of 2021, Chapter No. 281; Public Acts of 2021, Chapter No. 471; Public Acts of 2021, Chapter No. 493

² Tenn. Code Ann. § 49-1-302(a)(8); Tenn. Code Ann. § 49-1-314



Class Size

Policy Number: 4.201	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

General¹

Pupil-teacher ratios shall not exceed the averages outlined in state law. Further, class sizes shall not exceed the maximum allowed by state law.


WAIVERS

The superintendent/designee may seek a waiver from the Commissioner of Education to extend the career and technical education (CTE) classes in grades nine through twelve (9-12) as long as these class sizes do not exceed the maximum.

If a natural disaster results in the enrollment of displaced students, the Commissioner of Education may grant a waiver from the maximum class sizes.



Summer Instructional Programs

Policy Number: 4.201	Monitoring Review: Annually
Effective/Revised Date: September 8, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

General

The following programs will be made available to students:^{1,2}

1. Traditional summer school;
2. Learning loss bridge camps;
3. After-school learning mini camps (2021-2023); and
4. Summer learning camps (2021-2023).

These programs shall be organized and operated in accordance with state law as well as guidelines provided by the Tennessee Department of Education. Funding for all programming shall be provided for in the annual budget and take into account any available grants. The Achievement School District may adopt tuition rates for those students attending a traditional summer school program.³

SUMMER PROGRAMMING²

The Director of Schools shall present a recommended summer programming plan to the Tennessee Department of Education each year, no later than March 30 each applicable year, outlining the following:

1. Courses offered;
2. Transportation;

¹ TRR/MS 0520-01-03-.03(9)

² Public Acts of 2021, Special Legislative Session, Chapter No. 1

³ Tenn. Code Ann, § 49-6-3003

3. Class size ratios;
4. Budget, including staff compensation;
5. School nutrition needs;
6. Staffing;
7. Enrollment criteria; and
8. Any additional necessary information.

ATTENDANCE REQUIREMENTS

Priority students, as defined by state law, shall be required to attend summer programs. Beginning with the 2022-2023 school year, any third-grade student who did not score proficient (on-track or mastered) on the ELA portion of the school's Tennessee Comprehensive Assessment Program (TCAP) must be retained, attend summer learning camp and must maintain a ninety percent attendance rate at the camp.

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

- (1) Personal illness;
- (2) Illness of immediate family member;
- (3) Death in the family;
- (4) Extreme weather conditions;
- (5) Religious observances;⁴
- (6) College visits;
- (7) Pregnancy;
- (8) School sponsored or school endorsed activities⁷
- (9) Summons, subpoena, or court order; or
- (10) Circumstances which in the judgment of the principal create emergencies over which the student has no control.

Submission of Documentation/Explanation of Absence:

A written and/or submitted statement will be required within 3 school days upon the student's return. The parent/guardian shall explain the reason for each absence. If necessary, verification is required from an official source to justify absences. All absences other than those outlined above shall be considered unexcused. Written

⁴ TRR/MS 0520-1-3-.03(16); T.C.A. § 49-6-2904

documentation can be submitted in person to the teacher or office attendance manager or via emailing the teacher or office attendance manager within three (3) school days.

The summer program administrator shall be responsible for ensuring that:⁵

- (1) Attendance is checked and reported daily for each class;
- (2) Daily absentee sheets contain sign in/sign out sheets and indicate students present or absent for the majority of the day;
- (3) All student absences are verified;
- (4) Written excuses are submitted for absences and tardiness;
- (5) System-wide procedures for accounting and reporting are followed.

Make-Up Work


Students will be allowed one additional day for each excused absence to complete make up work for full credit. Tests and graded assignments that were assigned prior to the absences shall be completed or turned in the day the student returns to school. Request for exceptions to this policy based on extraordinary circumstances shall be made first to the classroom teacher then to the principal for any final decisions.

The Director of Schools shall be responsible for developing administrative procedures regarding the attendance requirements of priority students in each program.

⁵ Tenn. Code Ann. § 49-6-3007



Alternative Credit Options

Policy Number: 4.209	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

ONLINE COURSES

High school students may earn credit to be applied toward graduation requirements by completing online courses offered through agencies or institutions approved by the Achievement School District. Credit from these online courses may be earned only in the following circumstances:

1. The course is not offered at the high school, or although the course is offered at the high school, the student has an unavoidable scheduling conflict;
2. The course will serve as a supplement to homebound instruction;
3. The student has been expelled from a regular school setting, but educational services are to be continued; or
4. The principal, with agreement from the student's teachers and parent(s)/guardian(s), determines the student requires a differentiated or accelerated learning environment.

The express approval of the principal/designee shall be obtained before a student enrolls in an online course. The school shall receive an official record of the final grade before credit toward graduation will be recognized.

Through a supervision plan, the Achievement School District shall be responsible for providing appropriate supervision and monitoring of students taking online courses.

COURSE ACCESS PROGRAM

Students in grades seven through twelve (7-12) may participate in the statewide course access program. To become eligible to participate, students shall:

1. Meet all prerequisite requirements for the course access course; and
2. Be unable to enroll in a comparable course at the student's school because:
 - a. A comparable course is not offered; or
 - b. A legitimate situation exists that prevents the student from enrolling in a comparable course.¹

The superintendent shall develop administrative procedures to ensure that students and parent(s)/guardian(s) are given written notice of their right to appeal any denial of a course access course enrollment in a timely manner.² All appeals shall be submitted in writing to the Achievement School District within five days of a denial.

¹ TRR/MS 0520-01-14-.03(1)

² TRR/M 0520-01-14-.03(7)

After a timely appeal is made, the Achievement School District will provide written notification to the student and parent(s)/guardian(s) of the time, place, and date of the hearing. The hearing shall be held no later than ten (10) days after the appeal is submitted. At the hearing, the Achievement School District shall determine whether there was an error in denying the student the ability to participate in the course access program.³

³ TRR/MS 0520-01-14-.03(6)



Credit Recovery

Policy Number: 4.210	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

*General*¹

The superintendent 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.¹

ADMISSION AND REMOVAL²

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. Parent(s)/guardian(s) shall 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 Achievement School District shall track students enrolled in credit recovery courses as directed by the Tennessee Department of Education.

INSTRUCTION AND CONTENT³

Credit recovery teachers shall work closely with credit recovery facilitators to correlate class content and instruction.

The superintendent shall ensure that all credit recovery courses:

¹ SBOE Policy 2.103(7)(b)

² SBOE Policy 2.103(7)(c)

³ SBOE Policy 2.103(7)(d)

1. Align with Tennessee's current academic standards for the relevant course content area, as approved by the State Board of Education; and
2. Differentiate instruction to address individual student growth needs based on diagnostic assessment or End of Course data.

Students in credit recovery programs shall:

1. Complete a course skill-specific diagnostic to determine skill-specific goals;
2. Meet individual skill-specific goals in a flexible time frame as established by identified student need; and
3. Master all individualized skill-specific goals as established by the diagnostic process in order to earn credit.

GRADES⁴

Students passing credit recovery shall receive a grade of seventy percent (70%). Grades awarded in credit recovery courses shall adhere to the State Board of Education's Uniform Grading Policy.⁵

⁴ SBOE Policy 2.103(7)(e)

⁵ SBOE Policy 3.301



Family Life Education

Policy Number: 4.213	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

General

A family life education program shall be implemented within the Achievement School District in compliance with state law.¹

A parent/guardian who chooses not to have a student participate in the family life education program shall submit such request in writing to the principal. A student who is excused from the program shall be assigned alternative health activities and shall not be penalized academically.

FAMILY LIFE INSTRUCTION

The curriculum for the family life education program shall, in a manner that is age-appropriate and factually and medically accurate, include the following:²

1. Teach the skills needed to make healthy decisions in all aspects of marriage and family life;
2. Encourage sexual health by helping students understand how the whole person is affected by sexual activity as well as other risk behaviors;
3. Provide information about human reproduction, including conception, birth, and prenatal care, as well as the process of adoption and its benefits;
4. Provide information on the family unit and the responsibilities and consequences related to sexual activity, including the challenges of single teen parenting;
5. Promote only sexual risk avoidance through abstinence and the positive results of avoiding sexual activity;
6. Provide instruction on the detection, intervention, prevention, and treatment of child sexual abuse, including such abuse that may occur in the home, and human trafficking in which a victim is the child;

¹ Tenn. Code Ann. § 49-6-1302; Public Acts of 2021, Chapter No. 290

² Tenn. Code Ann. § 49-6-1304

7. Provide instruction on the prevention of dating violence;
8. Encourage communication between parent(s)/guardian(s) and students; and
9. Address the legal aspects of sexual activity with emphasis on the rights of the student.

The family life education program shall be reviewed annually to ensure that the prohibited items of instruction, as provided for in state law,³ are not included in the curriculum.


TRAINING ON INSTRUCTION

Personnel providing family life instruction shall receive training prior to presenting such instruction. Personnel shall conduct such instruction with maturity and discretion.

³ Tenn. Code Ann. § 49-6-1304(b)



Interscholastic Athletics

Policy Number: 4.301	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

General

All Achievement School District (ASD) students shall have equal athletic opportunities. Students shall not, on the basis of sex, race, color, national origin, disability, or any other category protected by state or federal law, be excluded from participation in, be denied the benefits of, be treated differently, or otherwise discriminated against in any ASD athletic program. Equal athletic opportunities shall be provided for members of both sexes.¹ Student athletes shall only be allowed to participate in athletic activities or events that align with the student's sex indicated on his/her original birth certificate.² The director of schools or designee shall require the parent/guardian to provide the student's original birth certificate prior to participation in any interscholastic athletics. If the original birth certificate is not available or does not indicate the student's sex at the time of birth, the parent/guardian shall provide medical documentation showing evidence of the student's sex at birth.

Interscholastic athletics shall be administered as a part of the regular school program and shall be the principal's responsibility. Principals shall ensure that school regulations regarding participation in a sport are reasonable. Athletic schedules shall be filed in each school principal's office. The principal or designee shall accompany an athletic team on trips. Transportation of teams to athletic games is approved by the director of schools.

The bylaws of the Tennessee Secondary School Athletic Association shall regulate the operation and control of athletics at the ASD.³ The director of schools shall develop a code of conduct for all coaches to follow in order to ensure the health and safety of athletes.⁴

Insurance and Physical Examinations

In the event that the charter management organization's insurance provider does not extend coverage to a student athlete, the student athlete must provide proof of independently secured catastrophic coverage and liability coverage, with the charter management organization as a named insured, of not less than the limits set forth in state law.⁵

¹ 34 CFR § 106.41; 20 USCA § 1681 et seq.

² Public Acts of 2021, Chapter No. 40

³ TRR/MS 0520-01-02-.08(1)

⁴ Public Acts of 2021, Chapter No. 272

⁵ Tenn. Code Ann. § 29-20-403

It shall be the responsibility of the parent/guardian to provide health and hospitalization insurance for all students participating in interscholastic athletics.

Every student shall complete an annual physical examination prior to participation in interscholastic athletics.⁶ The student's parent or guardian shall be responsible for covering the cost of the examination, and these records shall be on file in the director of school's office.

Scheduling Conflicts

Students shall not be dismissed from school for the purpose of attending the practice of any interscholastic sport during the school day without written permission from the director of schools.⁷ This does not prevent the inclusion of regular physical training lessons in the daily school program.

Students shall not be required to attend a school athletic event, or event related to participation on a school athletic team, if the event is on an official school holiday, observed day of worship, or religious holiday. The student's parent or legal guardian shall notify the coach in writing three (3) full school days prior to the event if a student will not participate in a school athletic event due to one of the aforementioned reasons.⁸

All coaches who oversee or participate in outdoor training, practice, or competition shall annually complete a heat illness prevention course approved by the Tennessee Department of Health as well as receive training on activity modifications based on environmental conditions.

Severe Weather⁴

Severe weather is any type of weather that could impede the safety of any athlete by compromising the playing conditions of the interscholastic sport. Severe weather includes, but is not limited to, thunder, lightning, and extreme temperatures. When severe weather is forecasted, suspension of play shall be discussed with all players, coaches, and officials, if applicable.

All coaches who oversee or participate in outdoor training, practice, or competition shall annually complete a heat illness prevention course approved by the Tennessee Department of Health as well as receive training on activity modifications based on environmental conditions.

Prohibition Against Hazing

Coaches, employees, and volunteers shall not encourage, permit, condone, or tolerate hazing activities⁹ and must report all observed or reported instances to the director of schools within twenty-four (24) hours of observation or report.

⁶ 20 USCA § 1232h(c); TRR/MS 0520-01-13-.01(1)(a)


⁷ Tenn. Code Ann. § 49-6-1002(a)

⁸ Tenn. Code Ann. § 49-6-1002(c)

⁹ Tenn. Code Ann. § 49-2-120



Instructional Materials

Policy Number: 4.400	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

General

One of the objectives of the total curriculum is to reduce stereotyping and to eliminate bias on the basis of race, color, religion, sex, national origin, and disability.¹ Instructional materials shall reflect the cultural and racial diversity which is present in the United States as well as the variety of careers, roles, and life-styles open to women and men.

All classrooms and learning centers shall be equipped with the instructional materials needed to provide quality learning experiences for students. The Achievement School District shall provide a wide range of instructional materials that cover all levels of difficulty, generate critical thinking, and support the educational programs.

The superintendent shall develop procedures to review and reconsider instructional materials that are allegedly inappropriate.

REVIEW OF MATERIALS

A list of instructional materials shall be revised annually by building administrators under the direction of the superintendent.

Upon request, parent(s)/guardian(s) shall have the ability to inspect the following items:

1. Instructional materials;
2. Teaching materials/ aids;
3. Handouts; and
4. Tests that are developed by and graded by their child's teacher.

¹ 42 USCA § 200e, *et seq.*



Use of Copyrighted Materials

Policy Number: 4.404	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	


To define the fair and reasonable use of copyrighted work for educational purposes without the permission of the copyright owner and reduce the risk of copyright infringement the following guidelines are in effect:

1. All employees shall adhere to the provisions of the United States Code regarding the copying and/or the use of copyrighted materials;¹
2. In the case of computer software, the ethical and practical problems caused by computer software piracy shall be taught in all computer courses;
3. The superintendent shall establish specific regulations regarding the copying, distribution, and use of copyrighted materials for instructional purposes;¹ and
4. The principal of each school shall establish practices which will enforce this policy at the school level.

¹ 17 USCA §§ 106, 107, 110



Use of Internet

Policy Number: 4.406	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

The Achievement School District (ASD) supports the right of staff and students to have reasonable access to various information formats and believes that it is incumbent upon staff and students to use this privilege in an appropriate and responsible manner.

EMPLOYEES

Before any employee is allowed use of the ASD's internet or intranet access, the employee shall sign a written agreement, developed by the superintendent/designee that sets out the terms and conditions of such use. Any employee who accesses the ASD's computer system for any purpose agrees to be bound by the terms of that agreement, even if no signed written agreement is on file.

