

TENNESSEE STATE BOARD OF EDUCATION		
ADOPTION OF POLICIES		1100
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall adopt policies and procedures in compliance with district, state, and federal law, rule, policy, and regulation. Annually, the charter school shall create a student handbook of all applicable student policies and distribute it to students and families. Student handbooks shall include minimum requirements as set forth by State Board of Education (“State Board”) staff and the State Board student handbook addendum. Student handbooks shall be translated into a language that parents and students can understand and submitted to the State Board to be posted on the State Board Schools website.

Annually, each authorized charter school shall notify parents, students, and employees of the school’s policies and procedures. Each authorized charter school shall submit an assurance that all parents, students, and employees have been notified of the school’s policies and procedures. Additionally, when requested, each authorized charter school shall submit all required policies and procedures to the State Board as part of a policy compliance review.

The Executive Director of the State Board will act as the Director of Schools. Any mention of “Director of Schools” in any policy is in reference to the Executive Director of the State Board.

Annually, the Director of Schools shall review and approve district operating procedures no later than July 1st. Approved operating procedures shall be posted on the State Board Schools website.

Legal references and cross references within policies are abbreviated as follows:

- (1) T.C.A.: Tennessee Code Annotated;
- (2) TRR/MS: Tennessee Rules, Regulations, and Minimum Standards;
- (3) U.S.C.: United States Code;
- (4) C.F.R.: Code of Federal Regulations; and
- (5) EDGAR: Education Department General Administrative Regulations.

Cross References:
Parent Involvement and Engagement 4502
Employee Rights 5104

TENNESSEE STATE BOARD OF EDUCATION		
GRIEVANCES AND COMPLAINTS		1200
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall adopt a policy and procedures for receiving and addressing complaints or grievances from employees, parents/guardians, or students. The governing board of each charter school shall be the first avenue for response in any complaints or grievances filed against the charter school, its employees, or its volunteers, and the policy and procedures shall be included in the student handbook and made available to students, parents/guardians, employees, and any other person who requests it.

If grievances persist following the actions of the governing board of the charter school, or if the complaints are with regard to alleged violations of law, the charter agreement, the improper discipline of a special education student (including violations of the Individuals with Disabilities Act (IDEA) or applicable state or federal law or regulation), or any other topic listed below, the State Board may investigate.

Complaints and Grievances Handled by the School. The following are examples of complaints or grievances that are at the discretion of the school and areas in which the State Board cannot mandate decisions:

- (1) Employment issues;
- (2) Transportation issues (except with regard to students experiencing homelessness, students with disabilities, or students in foster care);
- (3) Disagreement with a teacher or a student;
- (4) Bullying issues (excluding bullying that rises to the level of a civil rights issue under Title IX or VI, or bullying on the basis of a disability under the Americans with Disabilities Act (ADA)); and
- (5) Disagreement over a discipline decision (excluding the discipline of students with disabilities, including students with Individualized Education Programs (IEPs) or 504 Plans).

The school shall follow its adopted policies and procedures for handling complaints and grievances.

Complaints and Grievances Handled by the State Board. In some instances, the State Board may investigate complaints or grievances regarding an authorized school. A formal complaint or grievance to the State Board may include, but is not limited to:

- (1) Alleged violations of the law;
- (2) Alleged violations of the charter agreement;
- (3) Special education violations, including discipline;
- (4) Child abuse;

- (5) Serious health, safety, and legal issues;
- (6) Suggesting a student transfer or enroll at a different school; and
- (7) Title VI and Title IX (civil rights) claims and ADA/Section 504 claims.

A formal complaint to the State Board must:

- (1) Identify the school(s) involved in the issue;
- (2) Clearly describe the grievance or complaint and provide any corresponding documentation supporting the issue;
- (3) Provide details of how the individual attempted to resolve the issue with the school or governing board, if applicable; and
- (4) Be filed within 180 days of the alleged violation, unless the State Board determines that special circumstances exist to allow the filing of the complaint or grievance.

Within seven (7) business days, the Director of Schools or his/her designee will determine whether or not the grievance or complaint is properly before the State Board or if it needs to be resolved with the school, and the Director of Schools or his/her designee will notify the complainant of this decision in writing. If it is determined that the complaint or grievance is properly before the State Board, the State Board will address the complaint or grievance within thirty (30) days, unless special circumstances exist. If special circumstances exist, all parties will be notified.

If a school is found to have committed a violation, it may trigger interventions by the State Board in accordance with State Board Policy 6.700.¹

Filing a complaint under this policy shall not serve as a prerequisite to any legal or other administrative action that the complainant may choose to pursue, including, but not limited to any complaint under Policy 1801- Special Education/Individuals with Disabilities Education Act (IDEA), 1802 - Americans with Disabilities Act (ADA) and Section 504, and 6304- Bullying, Cyberbullying, Discrimination, Harassment, and Hazing.

Legal References:

¹ State Board Policy 6.700

Cross References:

Special Education/Individuals with Disabilities Education Act (IDEA) 1801
Americans With Disabilities Act (ADA) and Section 504 1802
Attendance 6200
Bullying, Cyber-bullying, Discrimination, Harassment, And Hazing 6304
Required Remands and Student Disciplinary Hearing Authority 6317
Complaint/Grievance Procedures

TENNESSEE STATE BOARD OF EDUCATION		
SCHOOL CALENDAR		1800
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall adopt an annual school year calendar that reflects a term of no fewer than 200 days¹, including:

- (1) 180 days for classroom instruction;
- (2) 10 days for vacation with pay (for a 200 day term);
- (3) 5 days for in-service education;
- (4) 1 day for teacher-parent conference; and
- (5) 4 other discretionary days as designated by the school.

The length of a school day shall be, at minimum, six and one-half (6 ½) hours.² The academic calendar shall be determined by the school and in accordance with state law. Annually, the school shall submit the academic calendar for the next school year to the State Board by April 15th. The school shall offer in-service training in accordance with state law.³

The school may close and/or dismiss early in the event of hazardous weather or an emergency which presents a threat to the safety of students, staff members, or school property. It shall be the responsibility of the school to determine a closure and to notify students, parents, the State Board, and/or the media of the closure.

State law allows schools to request a waiver from the Department of Education for the requirement of 180 days of classroom instruction in the event of a natural disaster or serious outbreaks of illness affecting or endangering students or staff during a school year. Submission of a request for a waiver shall be the responsibility of the school.⁴

Legal References:

- ¹ T.C.A. § 49-6-3004(a)
- ² TRR/MS 0520-01-03-.02(1)(a); TRR/MS 0520-01-03-.03(1)
- ³ TRR/MS 0520-01-03-.02(1)(b); State Board Policy 5.200
- ⁴ T.C.A. § 49-6-3004(a)(6)

Cross References:

Department of Education Guidelines for Planning Approvable In-Service Education Activities

TENNESSEE STATE BOARD OF EDUCATION		
SPECIAL EDUCATION/ INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)		1801
ADOPTED:	REVISED:	MONITORING: Review: Annually

State Board authorized charter schools shall provide access to a free appropriate public education to all children with disabilities ages three (3) through twenty one (21), inclusive. The plan for implementation of appropriate instruction and special education services shall be in accordance with the current rules of the State Board¹ and state² and federal³ law.

The State Board will work with authorized charter schools to ensure they are properly providing special education services for students with disabilities. Specifically, the State Board shall ensure the following:

- (1) All children with disabilities attending authorized charter schools receive a free and appropriate public education and the services to meet their unique needs; and
- (2) The rights of children with disabilities and their parents are protected.

State