The superintendent shall develop and implement procedures for appropriate internet use which shall address the following:

1. Development of the Network and Internet Use Agreement;
2. General rules and ethics of internet access;
3. Guidelines regarding appropriate instruction and oversight of student internet use;
4. A uniform signature block for use by all district employees; and
5. Prohibited and illegal activities, including but not limited to the following:¹
 - Sending or displaying offensive messages or pictures;
 - Using obscene language;
 - Harassing, insulting, defaming, or attacking others;
 - Damaging computers, computer systems, or computer networks;
 - Hacking or attempting unauthorized access to any computer;

¹ Tenn. Code Ann. § 39-14-602

- Violation of copyright laws;
- Trespassing in another's folders, work, or files;
- Intentional misuse of resources;
- Using another's password or other identifier (impersonation);
- Using the network for commercial purposes; and
- Buying or selling on the internet.

STUDENTS

The superintendent shall develop and implement procedures for appropriate internet use by students.

Procedures shall address the following:

1. General rules and ethics of internet use; and
2. Prohibited or illegal activities, including, but not limited to:¹
 - Sending or displaying offensive messages or pictures;
 - Using obscene language;
 - Harassing, insulting, defaming, or attacking others;
 - Damaging computers, computer systems, or computer networks;
 - Hacking or attempting unauthorized access;
 - Violation of copyright laws;
 - Trespassing in another's folders, work, or files;
 - Intentional misuse of resources;
 - Using another's password or other identifier (impersonation);
 - Using the network for commercial purposes; and
 - Buying or selling on the internet.

INTERNET SAFETY MEASURES²

Internet safety measures shall be implemented that effectively address the following:

1. Controlling access by students to inappropriate matter on the internet and world wide web;
2. Safety and security of students when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
3. Preventing unauthorized access, including "hacking" and other unlawful activities by students online;
4. Unauthorized disclosure, use, and dissemination of personal information regarding students; and
5. Restricting students' access to materials harmful to them.

² Children's Internet Protection Act (Public Law 106-554)

The superintendent/designee shall establish a process to ensure the ASD's education technology is not used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that blocks or filters internet access (for both students and adults) to material that is obscene, child pornography, or harmful to students;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of students.²

The ASD shall provide reasonable public notice of and at least one (1) public hearing or meeting to address and communicate its internet safety measures.²

A written parental consent shall be required prior to the student being granted access to electronic media involving ASD technological resources. The required permission/agreement form, which shall specify acceptable uses, rules of online behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent/guardian of minor students (those under 18 years of age) and also by the student. This document shall be executed each year and shall be valid only in the school year in which it was signed unless parent(s)/guardian(s) provide written notice that consent is withdrawn. In order to rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the superintendent with a written request.

E-MAIL

Users with network access shall not utilize ASD resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system. All data including e-mail communications stored or transmitted on school system computers shall be monitored. Employees/students have no expectation of privacy with regard to such data. E-mail correspondence may be a public record under the public records law and may be subject to public inspection.³

INTERNET SAFETY INSTRUCTION⁴

Students will be given appropriate instruction in internet safety as a part of any instruction utilizing computer resources. The superintendent shall provide adequate in-service instruction on internet safety.

Parent(s)/guardian(s) and students will be provided with material to raise awareness of the dangers posed by the internet and ways in which the internet may be used safely.

³ Tenn. Code Ann. § 10-7-512

⁴ Tenn. Code Ann. § 49-1-221

SOCIAL NETWORKING

1. ASD staff who have a presence on social networking websites are prohibited from posting data, documents, photographs, or inappropriate information that is likely to create a material and substantial disruption of classroom activity.
2. ASD staff are prohibited from accessing personal social networking sites on school computers or during school hours except for legitimate instructional purposes.
3. The ASD discourages staff from socializing with students on social networking websites. The same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium is unacceptable when done through the use of technology.

VIOLATIONS

Violations of this policy or a procedure promulgated under its authority shall be handled in accordance with the existing disciplinary procedures of Tennessee Department of Education.



Parent and Family Engagement

Policy Number: 4.502	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

GENERAL EXPECTATIONS FOR PARENT ENGAGEMENT

The Achievement School District (ASD) is committed to increasing and ensuring the involvement of parents and other family members in the education of students.

The ASD shall implement the following as required by federal or state laws or regulations:¹

1. The ASD shall annually work with parents in evaluating and potentially revising the provisions of this policy in improving the quality of schools. Such an evaluation shall strive to identify any barriers to greater participation by parents (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background).
2. The ASD shall provide the coordination, technical assistance, and other necessary support to assist individual schools with planning and implementing parental involvement activities.
3. The ASD shall involve parents with the development of required educational or improvement plans.
4. The ASD shall coordinate and integrate parental involvement strategies with those associated with other federal or state programs.
5. The ASD shall put into operation activities and procedures for the involvement of parents in all of its schools.² Those programs, activities, and procedures will be planned and operated with meaningful consultation with parents.
6. The ASD shall ensure that activities and strategies are implemented to support this policy and included in the district plan.

¹ Every Student Succeeds Act, Pub.L. 114-95, Dec. 10, 2015, 129 Stat. 1802; State Board of Education Policy 4.207; Tenn. Code Ann. § 49-2-305; 20 USCA § 6318

² Tenn. Code Ann. § 49-6-7001

7. The ASD district improvement plan shall include strategies for parental participation in the district's schools which are designed to improve parent and teacher cooperation in such areas as homework, attendance, discipline, and higher education opportunities for students.
8. The ASD district plan shall include procedures to enable parents to learn about the course of study of their children and have access to all learning materials.
9. The ASD district plan shall identify opportunities for parents to participate in and support classroom instruction in the school. Such opportunities include, but are not limited to, organizing fundraising activities, volunteering as a field trip chaperone, assisting in the library, computer lab or on the playground, offering after-school clubs, and recycling clothes.
10. If the ASD's plan is not satisfactory to parents, the ASD shall submit parental comments regarding the plan to the State Department of Education as required.
11. The ASD shall ensure Title I schools are in compliance with the *Every Student Succeeds Act*.

The superintendent shall develop and implement any procedures necessary to accomplish the goals of this policy.

SCHOOL LEVEL POLICY

Each school in the ASD shall submit to the superintendent, for review and comment, its Title I school parent involvement policy which must meet state and federal requirements, including a school-parent compact. This school level policy shall be developed jointly with and distributed to parents of participating students. A copy of these documents shall be retained in the district office and made available on the school's (if applicable) and school system's website.

SUPPORT FOR PROGRAM

If the Title I allocation is \$500,000 or more to the school system, then at least one percent (1%) of that allocation shall be reserved for the purpose of promoting parent involvement. Parents of students participating in the Title I programs shall be consulted on the use of these funds.

FAMILY-SCHOOL PARTNERSHIPS¹

Families and community members shall be engaged in the education of students based on the following standards:

1. Families are welcomed into the school community;
2. Families and school staff should engage in regular and meaningful communication about student learning;
3. Families and school staff should work together to support student learning and development;
4. Families are informed and encouraged to be advocates for students;
5. Families are full partners in the decisions that affect children and families; and
6. Community, civic, and business resources are made available to strengthen school programs, family practices, and student learning.



Report Cards and Grading System

Policy Number: 4.600	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

Grading Procedures for Grades K-12

Grades K-8:

The Director of Schools shall develop an administrative procedure to establish a system of grading and assessment for evaluating and recording student progress and to measure student performance in conjunction with board-adopted content standards for grades K-8. The grading/assessment system shall follow all applicable statutes and rules and regulations of the State Board of Education. The grading/assessment system shall be uniform, district-wide, at comparable grade levels, except that the Director of Schools shall have the authority to establish and operate ungraded and/or unstructured classes in grades K-3 according to state rules and regulations.¹

The Director of Schools shall submit a copy of the grading and assessment systems to the Board before the system is implemented.² These guidelines shall be communicated annually to students and parent(s)/guardian(s).¹

Conduct grades are based on behavior and shall not be reflected in scholastic grades.

Grades 9-12:¹

- (1) Schools teaching grades nine (9) through twelve (12) shall use the uniform grading system established by the State Board of Education. Using the uniform grading system, students' grades shall be reported for the purposes of application for post-secondary financial assistance administered by the Tennessee Student Assistance Corporation.

Subject-area grades shall be expressed by the following letters with their corresponding percentage range:

A.....	93 - 100
B.....	85 - 92
C.....	75 - 84
D.....	70 - 74
F.....	69 - 0

¹ TRR/MS 0520-01-03-.05(3), State Board of Education Policy 3.301; Public Acts of 2019, Chapter No. 248

² Tenn. Code Ann. § 49-2-203(b)(7); Tenn. Code Ann. § 49-2-301(b)(1)(H)

Students who successfully complete a high school course will earn high school credit.

This grading system shall be uniform throughout the school district for each grade.

Advanced coursework grades shall be weighted with additional percentage points to calculate the semester average. Depending on the course taken, the following percentage points shall be assigned:

- Honors Courses – three (3) percentage points;
- Local and Statewide Dual Credit, Capstone Industry Certification Aligned, and Dual Enrollment Courses – four (4) percentage points; and
- Advanced Placement, Cambridge International, College Level Exam Program (CLEP), and International Baccalaureate Courses – five (5) percentage points.

Each school counselor shall provide incoming freshman with information on college core courses required for lottery scholarships as well as necessary criteria (grade point average, ACT and SAT score, etc.) that must be met in order to receive a scholarship.

Seniors may apply for the Tennessee HOPE Scholarship by completing the Free Application for Federal Student Aid (FAFSA). The FAFSA is available at the guidance office or online. Students shall be made aware of all applicable FAFSA deadlines and encouraged to submit applications in a timely manner.

Elementary school counselors shall explain the HOPE Scholarship and its requirements to their students and impress upon them the benefits of making good grades.

Lottery Scholarship Day

Each school year, prior to scheduling courses for the following school year, schools teaching students in grades 8-11 shall conduct a lottery scholarship day for students and their parents.³

³ Tenn. Code Ann. § 49-4-932(f)



Promotion and Retention

Policy Number: 4.603	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

PROMOTION¹

The superintendent/designee shall promote students to the next grade level based on the successful completion of required academic work or demonstration of satisfactory progress in each of the relevant academic areas. However, no student enrolled in the third grade shall be promoted unless the student has shown a basic understanding of curriculum and the ability to perform the skills required in the subject of reading as demonstrated by the student's grades or standardized test results. This requirement shall not apply to students who are participating in an Achievement School District approved, research-based intervention prior to the beginning of the next school year or to students who have an individualized education program (IEP).²

Students who have difficulty in achieving the requirements for promotion **may be considered** for retention. Schools shall identify these students by February 1st. Factors used to identify students for retention shall include:¹

1. Ability to perform at the current grade level;
2. Results of local assessments, screening, or monitoring tools;
3. State assessments, as applicable;
4. Overall academic achievement of the student;
5. Likelihood of success with more difficult material if promoted to the next grade;
6. Attendance record; and

¹ State Board of Education Policy 3.300; TRR/MS 0520-01-03-.03(6)

² Tenn. Code Ann. § 49-6-3115; 20 USCA § 1400 et seq.

7. Social and emotional maturity.

Students may be identified for retention after the February 1st deadline if the delay in identifying a student is due to:

1. Date of enrollment;
2. Additional information acquired after results of local assessment, screening, or monitoring are released.

When a student **is considered** for retention, the student's parent(s)/guardian(s) shall be notified within fifteen (15) calendar 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 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).

The superintendent shall develop procedures governing how decisions on retention will be made after the student begins work on his/her individualized promotion plan.

K – 3 Reading Notification

If it is determined through a student's overall performance or a state or local assessment that a student in grades kindergarten through three (K-3) is not meeting grade-level standards in reading, the student's parent(s)/guardian(s) shall be notified within fifteen (15) calendar days of such determination.

RETENTION¹

A student may be retained when such retention is in the best interest of the student. However, a student shall not be retained more than once in any grade.

If a student is retained, the superintendent/designee shall develop an individualized academic remediation plan prior to the start of the next school year. A copy of the plan shall be provided to the student's parent(s)/guardian(s) within ten (10) calendar days of its development. This plan shall include at least one of the following strategies:

1. Adjustment to the current instructional strategies or materials;
2. Additional instructional time;
3. Individual tutoring outside of school hours;
4. Modification to the student's classroom assignment to ensure the student receives instruction from a teacher with a level of overall effectiveness of above expectations (level 4) or significantly above expectations (level 5); or
5. Attendance or truancy interventions.

The superintendent shall develop procedures to ensure appropriate recordkeeping of students who are retained.

For the purpose of determining the effectiveness of retention toward improving student achievement, the progress of retained students shall be closely monitored and reported to parent(s)/guardian(s) at least three (3) times during the school year in which the student is retained.



Graduation Requirements

Policy Number: 4.605	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

The program of studies shall include areas required by the State Board of Education.

Before high school graduation, every student shall:¹

1. Achieve the specified twenty-two (22) units of credit;
2. Take the required end of course exams;
3. Have satisfactory records of attendance and conduct;
4. Take the ACT or SAT prior to graduation¹; and
5. Complete a United States civics test².

Special Education Students³

Special education students who earn the prescribed twenty-two (22) credit minimum shall be awarded a regular high school diploma.

Students who have received the below diplomas shall continue to make progress towards a regular high school diploma until the end of the school year in which they turn twenty-two (22) years old.

Special Education Diploma

A special education diploma shall be awarded to students who have not met the requirements for a regular high school diploma⁴, but have:

1. Completed four (4) years of high school;
2. Made satisfactory progress on their IEP; and

¹ Tenn. Code Ann. § 49-6-6001; State Board of Education Policy 2.103

² Tenn. Code Ann. § 49-6-408; State Board of Education Policy 2.103

³ TRR/MS 0520-01-03-.06(1)(a); State Board of Education Policy 2.103

⁴ TCA 49-6-6005; State Board of Education Policy 2.103

3. Maintained satisfactory records of attendance and conduct.

Occupational Diploma

Special education students who do not meet the requirements for a regular high school diploma may be awarded an occupational diploma if the student has^{3,5}:

1. Completed at least four (4) years of high school;
2. Made satisfactory progress on their IEP;
3. Maintained satisfactory records of attendance and conduct;
4. Completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment (SKEMA); and
5. Has two (2) years of paid or non-paid work experience.

The decision to attain an occupational diploma shall be made at the conclusion of the student's 10th grade year or two (2) academic years prior to the expected graduation date.

Alternate Academic Diploma

Special education students who do not meet the requirements for a regular high school diploma may be awarded an alternate academic diploma if the student has⁵:

1. Completed at least four (4) years of high school;
2. Participated in the high school alternate assessments;
3. Earned the prescribed twenty-two (22) credit minimum;
4. Made satisfactory progress on their IEP;
5. Maintained satisfactory records of attendance and conduct; and
6. Completed a transition assessment that measures postsecondary education and training, employment, independent living, and community involvement.

Student Load

All full-time students in grades 9-12 shall be enrolled each semester in subjects that produce a minimum of five (5) units of credit for graduation per year. Students with hardships and gifted students may appeal this requirement to the superintendent.⁵

Early Graduation⁶

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 (17) 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;

⁵ TRR/MS 0520-01-03-.03(6)

⁶ Tenn. Code Ann. § 49-6-8303; State Board of Education Policy 2.103

- c. Dual enrollment; or
- d. Dual credit.

The superintendent shall develop administrative procedures to ensure that the early graduation program is conducted in accordance with state law.



Graduation Activities

Policy Number: 4.606	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

Students who have met graduation requirements are expected to participate in graduation activities. Students who are within two (2) or fewer credits of meeting all requirements¹ and can complete the requirements during the summer may participate in graduation activities. If extenuating circumstances exist at any school, the matter shall be presented to the Achievement School District (ASD) prior to graduation activities.

Students who do not wish to participate in graduation activities shall notify the school principal in writing at least five (5) days prior to the day of graduation. Non-participating students shall receive their diplomas or certificates from the principal's office within one (1) week of the day of graduation.

Graduation apparel shall be determined by the administration of each school and shall be the personal expense of each student. Any fees required for graduation shall be waived for students who are eligible to receive free or reduced-price lunches, and in such cases, the school shall assume responsibility for payment of fees.²

Graduation shall be physically accessible to all students, their parent(s)/guardian(s), and other interested citizens.³

Graduation activities organized by district employees shall not be religious in nature.⁴ The content of any students' speeches shall not reflect the endorsement, sponsorship, position, or expression of the school, employees, or the ASD.

The superintendent shall develop procedures to ensure that students are recognized at graduation for the following achievements:⁵

- Honors;
- State Honors;

¹ Tenn. Code Ann. § 49-6-405(b)(2)

² Tenn. Code Ann. § 49-2-114

³ 28 CFR § 36.201


⁴ *Lee v. Weisman*, 505 U.S. 577(1992), 112 S. Ct. 2649, 120 L. Ed. 2d 467 (1992)

⁵ State Board of Education Policy 2.103; TCA 49-6-6010

- State Distinction;
- District Distinction;
- Tri-Star Scholar;
- Students receiving a TN Seal of Biliteracy;
- Students voluntarily completing at least ten (10) hours of community service each semester the student is in attendance at a public high school;
- Students receiving a gold or platinum medal on National Career Readiness Certificate; and
- Students graduating with a district-developed work ethic distinction.



Transcript Alterations

Policy Number: 4.608	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

Any student transcript alteration shall be supported by documentation.¹ This documentation shall include the reason for the transcript alteration and evidence that the student earned the grade reflected in the altered transcript.


The Achievement School District shall not retaliate against an employee who brings unauthorized transcript alterations to the attention of school officials.¹

The superintendent shall develop procedures to implement this policy.

¹ Tenn. Code Ann. § 49-50-1101



Testing Programs

Policy Number: 4.700	Monitoring Review: Annually
Effective/Revised Date: September 8, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

The Achievement School District (ASD) shall provide for a system-wide testing program which shall be periodically reviewed and evaluated.¹

The purposes of the program shall be to:

1. Assist in promoting accountability;
2. Determine the progress of students;
3. Assess the effectiveness of the instructional program and student learning;
4. Aid in counseling and guiding students in planning future education and other endeavors;
5. Analyze the improvements needed in each instructional area;
6. Assist in the screening of students with learning difficulties;¹
7. Assist in placing students in remedial programs;
8. Provide information for college entrance and placement; and
9. Assist in educational research by providing data.¹

The principal of each school shall be responsible for planning and implementing the program, which includes:

1. Determining specific purposes for each test;
2. Selecting the appropriate test to be given;
3. Establishing procedures for administering the tests;
4. Making provisions for interpreting and disseminating the results;
5. Maintaining testing information in a consistent and confidential manner; and
6. Ensuring that results are obtained as quickly as possible, especially when placement in a special learning program might be necessary.

¹ Tenn. Code Ann. § 49-10-108; 20 U.S.C.A. 1232g

State-mandated testing programs shall be undertaken in accordance with procedures published by Tennessee Department of Education.²

The results of system-wide tests shall be recorded in the students' permanent records and shall be made available to appropriate personnel in accordance with established procedures.

Weighting TCAP Scores

TNReady³ and EOC⁴ scores shall be included in students' final grades as follows:

1. Grades 3-5 - 5%
2. Grades 6-8 - 10%
3. Grades 9-12 - 15%

The ASD shall use the following methodology:

The director of schools may exclude these scores from students' final grades if results are not received by the district at least five (5) instructional days before the end of the course.^{3,4}

Interest Inventories and Career Assessments⁵

Interest inventories shall be made available to middle schoolers. These will include assessments such as the Kuder assessment, Myers-Briggs Type Indicator, the ASVAB, or the College Board Career Finder.

Career aptitude assessments shall be administered to 7th in order to inform the student's high school plan of study. Upon receiving the results from these assessments, the school shall provide students with information on any available career and technical education opportunities in which the student is eligible to participate in.

Testing Information and Parental Consent

Any test directly concerned with measuring student ability or achievement through individual or group psychological or socio-metric tests shall not be administered by or with the knowledge of any employee of the ASD without first obtaining written consent of the parent(s)/guardian(s).¹

Results of all group tests shall be recorded on students' permanent records and shall be made available to appropriate personnel in accordance with established procedures.⁶

No later than July 31st of each year, the ASD shall publish on its website information related to state and board mandated tests that will be administered during the school year. The information shall include⁷:

1. The name of the test;
2. The purpose and use of the test;
3. The grade or class in which the test will be administered;
4. The tentative date or dates that the test will be administered;
5. The time and manner in which parent(s)/guardian(s) and students will be notified of the results of the test;
6. How parent(s)/guardian(s) can access the questions and answers on their student's state-required tests; and

² TRR/MS 0520-01-03-.03(7); TRR/MS 0520-01-03-.06(1)(b)

³ Tenn. Code Ann. § 49-1-617; State Board of Education Policy 2.102

⁴ TRR/MS 0520-01-03-.06(1)(b); State Board of Education Policy 2.103; Tenn. Code Ann. § 49-1-617

⁵ Public Acts of 2019, Chapter No. 108

⁶ Tenn. Code Ann. § 10-7-504


⁷ Tenn. Code Ann. 49-6-6007; State Board of Education Policy 2.103

7. If an ASD mandated test, how the test complements and enhances student instruction and learning and how it serves a purpose distinct from state-required tests.

Testing information shall also be placed in student handbooks or other school publications that are provided to parent(s)/guardian(s) on an annual basis.



Maintaining Test and Data Security

Policy Number: 4.701	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

General

Security procedures shall adhere to guidelines issued by the State Department of Education.¹

TESTING SECURITY

Annually, the Achievement School District (ASD) shall designate a system testing coordinator who shall be responsible for administering, monitoring, and maintaining security of all tests to be administered within the ASD. The principal of each ASD school shall serve as or designate a building testing coordinator who shall be responsible for the administering, monitoring, and maintaining security of all tests given in his/her school.

Any employee found to have not followed security guidelines shall be placed on immediate suspension, and such actions shall be grounds for dismissal. Such actions shall be grounds for revocation of state license.² The superintendent/designee shall report a breach of security to the State Department of Education within twenty-four (24) hours of such events. In any class, grade, and/or school where a security breach is strongly suspected or verified, central office staff shall be present during subsequent tests for a period of two (2) years.

DATA SECURITY


Embargoed data may be shared with personnel as determined by the superintendent as set forth in procedure. Personnel shall not share embargoed data with external parties.³

¹ TRR/MS 0520-01-03-.03(7)(b)

² Tenn. Code Ann. § 49-1-607

³ State Board of Education Policy 2.600



Student Equal Access (Limited Public Forum)	
Policy Number: 4.802	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

STUDENT MEETINGS

Schools may allow students to form clubs or groups that meet before, during, and/or after the school day. Requests to form such clubs or groups shall not be denied based upon the religious nature or beliefs of proposed club or group. If permitted, school administrators shall ensure that all clubs and groups have the same abilities to access facilities and advertise their meetings.¹

No funds shall be expended by the school for any such meeting beyond the incidental costs associated with providing meeting space. Groups meeting under this policy may be required to pay a reasonable fee for compensating school personnel in the supervision of the activity.

No student may be compelled to attend or participate in a meeting under this policy.

A student or a group of students who wish to conduct a meeting under this policy shall submit a request with the principal at least three (3) days prior to the proposed date.

The principal shall approve the meeting if he/she determines that:¹

1. The meeting is voluntary and student-initiated;
2. There is no sponsorship of the meeting or its content by the school or its employees, or the Achievement School District;
3. The meeting shall not materially and substantially interfere with the orderly conduct of the school’s educational activities or conflict with other previously scheduled meetings;
4. Employees of the Achievement School District are to be present in a non-participatory monitoring capacity; however, no employee shall be required to attend in this capacity if the content of the meeting is contrary to the beliefs of the employee; and
5. Non-school persons shall not direct, control, or regularly attend.

A student shall be permitted to voluntarily:²

¹ 20 USCA § 4071; *Bd. Of Educ. v. Mergens ex rel. Mergens*, 496 U.S. 226 (1990); TCA 49-6-1805
² Tenn. Code Ann. § 49-6-2904(b)

1. Pray in school, vocally or silently, alone, or with other students to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate, or speak on non-religious matters alone or with other students in such school;
2. Express religious viewpoints in school to the same extent and under the same circumstances as a student is permitted to express viewpoints on non-religious topics or subjects in such school;
3. Speak to and attempt to share religious viewpoints with other students in school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share non-religious viewpoints with other students; and
4. Possess or distribute religious literature in school, subject to reasonable time, place, and manner restrictions, to the same extent and under the same circumstances as a student is permitted to possess or distribute literature on non-religious topics or subjects in such school.

SCHOOL SPONSORED EVENTS³

If the Achievement School District or a school principal authorizes an event at which a student is to speak, a limited public forum shall be established for such student speaker. The appropriate administrators shall ensure that:

1. The forum is provided in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
2. There is an appropriate method of selecting student speakers which is based on neutral criteria; and
3. Student speakers do not engage in speech that is obscene, vulgar, offensively lewd, indecent, or promotes illegal drug use.

To the extent possible and practical and prior to events in which students will speak, notice shall be provided orally and/or in writing that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the Tennessee Department of Education or the Achievement School District and its employees.

Notice of this policy shall be provided in student handbooks and staff handbooks.

³ Tenn. Code Ann. § 49-6-1803



Religious Content of Courses

Policy Number: 4.804	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	


Educational content which consists of religious themes shall be presented in a factual, objective, and respectful manner in accordance with the following guidelines:

1. Religious themes may be a part of the curriculum for school-sponsored activities and programs, provided it is essential to the learning experience in the various fields of study and is presented objectively;
2. The inclusion of religion shall be for educational purposes only;¹
3. The emphasis on religious themes shall be only as extensive as necessary for a balanced and comprehensive study of the curriculum. Such studies shall never be used to proselytize, establish, foster, or demean any particular religion, religious tenets, or beliefs;¹ and
4. Student-initiated expressions to questions or assignments which reflect their beliefs or non-beliefs about a religious theme shall be accommodated.

¹ Tenn. Code Ann. § 49-6-1005(a)



Course Credit

Policy Number: 5.100	Monitoring Review: Annually
Effective/Revised Date: September 24, 2019	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

The following units of credit shall be required for graduation. Students shall complete the required core curriculum and the additional path requirement. All students shall enroll in six credit classes each year in high school unless exempted. Exemptions to the six credit class requirement not covered by an I.E.P. or Section 504 plan shall be submitted in writing to the principal for approval.

Core Curriculum

	Units of Credit
English Language Arts	4
Mathematics	4
Science	3
Social Studies	3
Wellness	1
Physical Education	1.5
Personal Finance	.5
Sub-Total	16.0

Additional Path Requirements

	Units of Credit
World Language	2
Fine Arts	1
Elective Focus	3
Sub-Total	3
TOTAL	22.0

High School Course Credit


Limits on the amount of high school course credit that may be earned for students following a traditional four-year graduation plan are as follows:

- (1) A maximum of ten (10) credits may be earned during a full calendar (12 months) year.
- (2) A maximum of eight (8) credits may be earned during a regular academic (180 day school calendar) year.

- (3) A maximum of two (2) credits may be earned during a full summer.
- (4) A maximum of six (6) credits, cumulative throughout high school career, may be earned in summer school to be counted for meeting graduation requirements.
- (5) A maximum of six (6) credits during the high school career may be earned through a credit recovery program. Students who have attempted and failed a semester in certain course(s) may be approved to earn credit through the credit recovery program. Administrative guidelines will establish parameters for earning credit through this program. On the student's transcript, "CR" will be listed by the course name to indicate the course was completed through credit recovery.
- (6) Any exception to this policy must be requested in writing. The request must be approved in writing by the principal and the superintendent and reported to the commissioner.



Evaluation

Policy Number: 5.109	Monitoring Review: Annually
Effective/Revised Date: September 8, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

The evaluation of performance and its effectiveness shall be a cooperative and shared endeavor on the part of the superintendent and administrative and supervisory personnel. The Achievement School District (ASD) shall use a state-approved model for evaluating administrative and supervisory personnel and shall approve standard forms to be used in evaluating support personnel. The superintendent is responsible for ensuring that all administrative and supervisory personnel are evaluated annually.

LICENSED TEACHING PERSONNEL

Prior to the beginning of each school year, each ASD operator shall choose their own evaluation models and notify the superintendent of their selections. For ASD direct-run schools, employees not evaluated using the teacher evaluation system will be evaluated using the State of Tennessee Performance Management System. Additionally, the Superintendent shall provide information to all licensed teaching personnel regarding the nature of the evaluation and the grievance procedures prescribed by the State Board of Education.¹

Local Level Grievance Procedure

The superintendent shall develop procedures, consistent with state law, for processing evaluation grievances.²

NON-LICENSED PERSONNEL

Newly hired and existing non-licensed personnel shall be given an Individual Performance Plan (IPP) within 30 days of hire, two interim reviews, and an annual evaluation unless the employee started after June 1st. In this case, the employee's review period will start with the next performance cycle which starts on October 1st, unless otherwise specified by the Department of Human Resources.

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

¹ TRR/MS 0520-02-01-.01; TRR/MS 0520-02-01-.02

² TRR/MS 0520-02-01-.01(4)



Hepatitis B (HBV)

Policy Number: 5.402	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

All Achievement School District (ASD) schools shall provide a sanitary environment and shall establish routines for handling body fluids that are recommended by appropriate health professionals.¹

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

The superintendent shall develop, in consultation with medical personnel, administrative procedures to be distributed to all staff. Training and appropriate supplies shall be available to all personnel including those involved in transportation and custodial services.

In addition to ensuring that these health and safety practices are carried out on a district-wide basis, special emphasis shall be placed in those areas of ASD operation that potentially present a greater need for these precautions.

CONFIDENTIALITY AND NON-DISCRIMINATION²

In all instances, ASD personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. The superintendent shall initiate procedures to ensure that all medical information will be held in strict confidence. Any school employee who violates confidentiality shall be subject to appropriate disciplinary measures.

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

¹ 29 CFR § 1910.1030

² Tenn. Code Ann. § 68-10-113

SAFETY

Employees who are at high risk of occupational exposure shall be identified and provided with personal protective equipment, including HBV vaccinations. Employees considered to be at high risk shall include, but are not limited to, custodians, school nurses, special education teachers and instructional assistants, playground supervisors, coaches, and physical education teachers.

When any employee is known to have been exposed to HBV on the job site, the employee will be notified immediately by a supervisor.


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

EDUCATION AND UNIVERSAL PRECAUTIONS

HBV education, including universal precautions on handling blood and other body fluids, will be provided to all school personnel and volunteers.



Substitute Teachers

Policy Number: 5.701	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

Substitute teachers are those teachers used to replace teachers on leave or to fill temporary vacancies.^{1,2} Substitute teachers may be employed and paid directly by the Achievement School District (ASD) or by a third-party employer through an agreement between such third-party employer and the ASD.

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

APPLICATION/QUALIFICATIONS

Criminal history record checks and fingerprinting of applicants for substitute teaching are required.³ Applicants with revoked licenses or certificates according to the Department of Education shall not be hired.⁴ Qualifications for substitute teachers shall be determined by the Director of Schools in compliance with state laws and regulations.

COMPENSATION

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

CERTIFICATION

When substituting for a regular teacher who has been absent for twenty (20) consecutive days, a substitute teacher shall possess a teaching certificate with endorsement in the discipline(s) to be taught.⁶ When substituting for a teacher without sick leave, the substitute shall be certified and paid according to the state salary schedule.¹

¹ TRR/MS 0520-01-02-.04(5)
² Tenn. Code Ann. § 49-5-709
³ Tenn. Code Ann. § 49-5-413(a)(2)
⁴ Tenn. Code Ann. § 49-2-203(a)(15)
⁵ Tenn. Code Ann. § 49-3-312
⁶ Tenn. Code Ann. § 49-3-312; TRR/MS 0520-01-02-.04(5)(b)

Retired teachers may substitute one-hundred twenty (120) days per year without loss of retirement benefits¹ and may substitute for additional days if the superintendent certifies in writing to the Division of Retirement that no other qualified personnel are available to substitute teach.⁷

EMERGENCY NEEDS

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

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

TRAINING AND ORIENTATION

The superintendent shall be responsible for ensuring that there are appropriate training and development programs for substitute teachers.

RESPONSIBILITIES

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

RE-EMPLOYMENT/TERMINATION

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

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

⁷ Tenn. Code Ann. § 8-36-805



School Admissions

Policy Number: 6.203	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

Any student entering school for the first time must present:

- (1) A birth certificate or officially acceptable evidence of date of birth at the time of registration;¹
- (2) Evidence of a current medical examination;² and
- (3) Evidence of state-required immunization.³

Homeless students shall be exempt from these requirements.

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

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

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

If a student has at any time been adjudicated delinquent for any offense listed in Tenn. Code Ann. § 49-6-3051(b), the parents/guardians and a school administrator of any school having previously received similar notice from the juvenile court or another source, shall provide to the school principal/designee, the abstract⁵ provided under Tenn. Code Ann. § 37-1-153 or Tenn. Code Ann. § 37-1-154 or other similar written information when any such student:⁶

¹ Tenn. Code Ann. § 49-6-3008(b)

² SBE 0520-1-3-.08(2)(a)

³ Tenn. Code Ann. § 49-6-5001(c)

⁴ Tenn. Code Ann. § 49-6-3001(c)(6)

⁵ Tenn. Code Ann. § 37-1-153; Tenn. Code Ann. § 37-1-154

⁶ Tenn. Code Ann. § 49-6-3051

- (1) Initially enrolls in a Local Education Agency (LEA)
- (2) Resumes school attendance after suspension, expulsion or adjudication of delinquency; or
- (3) Changes schools within this state.

This information shall be shared only with school employees who have responsibility for classroom instruction of the student and the school counselor, social worker or psychologist who is developing a plan for the child while in the school, and the school resource officer. Such information is otherwise confidential and shall not be released to others, and the written notification shall not become a part of the student's record.⁶



Transfers Within the Achievement School District

Policy Number: 6.206	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

During the month of April each year, a parent/guardian may request that his/her child attend a school within the Achievement School District (ASD) other than the one to which the child is zoned.** The superintendent/designee shall review such requests, and if adequate space is available, grant such transfers unless a transfer would be adverse to the best interests of the child or the school system. If granted, the student shall provide his/her own transportation to and from the school.¹

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

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

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

** Not effective in event of federally mandated desegregation order

¹ Tenn. Code Ann. § 49-2-128

² Tenn. Code Ann. § 49-6-3201

³ TRR/MS 0520-01-03-.03(9)



Child Custody/Parental Access

Policy Number: 6.209	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

The Achievement School District (ASD) presumes that the person who enrolls a student in school is the student's custodial parent. Unless a Tennessee court specifies otherwise, the custodial parent or legal guardian shall be the one whom the ASD holds responsible for the education and welfare of that student.

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

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

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

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

¹ 20 USCA § 1232g(a)(1)(A)

² Tenn. Code Ann. § 49-6-902(a)

³ Tenn. Code Ann. § 36-6-105



Student Conduct and Discipline

Policy Number: 6.300	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

Students shall comply with all Achievement School District (ASD) rules and regulations. The principal is responsible for establishing and maintaining effective discipline within the school. Each ASD school principal has the right to expect the cooperation of all teachers and it is the duty of all teachers to assist in the discipline of the total school. Each teacher is responsible for and shall have such authority as is necessary for the maintenance of good order within the classroom for the promotion of a conducive learning environment.


All ASD employees shall have authority to temporarily remove a student from their present location to another supervised location for the student's safety or the safety of others. The use of reasonable force is permitted, if and only if: a) the student refuses to cooperate, and b) the employee reasonably believes that the use of force is immediately necessary to prevent serious bodily harm to the student or another person or is immediately necessary to prevent serious harm to ASD school property or ASD school employee property. If steps beyond the use of reasonable force are required, the student shall be allowed to remain in place until law enforcement authorities arrive. Any relocation of a student shall be reported in writing to the principal. Under no circumstance shall a student be placed in a room which cannot be opened by the student from the inside of the room. Either the principal or a designee shall notify the employee of the actions taken to address the behavior of the relocated student.

No part of this policy shall abrogate the rights of those students protected by the Individual with Disabilities in Education Act, Section 504 of the Rehabilitation Act or any other state or federal law in any way. Nothing in this policy shall allow the use of restraint or seclusion against any student in violation of TDOE policy, state law, or federal law. TDOE supports the use of restraint and seclusion when necessary and appropriate, but only in compliance with state and federal law and not as a means of discipline.

A student may be subject to disciplinary measures for actions occurring off school premises during school-sponsored activities. The authority to control student conduct shall extend to all activities of the school including all games and public performance of athletic teams, trips, excursions, and other school activities and groups.



Student Discrimination, Harassment, Bullying, Cyber-bullying, and Intimidation

Policy Number: 6.304	Monitoring Review: Annually
Effective/Revised Date: September 24, 2019	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

A safe, civil, and supportive environment in school is necessary for students to learn and achieve high academic standards. In order to maintain that environment, acts of bullying, cyber-bullying, discrimination, harassment, hazing, or any other victimization of students are prohibited.¹ The ASD does not tolerate sexual harassment or sexual violence. This policy also prohibits conduct aimed at defining a student in a sexual manner and conduct impugning the character of a student based on allegations of sexual promiscuity.

This policy shall be disseminated annually to all school staff, students, and parents. This policy shall cover behavior by employees, third parties, and students towards any student or students while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop. If the act takes place off school property or outside of a school-sponsored activity, this policy is in effect if the conduct is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

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

Definitions

¹ Tenn. Code Ann. § 49-6-4503(a)

Bullying/Intimidation/Harassment - An act that sufficiently interferes with a student's educational benefits, opportunities, or performance, and the act has the effect of:

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

Harassment - Unwelcome conduct based on race, color, national origin, sex (including sexual harassment), and/or disability that is severe, pervasive, or persistent and creates a hostile environment.

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

Discrimination - Unequal treatment on the basis of race, color, national origin, sex, and/or disability in admission to, access to, or operation of district programs, services, or activities.

Hazing - An intentional or reckless act by a student or group of students that is directed against any other student(s) that endangers the mental or physical health or safety of the student(s) or that induces or coerces a student to endanger their mental or physical health or safety. Coaches and other employees of the school district shall not encourage, permit, condone, or tolerate hazing activities.² "Hazing" does not include customary athletic events or similar contest or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

Sexual harassment - Unwelcome conduct of a sexual nature that is sufficiently serious to deny or limit, on the basis of sex, a student's ability to participate in or to receive benefits, services, or opportunities in the school's program. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature including sexual violence.

Complaints and investigations

Parties of the above-referenced offenses shall report these incidents immediately to a teacher, counselor, or building administrator.³ Parties may also report sexual harassment to the school district's Title IX Coordinator by phone at 901- 416-4831 or at 1350 Concourse #434 Memphis, TN 38104. All school employees are required to

² Tenn. Code Ann. § 49-2-120

³ 20 USCA §§ 1681 to 1686

report alleged violations of this policy to the principal or their designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

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

The principal or their designee at each school shall be responsible for investigating and resolving instances of bullying/intimidation/harassment by students. However, the ASD is responsible for ensuring Title IX complaints are investigated appropriately. Principals shall immediately report instances of bullying/intimidation/harassment, or discrimination by employees and third parties to the Tennessee Department of Education Director of Human Resources.

Once a complaint is received or the principal becomes aware of a potential incident of bullying/intimidation/harassment by students, the principal or their designee is responsible for determining whether the alleged act constitutes a potential violation of this policy warranting investigation. If it does, the principal or their designee shall initiate an investigation within forty-eight (48) hours of receipt of the report.⁴ If a report is not initiated within forty-eight (48) hours, the principal or their designee shall provide the director of schools with appropriate documentation detailing the reasons why the investigation was not initiated within the required timeframe.⁴ The investigation shall include a prompt, thorough, and complete investigation of each alleged incident. Parties shall have the opportunity to present witnesses and other evidence during the investigative process.

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

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

- It places the student in reasonable fear or harm for the student's person or property;
- It has a substantially detrimental effect on the student's physical or mental health;
- It has the effect of substantially interfering with the student's academic performance; or

⁴ Tenn. Code Ann. § 49-6-4503(b)(6)

- It has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

All investigations shall be completed and appropriate intervention taken within twenty (20) calendar days from the receipt of the initial report.⁴ If the investigation is not complete or intervention has not taken place within twenty (20) calendar days, the principal or their designee shall provide the director of schools with appropriate documentation detailing the reasons why the investigation has not been completed or the appropriate intervention has not taken place.⁴ Within the parameters of the federal Family Educational Rights and Privacy Act (FERPA) at 20 USCA § 1232g, notice of the outcome of the investigation will be delivered to the parents of the complainant, parents of the accused students, and to the director of schools.

Response and prevention

School administrators shall consider the nature and circumstances of the incident, the age of the violator, the degree of harm, previous incidences or patterns of behavior, or any other factors, as appropriate to properly respond to each situation. The school and/or school district will take steps to end the bullying or harassment and prevent its reoccurrence. Such steps may include (but are not limited to) separating the victim and the perpetrator; providing counseling for the victim and the perpetrator; taking disciplinary action against the perpetrator; conducting anti-bullying and anti-harassment training for students and/or staff; issuing new policies new procedures by which students, parents, and employees may report allegations of bullying and harassment; ensuring that students and their families know how to report any subsequent problems; conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation; responding promptly and appropriately to address continuing or new problems; and implementing other systemic measures at the site or department where the alleged harassment has occurred.

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

Any student disciplined for violation of this policy may appeal the decision in accordance with disciplinary policies and procedures.

Reports

When a complaint is filed alleging a violation of this policy where there is physical harm or the threat of physical harm to a student or a student's property, the principal or their designee of each middle school, junior high school, or high school shall report the findings and any disciplinary actions taken to the director of schools.

By July 1 of each year, the director of schools or their designee shall prepare a report of all of the bullying, cyber-bullying, intimidation, and harassment, cases brought to the attention of school officials during the prior

academic year. The report shall also indicate how the cases were resolved and/or the reasons they are still pending. This report shall be submitted to the state department of education by August 1.

The director of schools shall work with the Tennessee Department of Education to develop forms and procedures to ensure compliance with the requirements of this policy and Tenn. Code Ann.. § 49-6-4503.

Retaliation and false accusations

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

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



Bus Safety and Conduct

Policy Number: 6.308	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

In order to maintain conditions and atmosphere suitable for learning, no person shall enter onto a school bus except students assigned to that bus or parent(s)/guardian(s) of students or other persons with lawful and valid business on the bus.¹

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

Students are under the supervision and control of the bus driver while on his/her bus, and all reasonable directions given by him/her shall be followed. A driver may remove a student in the event that the driver finds it necessary for the safety of the other student passengers or the driver, provided that the driver secures the safety of the ejected student for the uncompleted trip. A driver shall report to school authorities as soon as possible, but no later than the end of the route, any student refusing to obey the driver or exiting the bus without the driver's permission at a point other than the student's destination for that trip.²

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

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

¹ Tenn. Code Ann. § 49-6-2008

² Tenn. Code Ann. § 49-6-2118(d)

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

Students who transfer from bus to bus while en route to and from school shall be expected to abide by the discipline policies adopted by the Achievement School District and procedures maintained by the terminal school.

USE OF PHOTOGRAPHS AND VIDEO FOOTAGE

Cameras or video cameras may be used to monitor student behavior on school buses transporting students to and from school or extracurricular activities. Photographs and video footage shall be used only to promote the order, safety, and security of students, staff, and property.

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

The Achievement School District (ASD) shall comply with all applicable state and federal laws related to photographs and video footage.³ These materials shall be maintained by the vendor providing school bus transportation services to the ASD. Unless otherwise specifically requested by the ASD, recorded surveillance maintained by the vendor shall be permanently deleted in accordance with contracted terms and agreements. Recorded surveillance received from the vendor will be maintained by the ASD until disciplinary action is completed or three (3) years after close of an education complaint investigation.

The vendor shall be responsible for providing the District with records (including video surveillance) as required and/or requested. The Transportation Supervisor shall be responsible for the collection and maintenance of such records.

Parent(s)/guardian(s) may submit requests to view photographs and video footage to the Director of School/designee, and a time shall be arranged for viewing. The superintendent/designee shall be present when parent(s)/guardian(s) are provided the opportunity to review photographs and video footage.⁴

The superintendent shall develop procedures governing the use of cameras and video cameras in accordance with the provisions of state and federal law and established Achievement School District policies.

³ Tenn. Code Ann. § 10-7-504; 20 USCA § 1232g

⁴ Tenn. Code Ann. § 49-6-2119



Zero Tolerance

Policy Number: 6.309	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

In order to ensure a safe and secure learning environment, the following offenses shall not be tolerated¹:

1. Unauthorized possession of a firearm on school property;²
2. Unlawful possession of any drug, including any controlled substance, controlled substance analogue, or legend drug on school grounds or at a school-sponsored event;³ and
3. Aggravated assault⁴ or assault that results in bodily injury⁵ upon any teacher, principal, administrator, any other employee of the school, or school resource officer.

Achievement School District (ASD) students shall not possess, handle, transmit, use or attempt to use firearms or any dangerous weapon in school buildings or on school grounds, or on any grounds used for school purposes at any time, or in school vehicles and/or buses or off the school grounds at a school-sponsored activity, function or event.⁶

Dangerous weapons and instruments for the purposes of this policy shall include, but are not limited to a firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.⁷

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

Firearms (as defined in 19 U.S.C. § 921)⁸

In accordance with state law, any student who brings or possess a firearm on school property shall be expelled for a period of not less than one (1) calendar year. The principal shall have the authority to modify this expulsion requirement on a case-by-case basis.⁹

¹ Tenn. Code Ann. § 49-6-3401(g)

² 18 USCA § 921(a)(3); 20 USCA § 7961(b)(3)

³ Tenn. Code Ann. § 37-17-454; Tenn. Code Ann. § 53-10-101

⁴ Tenn. Code Ann. § 39-13-102

⁵ Tenn. Code Ann. § 39-13-101(a)(1)

⁶ Tenn. Code Ann. § 39-17-1309

⁷ Tenn. Code Ann. § 39-11-106(a)(5)(A)(B)

⁸ 18 U.S.C. § 921

⁹ Tenn. Code Ann. § 49-6-4216(b); Tenn. Code Ann. § 49-6- 3401(g); 20 U.S.C. § 8921

Drugs

In accordance with state law, any student who unlawfully possesses any drug including any controlled substance or legend drug shall be expelled for a period of not less than one (1) calendar year. The director of schools shall have the authority to modify this expulsion requirement on a case-by-case basis.¹⁰

Assault

In accordance with state law, any student who commits aggravated assault as defined in T.C.A. § 39-13-102 upon any teacher, principal administrator, any other employee of the school shall be expelled for a period of not less than one (1) calendar year. The director of schools or head of a charter school shall have the authority to modify this expulsion requirement on a case-by-case basis.⁵

Electronic Threats

In accordance with state law, any student who transmits by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention shall be expelled for a period of not less than one (1) calendar year. The director of schools or head of a charter school shall have the authority to modify this expulsion requirement on a case-by-case basis.¹¹

Notification


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

¹⁰ Tenn. Code Ann. § 49-6-3401(g); Tenn. Code Ann. § 49-6-4216(b)

¹¹ Tenn. Code Ann. § 49-6-4216(a)(2)(C)



Corporal Punishment

Policy Number: 6.314	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	


Corporal punishment may be defined as physical contact and is distinguished from a reprimand, a suspension or an expulsion. Corporal punishment shall not be used as a disciplinary measure in any ASD school.¹

The superintendent shall be responsible for developing and offering in-service training programs for teachers and staff in the use of alternative, positive measures of discipline.

¹ Tenn. Code Ann. § 49-6-4103



Alternative Education

Policy Number: 6.319	Monitoring Review: Annually
Effective/Revised Date: September 8, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

General¹

The Achievement School District (ASD) remains responsible for all students assigned to it, including students that may be suspended for disciplinary reasons. In the event that ASD wishes to pursue alternative school placement for any of its students, Shelby County Schools or Metro Nashville Public Schools may, but is not required to, provide a placement in one of its alternative schools, at a per daily cost basis to the ASD.

An alternative school is a short-term intervention program designed to provide educational services outside the regular school program for students who have been suspended or remanded. The alternative school is located in a separate facility from the regular school program.

An alternative program is a short-term intervention program designed to provide educational services outside the regular school program for students who have been suspended or expelled. Alternative programs may be located within the regular school or be a self-contained program within a school.

The alternative school and/or program shall be operated in accordance with state laws and the rules of the State Board of Education, and instruction shall proceed as nearly as practicable in accordance with the instructional program at the student's regular school. The superintendent shall develop procedures that provide appropriate educational opportunities for all students assigned to the alternative school or program. These educational opportunities shall adhere to Tennessee's academic standards.²

¹ Tenn. Code Ann. § 49-6-3402;TRR/MS 0520-01-02-.09

² TRR/MS 0520-01-02-.09(9)(a)

ASSIGNMENT

Students who have been suspended for more than ten (10) days or expelled shall be assigned to the alternative school or program if there is staff and space available.³ Availability of staff and space shall be determined at the time the disciplinary decision is rendered. The superintendent/designee shall make this determination by evaluating factors including, but not limited to, the following:

1. Level of supervision available;
2. Safety considerations; and
3. Type of infraction.

The superintendent/designee is not required to assign a student to the alternative school or program if the student committed one of the following:

1. A zero-tolerance offense;⁴ or
2. An offense of violence or threatened violence, or an offense that threatened the safety of other students at the school, if the location of the alternative school or program is on the same grounds as the school from which the student was disciplined.⁵

Consideration to assign these students to the alternative school or program will be determined by the superintendent/designee on a case-by-case basis.

Prior to the assignment of the student to the alternative school or program, the superintendent/designee shall provide written notice to the student's parent/guardian stating the reason for the student's placement.⁶

Placement in an alternative education setting shall be reserved for students who significantly disrupt the educational process. If a student has an active Individualized Education Plan, a 504 plan, or is suspected of having a disability, all state and federal laws and rules and regulations related to special education shall be followed. The superintendent/designee shall develop procedures regarding placement of students in the program, taking into consideration the impact of exclusionary discipline practices.⁷

The superintendent/designee shall monitor and regularly evaluate the academic progress of each student enrolled in the alternative school.

³ Tenn. Code Ann. § 49-6-3402(c)(1)(A)

⁴ TRR/MS 0520-01-02-.09(6)(a); Tenn. Code Ann. § 49-6-3402(c)(1)(B)

⁵ Public Acts of 2021, Chapter No. 229

⁶ TRR/MS 0520-01-02-.09(9)(i)

⁷ TRR/MS 0520-01-02-.09(9)(h)

REMOVAL⁸

A student may be removed from the alternative school or program if:

1. The student violates the rules of the alternative school or program; or
2. The student is not benefitting from the assignment and all interventions have been exhausted unsuccessfully.

ADDITIONAL OFFENSES⁹

Any new disciplinary offense committed during a student's original suspension or expulsion period shall be treated as a new and separate offense. These offenses shall not constitute an extension of the original suspension or expulsion.

TRANSITION PLAN¹⁰

The superintendent/designee shall develop procedures regarding the implementation of transition plans for the integration of students assigned to the alternative school.

⁸ Tenn. Code Ann. § 49-6-3402(c)(2)(A)

⁹ TRR/MS 0520-01-02-.09(9)(g)(2)

¹⁰ TRR/MS 0520-01-02-.09(9)(m)



Alternative School Programs

Policy Number: 6.319	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

General

The Achievement School District shall operate an alternative school program for students in grades seven through twelve (7-12) who have been suspended or expelled from regular school programs.¹

Alternative school programs shall be operated in accordance with state laws 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 superintendent 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 superintendent/designee shall submit the following information to the Department of Education:³

1. Alternative school(s) or program(s) currently in operation in the Achievement School 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.

ASSIGNMENT³

Prior to the assignment of the student to an alternative school program, the superintendent/designee shall provide written notice to the student's parent/guardian stating the reason for the student's placement.

Placement in an alternative education setting shall be reserved for students who significantly disrupt the educational process. If a student has an active Individualized Education Plan, a 504 plan, or is suspected of having a disability, all state and federal laws, rules, and regulations related to special education shall be followed. The

¹ Tenn. Code Ann. § 49-6-3402(a); State Board of Education Policy 2.302

² Tenn. Code Ann. § 3402(b); TRR/MS 0520-01-02-.09

³ State Board of Education Policy 2.302

superintendent/designee shall develop procedures regarding placement of students in the program, taking in to consideration the impact of exclusionary discipline practices.

Attendance in alternative school programs shall be mandatory, and students attending an alternative school located outside of the school Achievement School District shall provide their own transportation.

The superintendent/designee shall monitor and regularly evaluate the academic progress of each student enrolled in an alternative education program.

TRANSITION PLANS³

The superintendent/designee shall develop procedures regarding the implementation of transition plans for the integration of students entering and exiting the program.



Physical Examinations and Immunizations

Policy Number: 6.402	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

Physical Examinations¹

The Achievement School District (ASD) principal shall ensure that there is a complete physical examination of each student prior to:

- (1) Entering school for the first time;² and
- (2) Participation as a member of any athletic team or in any other strenuous physical activity program.³

Cost of the examination shall be borne by the parent or guardian of the student. These records shall be on file in the principal's office.⁴

Screening tests as required by the Tennessee Department of Education and the Department of Health will be conducted. Parents/Guardians will receive written notice of any screening result that indicates a condition that might interfere or tend to interfere with a student's progress.

The school will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question.⁵

Immunizations

Students will not be permitted to attend school without proof of immunization, as determined by the Commissioner of Health^{1,6} unless circumstances outlined in state or federal law prevent a student from producing such records. It is the responsibility of the parents or guardians to have their children immunized and to provide such proof to the principal of the school which the student is to attend.⁴

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

1. The parent's religious tenants and practices if in the absence of an epidemic or immediate threat of an

¹ 20 USCA § 1232h(c)

² TRR/MS 0520-01-13-.01(1)(a); Tenn. Code Ann. § 49-6-5004(c)(1)

³ TRR/MS 0520-01-13-.01(1)(a)

⁴ Tenn. Code Ann. § 49-6-5001(b)(1)

⁵ Tennessee School Health Screening Guidelines,

https://www.tn.gov/content/dam/tn/education/csh/csh_school_health_screening_guidelines.pdf

⁶ Tenn. Code Ann. § 49-6-5001(a),(c)

- epidemic, except in the event of a COVID-19 or any variant outbreak;⁷ or
2. Due to medical reasons if the student has a written statement from his/her doctor excusing him/her from the immunization.⁸

The superintendent shall insure that appropriate immunization records are maintained for each student.


A list of transfer students shall be kept at each school in order that their records may be monitored by the Department of Health.

⁷ Tenn. Code Ann. § 49-5-5001(b)(2); Public Acts of 2021, Chapter No. 513

⁸ Tenn. Code Ann. § 49-6-5001(c)(2)



Communicable Diseases (Student)

Policy Number: 6.403	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

No student shall be denied an education solely because of a communicable disease, and their educational program shall be restricted only to the extent necessary to minimize the risk of transmitting the disease.

Parents or guardians of infected students shall inform appropriate school officials of the infection so that proper precautions for the protection of other students, employees, and the infected student shall be taken.

No student with a communicable disease which may endanger the health of either himself/herself or other individuals shall enter or remain in the regular school setting.^{1,2} If a school principal has reason to believe a student has a communicable disease which may endanger the health of either themselves or other individuals in the regular school setting, the principal shall:

- (1) Assign the student to a setting which will protect other students, employees and the student; or
- (2) Exclude the student from school until certification is obtained from a physician or the County Health Department by either the parent or principal stating that the disease is no longer communicable.

If the principal has reason to believe that the student has a long-term communicable disease, the principal must require confirmation from a physician or the County Health Department as to the student's condition. If the student is confirmed to have a long-term communicable disease the principal shall refer the student for special education services.¹

The principal may request that further examinations be conducted by a physician or County Health Department and may request periodic re-examinations after the student has been readmitted to the school.² Expenses incurred from examinations requested by school officials shall be paid by the Achievement School District.


The names of all students excluded from school under this policy shall be forwarded to the office of the principal.

¹ TRR/MS 0520-01-13-.01(1)(c)

² Tenn. Code Ann. § 49-2-203(b)(2)



Acquired Immune Deficiency Syndrome (AIDS) (Student)

Policy Number: 6.404	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

Liability and Non-Discrimination

Students infected with HIV shall not be denied enrollment in school. No Achievement School District (ASD) school shall prevent an HIV infected student from participating in the continuation of their education on the sole basis of HIV infection. To the extent practical with medical and educational needs, the student shall be subject to the same rules for class assignment, privileges and participation in any school-sponsored activities as all other students. ASD Schools shall strive to maintain a respectful school climate for HIV infected students. Mandatory screening for communicable diseases not spread by casual everyday contact, such as HIV infection, shall not be a condition for school entry or attendance.¹

Administrative Responsibilities for Confidentiality

If a student's parents/guardians choose to disclose the child's HIV status, all matters pertaining to that student shall be directed by procedures initiated by the principal. The principal shall be responsible for requesting medical records from the parent/guardian and a statement from the student's physician regarding health status of the student reported to have HIV/AIDS. In addition, the principal shall gather information regarding the student's cumulative school record.

Confidentiality

No information concerning an HIV infected student shall be divulged, directly or indirectly, to any other individual or group without the written consent of the parent/guardian. All medical information and written documentation of discussions, telephone conversations, proceedings and meetings shall be kept by the principal in a locked file. If the HIV infected student is under the age of eighteen (18), access to this file shall be granted only to those persons who have the written consent of the infected student's parents/guardians.

Under no circumstances shall information identifying a student with AIDS be released to the public.^{2, 3}

Appropriate Alternative Education Programs

In determining the educational placement of a student known to be infected with HIV, school authorities shall follow established policies and procedures for students with disabilities. School authorities shall reassess placement if there is a change in the student's need for accommodations or services.

¹ TRR/MS 0520-01-13-.02

² Tenn. Code Ann. § 68-10-113

³ 20 U.S.C. 1232(g); 34 C.F.R. § 300.622, 623

HIV Prevention Education/Curriculum

The principal shall be responsible for developing instructional objectives to address each terminal objective in the state AIDS curriculum framework and provide each teacher responsible for teaching AIDS education with these objectives. Students shall further be taught universal precautions through the K-8 Healthful Living and Lifetime Wellness curricula and through the school's HIV prevention education program.

The state AIDS curriculum and related instructional objectives shall be used in grades K-12. Parents and guardians shall have convenient opportunities to preview all HIV prevention curricula and materials in accordance with the provisions of the Family Life Curriculum.

Students shall have access to voluntary and confidential counseling about matters related to HIV. Administrators shall maintain a list of counseling and testing resources for student use.

Infection Control

The principal shall develop an Occupational Safety and Health Administration (OSHA)-based infection control plan in which each school will provide for:

- (1) well-maintained and easily accessible materials necessary to follow universal precautions, and
- (2) designate first responders responsible for implementing infection control guidelines, including investigating, correcting, and reporting on instances of exposure.

All schools shall further follow the most current Centers for Disease Control and Prevention (CDC) Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Blood borne Pathogens in Health Care Settings and the OSHA blood borne pathogens standard.⁴

The principal shall develop procedures to implement this policy as well as the State Board of Education HIV/AIDS Policy for Employees and Students of Tennessee Public Schools.⁴

⁴ State Board of Education Policy 5.300; Dept. of Labor OSHA Bloodborne Pathogens Standards 26 C.F.R. 1910.1030(c)(1)(i).



Medicines

Policy Number: 6.405	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

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

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

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

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

The principal/designee will:

1. Inform appropriate school personnel of the medication to be self-administered;
2. Keep written instructions from parent/guardian in student's record;

¹ Tenn. Code Ann. § 49-50-1602, *et seq.*

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

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

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

BLOOD GLUCOSE SELF-CHECKS²

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

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

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

STUDENTS WITH PANCREATIC INSUFFICIENCY OR CYSTIC FIBROSIS³

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

STUDENTS WITH ADRENAL INSUFFICIENCY⁴

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

1. The Achievement School District shall train school personnel who will be responsible for administering the medication for the treatment of adrenal insufficiency and any who volunteer to administer the medication.
2. The Achievement School District shall maintain a record of all school personnel who have completed this training.

² Tenn. Code Ann. § 49-50-1602(d)(7)

³ Tenn. Code Ann. § 49-50-1601; State Board of Education Policy 4.205

⁴ TRR/MS 0520-01-13; State Board of Education Policy 4.205

3. If a student is suffering from an adrenal crisis, a school nurse or other licensed health care professional may administer the prescribed medication to the student. If a school nurse or other licensed health care professional is not immediately available, trained school personnel may administer the prescribed medication.

The superintendent shall develop procedures on the administration of medications that treat adrenal insufficiency, including the treatment of an adrenal crisis while on school transportation and during activities such as field trips, and recordkeeping per rules set forth by the State Board of Education.



Child Abuse and Neglect

Policy Number: 6.409	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

Reporting

All personnel shall be alert for any evidence of child abuse or neglect.¹ If personnel know or have reasonable cause to suspect child abuse, sexual abuse, or neglect, a report shall be filed immediately with the Department of Children's Services (DCS).²

The report shall include to the extent known to the reporter:³

- (1) The name, address, and age of the child;
- (2) The name and address of the parents or persons having custody of the child;
- (3) The nature and extent of the abuse or neglect; and
- (4) Any evidence to the cause or any other information that may relate to the cause or extent of the abuse or neglect

The identity of the person reporting shall remain confidential except when the juvenile court determines otherwise.⁴

Notice that a report was filed, and any other information relevant to the wellbeing of the child, shall be verbally provided to the parent(s)/guardian(s) within twenty-four (24) hours of filing if the abuse occurred on school grounds or while the child was under the supervision or care of the school. This notice shall be made in coordination with DCS. Notice shall not be provided if there is reasonable cause to believe that the parent/guardian may be the perpetrator or in any way responsible for abuse.⁵

The Principal/designee shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all school personnel.⁶

Investigations

School administrators and employees have a duty to cooperate, provide assistance and information in child abuse investigations⁷ including permitting child abuse review teams to conduct interviews while the child is at school; the principal may control the time, place and circumstances of the interview, but may not insist that a

¹ Tenn. Code Ann. § 37-1-403(a)(1); Tenn. Code Ann. § 37-1-412; Tenn. Code Ann. § 37-1-602; Tenn. Code Ann. § 37-1-605(a)(4)

² Tenn. Code Ann. § 37-1-403(a)(2)

³ Tenn. Code Ann. § 37-1-403(b); Tenn. Code Ann. § 49-6-1601(b)

⁴ Tenn. Code Ann. § 37-1-409(a)(1)

⁵ Tenn. Code Ann. § 37-1-605(d); Tenn. Code Ann. § 49-6-1601

⁶ TRR/MS 0520-01-03-.08(2)(e)


⁷ Tenn. Code Ann. § 37-1-611(b)

school employee be present even if the suspected abuser is a school employee or another student. The principal is not in violation of any laws by failing to inform parents that the child is to be interviewed even if the suspected abuser is not a member of the child's household.⁸

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



Student Wellness Services

Policy Number: 6.411	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

The Achievement School District (ASD) recognizes the value of proper nutrition, physical activity, and other health conscious practices and the impact that such practices have on student academic achievement, health, and well-being. In order to provide an environment conducive to overall student wellness, this policy shall be followed by all schools in the ASD.¹

Commitment to Coordinated School Health

All ASD Schools shall implement the CDC's Coordinated School Health (CSH) approach to managing new and existing wellness related programs and services in schools and the surrounding community based on state law and Tennessee State Board of Education CSH standards and guidelines. TDOE's Coordinated School Health Coordinator shall be responsible for overseeing compliance with State Board of Education CSH standards and guidelines.

School Health Advisory Council^{2,3}

A school health advisory council shall be established to serve as a resource to school sites for implementing policies and programs and develop an active working relationship with the county health council. The council shall consist of individuals representing the school and community, including parents, students, teachers, school administrators, health professionals, school food service representatives, and members of the public. The primary responsibilities of the council include but are not limited to:

- (1) Developing, implementing, monitoring, reviewing and as necessary, making recommendations as to physical activity and nutrition policies;
- (2) Ensuring all schools within the district create and implement an action plan related to all School Health Index modules;
- (3) Ensuring that the results of the action plan are annually reported to the council; and
- (4) Ensuring that school level results include measures of progress on each indicator of the School Health Index.

The State Board of Education's Coordinated School Health and Physical Activity Policies shall be used as guidance by the Council to make recommendations. The Board will consider recommendations of the council in making policy changes or revisions. Additionally, each school will have a Healthy School Team consisting of teachers,

¹ Tenn. Code Ann. § 49-1-1002

² State Board of Education Policy 4.204

³ State Board of Education Policy 4.206

students, parents and administrators.² The Team will hold Healthy School Team meetings during the school year to assess needs and oversee planning and implementation of school health efforts. The principal/designee will ensure compliance with the school Wellness Policy, to include an assessment of the implementation of the Wellness Policy and the progress made in attaining the policy goals. The assessment will be made available to the public.

Commitment to Nutrition

All schools shall participate in the USDA child nutrition programs, which may include but not be limited to, the National School Lunch Program, the School Breakfast Program, the Summer Food Service Program, and the After School Snack Program.^{4,5,6}

Meals shall be accessible to all students in a non-stigmatizing manner. Students will be given adequate time to enjoy healthy meals and relax in a pleasant environment. Good nutritional habits shall be encouraged. All food including vending machines, fundraising items, and concessions must meet guidelines set forth by the Healthy, Hunger-free Kids Act, 2010, Smart Snacks in Schools.^{4,5,6} The principal/designee shall be responsible for overseeing the school's compliance with the State Board of Education Rules and Regulations for sale of food items in the school.^{2,5,6}

Achievement School District Goals

The ASD will promote healthy nutrition through various activities, including nutrition related newsletters, informational links on the district website, healthy eating posters and bulletin boards in dining areas, and informational booths at various community functions. Nutrition education will be offered as part of a standards-based program designed to provide students with the knowledge and skills needed to promote and protect their health as outlined in the State Board of Education Health Education and Lifetime Wellness Standards. Nutrition education will discourage teachers from using high fat, sugar, and sodium foods as rewards and encourage students to start each day with a healthy breakfast.

Commitment to Physical Activity and Physical Education

All ASD schools shall support and promote physical activity. Physical activity may be integrated into any areas of the school program.

Physical Education classes shall be offered as part of a standards-based program designed to provide developmentally appropriate moderate to vigorous physical activity as an integral part of the class. All physical education classes shall comply with the State Board of Education's Physical Education Standards. In addition to the district's physical education program, non-structured physical activity periods shall be offered as required by law.

Schools shall continue to offer after school sports and activities. Physical activity shall not be employed as a form of discipline or punishment.

Commitment to Curriculum³

All applicable courses of study should be based on State-approved curriculum standards.

School Health Index³

All schools shall annually administer a baseline assessment on each of the three recommended School Health Index modules. Results shall be submitted to the School Health Advisory Council and reported to the State Department of Education.

⁴ 42 USCA § 1758b (Section 204 of the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111- 296))

⁵TRR/MS 0520-01-06

⁶ 7 C.F.R. § 210 and 220

Record Keeping Compliance

The school's Coordinated School Health Coordinator shall ensure that records demonstrating compliance with community involvement requirements are maintained. The Coordinated School Health Coordinator shall additionally document that the school wellness policy and triennial assessments are made available to the public.⁷

⁷ 7 C.F.R. § 210.31(f)



Prevention and Treatment of Sports Related Concussions

Policy Number: 6.413	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

A concussion is a traumatic brain injury caused by a direct or indirect blow to the head or body. Concussions can be a serious health issue and must be treated as such. To ensure the safety of students who participate in athletics, student athletes, coaches, and parents must be educated about the nature and treatment of sports related concussions.

The Tennessee Department of Education (TDOE) adopts guidelines and forms developed by the Tennessee Department of Health to inform and educate coaches, school administrators, student athletes, and parent(s)/guardian(s) of the nature, risk and symptoms of concussions and head injuries. These guidelines and materials may be viewed on the Department of Health's website and shall be made available to interested parties through the principal's office.

This policy shall govern all activities and those individuals involved in those activities which constitute an organized athletic game or competition against another team or in practice or preparation for an organized game or competition. It does not govern those activities or individuals involved in those activities which are entered into for instructional purposes only or those that are incidental to a nonathletic program or lesson.

Required Training¹

The Principal shall ensure that each school's athletic director and coaches, employed or volunteer, annually complete the **Concussion in Sports - What You Need to Know** online course. This course may be accessed online at www.nfhslearn.com.

Prior to the annual initiation of practice or competition, the following persons must review and sign a concussion and head injury information sheet approved by the Tennessee Department of Health: the Principal, licensed healthcare professionals (if appointed), each school athletic director, and each coach, employed or volunteer.

In addition, prior to the annual initiation of practice or competition, all student athletes and their parent(s)/guardian(s) shall review the concussion and head injury information sheet approved by the Tennessee Department of Health. A form confirming this review shall be signed and returned by the student athlete, if the athlete is eighteen (18) years of age or older; or by the student athlete's parent(s)/guardian(s), for athletes younger than eighteen (18) years of age.

¹ Tenn. Code Ann. § 68-55-502(b)(1)(F)

All documentation of the completion of a concussion recognition and head injury safety education course program and signed concussion and head injury information sheets shall be maintained by the Principal or their designee for a period of three (3) years.

Removal from Athletics¹

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.²


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 Principal or their 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.

² Tenn. Code Ann. § 68-55-501



Prevention and Treatment of Sudden Cardiac Arrest

Policy Number: 6.414	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

Sudden cardiac arrest (SCA) is a condition in which the heartbeat stops abruptly and unexpectedly, preventing blood flow to the brain, the heart, and the rest of the body. In order to ensure the safety of students that participate in interscholastic athletics, it is imperative that student athletes, coaches, and parent(s)/guardian(s) are educated about the nature and treatment of sudden cardiac arrest. The Board recognizes that sudden cardiac arrest is a serious health issue and should be treated as such.

The Achievement School District (ASD) adopts the guidelines and other pertinent information and forms developed by the Tennessee Department of Health (TDOH) to inform and educate coaches, school administrators, student athletes, and parents and guardians of the nature, risk and symptoms of sudden cardiac arrest. These guidelines and materials shall be made available to interested parties through the principal's office and include, but are not limited to, the sudden cardiac arrest information sheet and medical clearance forms approved by the TDOH and referenced in this policy.

This policy shall govern all activities and individuals involved in activities which constitute an organized athletic game or competition against another team or in practice or preparation for an organized game or competition. It does not govern activities or individuals involved in activities which are entered into for instructional purposes only or that are incidental to a nonathletic program or lesson.

Required Training¹

Each ASD school's athletic director and coaches, whether employed or volunteer, are required, annually, to complete the ***National Federal of State High School Associations Elective Course - Sudden Cardiac Arrest*** online course.

Prior to the annual initiation of practice or competition, the following persons must review and sign a sudden cardiac arrest information sheet: each school athletic director, appointed licensed healthcare professionals, and each coach, whether employed or volunteer.

Prior to the annual initiation of practice or competition, all student athletes and/or their parent(s) or guardian(s) shall review and sign a sudden cardiac arrest information sheet. The form shall be signed and returned by the student athlete if the athlete is eighteen (18) years of age or older; or by the student athlete's parent(s) or guardian(s), for athletes younger than eighteen (18) years of age.

All documentation of the completion of a sudden cardiac arrest education course program and signed sudden

¹ Public Acts of 2015, Chapter No. 325, Tenn. Code Ann. § 68-6-101, *et seq.*

cardiac arrest information sheets shall be maintained for a period of three (3) years.


Removal from Athletics¹

Any student athlete who shows signs, symptoms and/or behaviors consistent with sudden cardiac arrest during or after an athletic activity or competition shall be immediately removed for evaluation by a licensed healthcare professional, if available, and if not, by a coach or other designated individuals. Signs, symptoms and/or behaviors include, but are not limited to: passing out; fainting; unexplained shortness of breath; chest pains; dizziness; racing heart rate; and extreme fatigue.

Student athletes who have been removed from an athletic activity or competition shall not return to any supervised team activities involving physical exertion, including games, competitions, or practices, until the student athlete has been evaluated by and received appropriate written clearance from a licensed health care provider for a full or graduated return.



Suicide Prevention

Policy Number: 6.415	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

The Achievement School District (ASD) 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. Students are strongly encouraged to report if they, or a friend, are feeling suicidal or in need of help. Students will be provided information regarding The National Suicide Prevention Lifeline – 1-800-273-8255 (TALK).

Prevention¹

All ASD employees shall attend either the annual in-service training in suicide prevention or participate in other equivalent training approved by the principal. The training shall include, but not be limited to, identification of risk factors, warning signs, intervention and response procedures, referrals, and postvention. The principal shall identify a district suicide prevention coordinator responsible for planning and coordinating the implementation of this policy. School Counselor(s) or a District Social Worker will act as a point of contact in each school for issues relating to suicide prevention and policy implementation.

Intervention¹

Any employee who has reason to believe that a student is at imminent risk of suicide shall report such belief to the principal or designee. Belief that a student is at imminent risk of suicide shall include, but not be limited to, the student verbalizing the desire to commit suicide, evidence of self-harm, or a student self-refers.

Upon notification, the principal or designee shall ensure the student is placed under adult supervision. A direct referral will be made to the School counselor(s) and/or the School social worker. Emergency medical services shall be contacted immediately if an in-school suicide attempt occurs. The principal or designee shall contact the director of schools as soon as practicable.

Prior to contacting the student's parent/guardian, the principal or designee shall determine if there could be further risk of harm resulting from parent/guardian notification. If parent/guardian notification could result in further risk of harm or endanger the health or well-being of the student, then local law enforcement and the Department of Children's Services shall be contacted.²

If appropriate, the principal or designee shall contact the student's parent/guardian and provide the following information:

- (1) Inform the parent/guardian that there is reason to believe the student is at imminent risk of suicide;
- (2) Assure the parent/guardian that the student is currently safe or inform the parent/guardian that emergency medical services were contacted;
- (3) Ask the parent/guardian whether he/she is aware of the student's mental state;

¹ Tenn. Code Ann. § 49-6-190, et seq.

² Tenn. Code Ann. § 37-1-403

- (4) Ask the parent/guardian whether he/she wishes to obtain or has obtained mental health counseling for the student;
- (5) Provide the names of community mental health counseling resources if appropriate.

The principal or designee will seek parental permission to communicate with outside mental health care providers regarding a student. If the student is under the age of 18 and the parent/guardian refuses to seek appropriate assistance, the director of schools or designee shall contact the Department of Children's Services.²

The principal or designee shall document the contact with the parent/guardian by recording:

- (1) The time and date of the contact;
- (2) The individual contacted;
- (3) The parent/guardian's response; and
- (4) Anticipated follow-up.

The principal or designee shall ensure the student is under adult supervision until a parent/guardian or other authorized individual accepts responsibility for the student's safety.

Prior to a student returning to school, the principal or School counselor(s) or School social worker shall meet with the student's parent/guardian, and student if appropriate. The parent/guardian shall provide documentation from a mental health care provider stating that the student was seen by a mental health professional. If the student was assessed by the School social worker, additional documentation is not required unless the student was deemed an imminent risk to him/herself. The principal will identify an employee to periodically check in with the student to ensure the student's safety and address any problems with re-entry.

Postvention¹


Immediately following a student suicide death, the principal and his or her designated Crisis Team shall meet and implement the Crisis Management plan. At a minimum, the Crisis Management plan shall address the following:

- (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; and
- (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. Additionally, staff and faculty will immediately review suicide warning signs and reporting requirements. The TDOE director of communications shall be responsible for all media inquiries.



Special Education Students

Policy Number: 6.500	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

Special education students between the ages of three (3) and twenty-one (21), inclusive, shall receive the benefit of a free appropriate public education. These students shall be educated with the general student population to the maximum extent appropriate and should be placed in separate or special classes only when the severity of the disability is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily.¹

Eligibility standards and options of service for special education services shall be based upon the criteria specified in state regulations.²

Students receiving special education services shall not be restrained, except as permitted by state law and regulations.^{3,4} The superintendent shall develop administrative procedures to govern the following:

1. Personnel authorized to use isolation and restraint;
2. Training requirements for personnel working with special education students; and
3. Incident reporting procedures.⁴

¹ Tenn. Code Ann. § 49-10-103(c)

² TRR/MS 0520-01-09-.01

³ Tenn. Code Ann. § 49-10-1301 to 1307

⁴ TRR/MS 0520-01-09-.23



Homeless Students

Policy Number: 6.503	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

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

Homeless students are individuals who lack a fixed, regular, and adequate nighttime residence and include the following²:

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

Enrollment

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

Placement

For the purposes of this policy, school of origin shall mean the school that the student attended when permanently housed or the school in which the student was last enrolled, including a preschool/pre-k program.⁹ School of origin shall also include the designated receiving school at the next grade level when the student completes the final grade level served by the school or origin.⁴

¹ 42 USCA §§ 11431 to 11435; McKinney-Vento Education Assistance Improvements Act of 2001, § 721; State Board of Education 2.103

² McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95), § 725

³ McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95), § 722(g)(3)(C)(i), § 722(g)(3)(H)

⁴ McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95); § 722(g)(3)(G)

Placement shall be determined based on the student's best interest.⁵ At all times, a strong presumption that keeping the student in the school of origin is in the student's best interest shall be maintained, unless doing so would be contrary to a request made by the student's parent/guardian or the student in the case of an unaccompanied youth.⁶ When determining placement, student-centered factors, including but not limited to impact of mobility on achievement, education, health, and safety shall be considered⁶. The choice regarding placement shall be made regardless of whether the student lives with their homeless parents/guardians or has been temporarily placed elsewhere.⁷

If it is not in the student's best interest to attend the school of origin, or the school requested by the parent/guardian or unaccompanied youth, the principal or their designee shall provide a written explanation of the reasons for the determination, in a manner and form that is understandable to the parent/guardian or unaccompanied youth.⁶ The written explanation shall include a statement regarding the right to appeal the placement decision.⁶ If the placement decision is appealed, the School shall refer the parent/guardian or unaccompanied student to the homeless coordinator, who shall carry out the dispute resolution process as expeditiously as possible and in accordance with the law.⁸ Upon notice of an appeal, the principal shall immediately enroll the student in the school in which enrollment was sought pending a final resolution of the dispute, including all available appeals.⁸

Records

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

Services¹⁰

The principal shall ensure that each homeless student is provided services comparable to those offered to other students within the School, including transportation, special education services, programs in career and technical education (CTE), and programs for gifted and talented students, and school nutrition. The principals shall designate a district homeless coordinator who shall ensure this policy is implemented throughout each ASD school. The homeless coordinator shall ensure:

- (1) Homeless students are quickly identified and have access to education and support services, to include Head Start and district pre-k programs;
- (2) Coordination with local social service agencies and other entities providing services to homeless students;
- (3) Coordinate transportation, transfer of records, and other inter-district activities with other school districts;
- (4) Coordinate transportation to the school or origin or choice for homeless students;
- (5) Refer homeless students and their families to health care services, dental services, mental health and substance abuse services, and housing services;
- (6) Assist homeless students in obtaining immunizations, medical or immunization records, and any additional assistance that may be needed;
- (7) Public notice of the educational rights of homeless students is disseminated in places frequented by

⁵ McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95), § 722(g)(3)(A)

⁶ McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95); § 722(g)(3)(B)

⁷ McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95); § 722(g)(3)(F)

⁸ McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95); § 722(g)(3)(E)

⁹ McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95); § 722(g)(3)(D)

¹⁰ McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95); § 722(g)(4) - (6)


parents/guardians of homeless students, including schools, shelters, public libraries, and soup kitchens;
and

- (8) Unaccompanied youth are enrolled and informed of their status and independent students.

The principal shall develop procedures to ensure that homeless students are recognized administratively and that the appropriate and available services are provided for these students. The director shall ensure professional development is provided to school personnel providing services to homeless students.



Students from Military Families

Policy Number: 6.506	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

General

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

RELOCATION OF MILITARY SERVICE MEMBER²

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

Within 30 days of enrollment, the parent(s)/guardian(s) of the student shall provide proof of residency within the Achievement School District.

ABSENCES

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

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


¹ State Board of Education Policy 2.103

² Tenn. Code Ann. § 49-6-3101

³ Tenn. Code Ann. § 49-6-3019



Confidentiality of Student Records

Policy Number: 6.600	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

A confidential cumulative record shall be kept for each student enrolled in school. The folder shall contain a health record, attendance record, and scholarship record; shall be kept current; and shall accompany the student through their school career.¹

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

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

When a student transfers to another school within the ASD, copies of the student's records, including the student's disciplinary records, shall be sent to the transfer school.²

All records shall be remitted in accordance with the Family Education Rights and Privacy Act (FERPA).³

Access to Student Records

Student records shall be confidential. Authorized school officials shall have access to and permit access to student education records for legitimate educational purposes.⁴ A "legitimate educational interest" is the official's need to know information in order to:

- (1) Perform required administrative tasks
- (2) Perform a supervisory or instructional task directly related to the student's education; and

¹ 20 USCA 1232g; Tenn. Code Ann. §10-7-503; Tenn. Code Ann. § 10-7-504

² Tenn. Code Ann. § 49-3-3001(c)(1)

³ Tenn. Code Ann. § 49-1-701 *et seq.*

⁴ Tenn. Code Ann. § 10-7-504(a)(4); 20 USCA § 1232g

- (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.

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

- (1) 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;⁵
- (2) If the disclosure is an item of directory information;⁶
- (3) To comply with the requirements of child abuse reports to the extent known by the school officials including the name, address, and age of the child; the name and address of the person responsible for the care of the child, and the facts requiring the report;⁷
- (4) When certain federal and state officials need information in order to audit or enforce legal conditions related to federally-supported education programs in the school system;⁸
- (5) When the school system has entered into a contract or written agreement for an organization to conduct scientific research on the system's behalf to develop tests or improve instruction, provided that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purpose for which the study was conducted;⁹
- (6) To appropriate officials if the parent(s) claim the student as a dependent as defined by the Internal Revenue Code;¹⁰
- (7) To accrediting organizations to carry out the accrediting functions;¹¹
- (8) When a student seeks or intends to enroll in another school district or a post-secondary school. Parent(s) of students or eligible students have a right to obtain copies of records transferred under this provision;¹²
- (9) To financial institutions or government agencies that provide or may provide financial aid to a student in order to establish eligibility, to determine the amount of financial aid, to establish conditions for the receipt of financial aid, and to enforce financial aid agreements;¹³
- (10) To make the needed disclosure in a health or safety emergency when warranted by the seriousness of the threat to the student or other persons, when the information is necessary and needed to meet the emergency, when time is an important and limiting factor, and when the persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency;¹⁴
- (11) To the Attorney General or his designee for official purposes related to the investigation or prosecution of an act of domestic or international terrorism. An educational agency that, in good faith, produces education records in accordance with an order issued under this Act shall not be liable to any person for that production;¹⁵
- (12) To any agency caseworker or other representative of a state or local child welfare agency or tribal organization authorized to access the student's educational records when such agencies or

⁵ 20 USCA 1232g(b)(2)(B)

⁶ 20 USCA 1232g(b)(2); Tenn. Code Ann. § 10-7-504(a)(4)(A)

⁷ Tenn. Code Ann. § 37-1-403

⁸ 20 USCA 1232g(b)(3)

⁹ 20 USCA 1232g(b)(1)(F)

¹⁰ 20 USCA 1232g(b)(1)(H)

¹¹ 20 USCA 1232g(b)(1)(G)

¹² TRR/MS 0520-01-03-.03(15)

¹³ 20 USCA 1232g(b)(1)(D)

¹⁴ 20 USCA 1232g(b)(1)(I)

¹⁵ 20 USCA 1232g(j); USA Patriot Act of 2001 § 507

organizations are legally responsible for the care and protection of the student;¹⁶

Authorized school officials may release information from a student's education record if the student's parent(s) or the eligible student gives written consent for the disclosure. The written consent must include:¹⁷

- (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.

The ASD 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.¹⁸

The record will include at least:¹⁷

- (1) The name of the person or agency that makes the request;
- (2) The interest the 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 23 school, at which time all of the above rights become the student's right.*


¹⁶ 20 USCA. 1232g

¹⁷ 34 C.F.R. 99.30

¹⁸ 34 C.F.R. 99.32(a)



Student Records Annual Notification of Rights

Policy Number: 6.601	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

Within the first three weeks of each school year, the Achievement School District (ASD) shall notify the parent(s) and/or legal guardian(s) of students and eligible students¹ of their rights under the Family Educational Rights and Privacy Act (FERPA) and this policy. For any student enrolling after this time period, this information shall be provided to the student's parent(s) and/or legal guardian(s) or the eligible student at the time of enrollment.² This notice shall include the rights of the student's parent(s) and/or legal guardian(s) or the eligible student to:

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

Parents, legal guardians, and eligible students have the following rights under FERPA and this policy:

A copy of the student records policy will be available for review in each ASD principal's office.

Directory Information

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone number, e-mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and

¹ A student becomes an "eligible student" when he or she reaches the age of 18 or enrolls in a post-secondary school, at which time all of the above rights become the student's rights. (See 34 C.F.R. § 99.5).

² 34 C.F.R. § 99.7; Tenn. Code Ann. § 10-7-504

height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.³


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

³ 34 CFR § 99.3

⁴ Tenn. Code Ann. § 49-6-406; 10 U.S.C. § 503(c)



Student Records Inspection and Correction Procedure

Policy Number: 6.602	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature: 
Approved by: Dr. Penny Schwinn, Commissioner	

Inspection Procedure

Parents(s), legal guardian(s) and eligible students¹ may inspect and review the student's education records upon written request.²

Parent(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 has the authority to inspect and review records relating to their child unless the school system has been advised that the parent does not have the authority under applicable state law governing guardianship, separation, and divorce.³

When a record contains information about students other than the parent's child or the eligible student, the parent(s) or eligible student may not inspect and review that information.³

Fees for Copies

A reasonable fee for copies provided to parent(s) or eligible students shall be determined by the principal. If the fee represents an unusual hardship, it may be waived in part or entirely by the records custodian.⁴

Correction Procedures

Parent(s) of students or eligible students may seek to change any part of the student's record they believe to be incorrect.⁵ The principal of each Achievement School District (ASD) school shall develop an acceptable procedure to establish an orderly process to review and potentially correct an education record.

¹The student becomes an "eligible student" when he or she reaches age 18 or enrolls in a post-secondary school, at which time all of the above rights become the student's rights.

² 34 C.F.R. § 99.10; Tenn. Code Ann. § 49-1-704

³ 34 C.F.R. § 99.4

⁴ Tenn. Code Ann. § 10-7-506; 34 C.F.R. § 99.11

⁵ 34 C.F.R. § 99.20; 99.21; 99.22



Student Fees and Fines

Policy Number: 6.709	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

Fees

The director of schools shall develop procedures regarding fees for school activities and programs. Such procedures shall comply with all state laws and regulations.¹

Fines


The director of schools shall develop procedures regarding the assessing and collecting of fines for the destruction or damage of school property. Such procedures shall comply with all state laws and regulations.²

¹ Tenn. Code Ann. § 49-2-114; TRR/MS 0520-01-02-.16

² Tenn. Code Ann, § 37-10-101; Tenn. Code Ann. § 37-10-102



Title IX & Sexual Harassment

Policy Number: 6.3041	Adopted: 2021
Revised: August 24, 2021	Monitoring Review: Annually
Approved by: Dr. Penny Schwinn, Commissioner	Signature: 

I. General

- (1) In order to maintain a safe, civil, and supportive learning environment, 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 state and federal law. This policy shall be disseminated annually to all school staff, students, and parents and guardians.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. These individuals shall receive training as to how to promptly and equitably resolve student and employee complaints.
- (2) The superintendent shall appoint a Title IX coordinator.
- (3) All employees shall receive annual training on complying with this policy and federal law.³

II. Title IX Coordinator⁴

- (1) The Title IX coordinator shall respond promptly to all general reports as well as 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.
- (2) Any individual may contact the school's Title IX coordinator at any time using the information below:

Yolanda Dandridge
1219 Whitney Ave
Memphis, TN 38133
(901)440-9735
ythomas.tnasd.org

III. Definitions⁵

- (1) "Complainant" is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- (2) "Respondent" is an individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.
- (3) "Sexual harassment" is conduct on the basis of sex that satisfies one or more of the following:

¹ 34 CFR § 106.1

² 34 CFR § 106.8(b),(c)

³ 34 CFR § 106.45(b)(1)(iii)

⁴ 34 CFR § 106.8(a)

⁵ 34 CFR § 106.30(a)

- (a) A school employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;
 - (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
 - (c) Sexual assault,⁶ dating violence,⁷ domestic violence,⁸ or stalking⁹ as defined in state and federal law.
- (4) Behaviors that constitute sexual harassment may include, but are not limited to:
- (a) Sexually suggestive remarks;
 - (b) Verbal harassment or abuse;
 - (c) Sexually suggestive pictures;
 - (d) Sexually suggestive gesturing;
 - (e) Harassing or sexually suggestive or offensive messages that are written or electronic;
 - (f) Subtle or direct propositions for sexual favors; and
 - (g) Touching of a sexual nature.
- (5) Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.
- (6) "Supportive measures" are non-disciplinary, non-punitive, individualized services and shall be offered to the complainant and the respondent, as appropriate. These measures may include, but are not limited to, the following:
- (a) Counseling;
 - (b) Course modifications;
 - (c) Schedule changes; and
 - (d) Increased monitoring or supervision.
- (7) The measures offered to the complainant and the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures.

IV. Grievance Process

- (1) Upon learning of an instance of alleged sexual harassment, even if no formal complaint is filed, the Title IX coordinator shall:
- (a) Promptly contact the complainant to discuss the availability of supportive measures;
 - (b) Consider the complainant's wishes with respect to supportive measures;
 - (c) Inform the complainant of the availability of supportive measures;

⁶ 20 USCA 1092(f)(6)(A)(v); T.C.A. § 36-3-601(10); T.C.A. § 71-6-302

⁷ 34 USCA 12291(a)(10)

⁸ 34 USCA 12291(a)(8); T.C.A. § 40-14-109

⁹ USCA 12291(a)(30); T.C.A. § 39-17-315; T.C.A. § 36-3-601(11)

- (d) Explain the process for filing a formal complaint;¹⁰ and
 - (e) Immediately (within 24 hours) contact Shaundraya Hersey, staff attorney, at the Tennessee Department of Education's office for civil rights at (615) 289-1887 or Shaundraya.Hersey@tn.gov.
- (2) While the school will respect the confidentiality of the complainant and the respondent as much as possible, some information may need to be disclosed to appropriate individuals. All disclosures shall be consistent with the school's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action.
- (3) Disciplinary consequences or sanctions shall not be initiated against the respondent until the grievance process has been completed. Unless there is an immediate threat to the physical health or safety of any student arising from the allegation of sexual harassment that justifies removal, the respondent's placement shall not be changed.¹¹ If the respondent is an employee, he/she may be placed on administrative leave during the pendency of the grievance process.¹² The Title IX coordinator shall keep the superintendent informed of any employee respondents so that he/she can make any necessary reports to the State Board of Education in compliance with state law.¹³

Complaints

- (1) Any individual who has knowledge of behaviors that may constitute a violation of this policy shall immediately report such information to the Title IX coordinator, however, nothing in this policy requires a complainant to either report or file a formal complaint within a certain timeframe. If the complaint involves the Title IX coordinator, the complaint shall be filed with the superintendent.
- (2) If a complaint involves allegations of child abuse, including child abuse on school grounds, appropriate notification shall be made per the school policy on reporting child abuse, Policy 6.4090.
- (3) Upon receipt of a formal complaint, the Title IX coordinator shall promptly:¹⁴
- (a) Provide written notice of the allegations, and the grievance process to all known parties to give the respondent time to prepare a response before an initial interview;
 - (b) Inform the parties of the prohibition against making false statement or knowingly submitting false information;
 - (c) Inform the parties that they may have an advisor present during any subsequent meetings;
 - (d) Offer supportive measures in an equitable manner to both parties; and
 - (e) Immediately (within 24 hours) contact Shaundraya Hersey, staff attorney, at the Tennessee Department of Education's office for civil rights at (615) 289-1887 or Shaundraya.Hersey@tn.gov.
- (4) If the Title IX coordinator dismisses a complaint, written notice, including the reasons for dismissal, shall be provided to both parties simultaneously.¹⁵

Investigations¹⁶

- (1) The Tennessee Department of Education's office of general counsel shall assign an investigator and be responsible for investigating complaints in an equitable manner that involves an objective evaluation of all relevant evidence. The burden for

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)(x)

obtaining evidence sufficient to reach a determination regarding responsibility rests on the school and not the complainant or respondent.

- (2) Once a complaint is received, the Investigator shall initiate an investigation within forty-eight (48) hours of receipt of the complaint. If an investigation is not initiated within forty-eight (48) hours, the investigator shall provide the Title IX coordinator with appropriate documentation detailing the reasons why the investigation was not initiated within the required timeframe.
- (3) All investigations shall be completed within twenty (20) calendar days from the receipt of the initial complaint. If the investigation is not complete within twenty (20) calendar days, the investigator shall provide the Title IX coordinator with appropriate documentation detailing the reasons why the investigation has not been completed.
- (4) All investigations shall:
 - (a) Provide an equal opportunity for the parties to present witnesses and evidence;
 - (b) Not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence;
 - (c) Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that seek disclosure of information protected under a legally recognized privilege unless such privilege has been waived;¹⁷
 - (d) Provide the parties with the same opportunities to have others present during any grievance proceeding;
 - (e) Provide to parties whose participation is requested written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
 - (f) Provide both parties an equal opportunity to inspect and review any evidence directly related to the allegations in the formal complaint; and
 - (g) Result in the creation of an investigative report that fairly summarizes relevant evidence.
 - i. Prior to the completion of the investigative report, the investigator shall send to each party the evidence subject to inspection and review. All parties shall have at least ten (10) days to submit a written response which shall be taken into consideration in creating the final report.
- (5) Within the parameters of the federal Family Educational Rights and Privacy Act,¹⁷ the Title IX coordinator shall keep the complainant and the respondent informed of the status of the investigation process. At the close of the investigation, a written final report on the investigation will be delivered to the complainant and respondent (or their parents/guardians if they are minors), to the superintendent and to the Tennessee Department of Education's office for civil rights.

Determination of Responsibility¹⁸

- (1) The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.¹⁹ The preponderance of the evidence standard shall be used in making this determination.²⁰
- (2) An attorney with the Tennessee Department of Education's Office of General Counsel shall act as the decision-maker. He or she shall receive the final report of the investigation and allow each party the opportunity to submit written questions that he/she wants asked of any party or witness prior to the determining responsibility.
- (3) The decision-maker shall make a determination regarding responsibility and provide the written determination to the parties

¹⁷ 20 USCA § 1232g

¹⁸ 34 CFR § 106.45(b)(7)

¹⁹ 34 CFR § 106.45(b)(1)(iv)

²⁰ 34 CFR § 106.45(b)(1)(vii)

simultaneously along with information about how to file an appeal.

- (4) A substantiated charge against a student may result in corrective or disciplinary action up to and including expulsion. A substantiated charge against an employee shall result in disciplinary action up to and including termination.
- (5) After a determination of responsibility is made, the Title IX coordinator shall work with the complainant to determine if further supportive measures are necessary. The Title IX coordinator shall also determine whether any other actions are necessary to prevent reoccurrence of the harassment.

V. Appeals²¹

- (1) Either party may appeal from a determination of responsibility based on a procedural irregularity that affected the outcome, new evidence that was not reasonably available at the time of the determination that could affect the outcome, or an alleged conflict of interest on the part of the Title IX coordinator or any personnel chosen to facilitate the grievance process. Appeals shall be submitted to the Title IX coordinator within ten (10) days of a determination of responsibility.
- (2) Upon receipt of an appeal, the Title IX coordinator shall:
 - (a) Immediately (within 24 hours) contact Shaundraya Hersey, staff attorney, at the Tennessee Department of Education's office for civil rights at (615) 289-1887 or Shaundraya.Hersey@tn.gov.
 - (b) Notify the parties in writing.
- (3) The Tennessee Department of Education's office of general counsel shall assign an impartial hearing officer within five (5) days of receipt of the appeal.
- (4) During the appeal process, the parties shall have a reasonable, equal opportunity to submit written statements. Within ten (10) calendar days, the hearing officer shall issue a written decision describing the result of the appeal and the rationale for the result. The written decision shall be provided simultaneously to both parties.

VI. Retaliation²²

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

²¹ 34 CFR § 106.45(b)(8)

²² 34 CFR § 106.71



Safe Relocation of Students

Policy Number: 6.4081	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

Employees who are directly responsible for a student's education or who otherwise interact within the scope of their assigned duties may relocate a student from the student's present location to another location when such relocation is necessary for the student's safety or the safety of others.¹ Such employees may also intervene in a physical altercation between two or more students or between a student and an Achievement School District (ASD) employee. Reasonable force may be used to physically relocate or intervene in a conflict if a student is unwilling to cooperate.²

If an employee is unable to resolve the matter with the use of reasonable or justifiable force as required, the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student.

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

The principal shall create procedures to implement this policy consistent with state law. Each building principal shall fully support the employees' authority under this policy and fully implement the policy and procedures of the ASD.

¹ Tenn. Code Ann. § 49-6-4008

² Tenn. Code Ann. §§ 39-11-603, 609-614



Drug and Alcohol Use (Student)

Policy Number: 6.307.1	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

The possession and/or use of illegal drugs and the misuse of prescription drugs is prohibited. The distribution, abuse, or misuse of over the counter medications or other chemicals or substances is likewise prohibited. Students shall be notified in writing at the beginning of each school year, or at the time of enrollment, that they shall be subject to testing for drugs and alcohol during the school year.¹ The ASD shall pay costs of any testing required pursuant to this policy.²

Reasonable Suspicion Drug Testing

Principals are authorized to order drug tests for individual students when there is a reasonable cause to believe that:³

1. A school board policy on alcohol and drug use has been violated;
2. A search of lockers has produced evidence of the presence of drugs and/or alcohol;
3. A search of persons and containers has produced evidence of a presence of drug and/or alcohol;
4. A search of vehicles has produced evidence of the presence of drugs and/or alcohol; or
5. Through observation or other reasonable information reported by a teacher, staff member, or other student, a student is using and/or under the influence of drugs and/or alcohol on school property.

Prior to performing a drug test on a student based on reasonable suspicion, the following conditions must be met:

1. A particular student has violated school policy;
2. The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;
3. The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision, and education of students;

¹ Tenn. Code Ann. § 49-6-4213

² Tenn. Code Ann. § 49-6-4213(a)(2)(g)

³ Tenn. Code Ann, § 49-6-4213(a)(1)

4. The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
5. Tests shall be conducted in the presence of a witness. Persons who shall act as witness shall be designated by the principal.

Upon receiving reasonable information, the principal shall take the following steps:

1. Call the student into the principal's office or another private place;
2. Summon an appropriate qualified witness;
3. Discuss with the student the basis for the determination that a test is necessary;
4. Inform the student of the procedures which shall be followed in administering the test;
5. Notify the parent/guardian of the student of the impending test; and
6. Give the student an opportunity to decline the test and inform the student that if the test is not taken the penalty shall be suspension from school and a hearing before the disciplinary hearing authority.

Random Drug Testing of Students Participating in Extracurricular Activities⁴

Students involved in any voluntary extracurricular activities shall be subject to random drug tests. Parent(s)/guardian(s) and students shall be informed of this policy prior to participation and shall sign a consent to the drug testing and a release of information as a condition of participation.

Extracurricular activity is defined as voluntary participation in activities not falling within the scope of regular curriculum and carrying no academic credit. This includes participating in athletic programs, cheerleading, band, clubs, student leadership positions, etc.

Prior to performing a random drug test on a student participating in extracurricular activities, the following conditions must be met:

- (1) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;
- (2) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;
- (3) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
- (4) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated by the principal.

No student who tests positive under a random drug testing program shall be suspended or expelled from school solely as the result of the positive test.⁵ The director of schools shall develop procedures establishing a random process for the selection of students to be tested.

Drug Testing Process

The appropriately qualified and trained witness shall take the student to a designated place in the school and collect a specimen from the student. The specimen shall be taken in a manner which will ensure the integrity, validity, and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested

⁴ Tenn. Code Ann. § 49-6-4213(a)(2)

⁵ Tenn. Code Ann. § 49-6-4213(k)(2)

student.

The type of specimen taken shall depend on the substance in question and the test performed on the specimen shall be appropriate for accurate detection of the substance in question. Once taken, the principal shall give the specimen an identifying number which in no way will reveal the identity of the student.

The principal will forward the specimen for analysis to a laboratory accredited by the Tennessee Department of Health and Environment and designated by TDOE. Specimens shall be retained for ten (10) days.⁶

Upon receiving a written, certified copy of the analysis from the laboratory, the principal shall do one of the following:⁷

- (1) If the results of the analysis are negative, they shall be reported as negative and all evidence of the individual test, including all records in the school that the test was ordered and the reasons therefore, shall be destroyed and expunged.
- (2) If the results of the analysis are positive, the student and parents or guardian shall be given the written notice of the result. All records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with state law.

The ASD will provide students testing positive an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate.⁸

Penalties

Each confirmed incident will result in a referral to the school principal.

First offense students will be suspended from all extra-curricular activities for one calendar year.

Second offense students will be suspended from all extra-curricular activities for duration of time enrolled or reenrolled in at the ASD.

Malicious use of authority granted by this policy by any school personnel may be grounds for dismissal.⁹

⁶ Tenn. Code Ann. § 49-6-4213(d)

⁷ Tenn. Code Ann. § 49-6-4213(j)-(k)

⁸ Tenn. Code Ann. § 49-6-4213(l)

⁹ Tenn. Code Ann. § 49-6-4213(m)



Student Surveys

Policy Number: 6.4001	Monitoring Review: Annually
Effective/Revised Date: August 24, 2021	Signature:
Approved by: Dr. Penny Schwinn, Commissioner	

Surveys, analyses, and evaluations for research purposes shall be allowed at Achievement School District (ASD) schools when the project is viewed as contributory to a greater understanding of the teaching-learning process, the project does not violate the goals of the school, and the disruption of the regular school program is minimal. The director of schools shall develop administrative procedures for approving requests for conducting surveys, analyses, or evaluations by agencies, organizations or individuals. The requests shall outline what is to be done, who is to be involved and how the results will be used and distributed¹.

Prior to the dissemination of a survey, analysis, or evaluation to students, parents/guardians shall be notified of the opportunity to review the materials. Such notification shall include information indicating the purpose of the survey, analysis, or evaluation as well as who will have access to the results. Following such notification and prior to the administration of the survey, analysis, or evaluation, parents/guardians may opt their child out of participation.

The director of schools shall develop procedures for granting such parental requests and to implement the other provisions of this policy.¹

No student shall be required, as part of any program, to submit to a survey, analysis or evaluation that reveals information concerning:^{1, 2}

- (1) mental or psychological problems of the student or the student's family;
- (2) sexual behavior or attitudes;
- (3) illegal, anti-social, self-incriminating, or demeaning behavior;
- (4) critical appraisals of other individuals with whom respondents have close family relationships;
- (5) legally privileged relationships;
- (6) income; or
- (7) the collection of student biometric data involving the analysis of facial expressions, EEG brain wave patterns, skin conductance, galvanic skin response, heart-rate variability, pulse, blood volume, posture, and eye-tracking.³

¹ Tenn. Code Ann. § 49-2-211

² 20 USCA § 1232h

³ Tenn. Code Ann. § 49-1-706

⁴ Tenn. Code Ann. § 49-1-705

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent/guardian.

The collection of the following student data is strictly prohibited:⁴

- (1) political affiliation or voting history;
- (2) religious practices; and
- (3) firearm ownership

Collecting, Disclosing, or Using Information for Marketing³

In general, the ASD 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/guardians, 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/guardians 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 students 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) and the subsequent analysis and public release of the aggregate data from 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.

³ 20 USCA § 1232h(c)(1); 20 USCA § 1232h(c)(4)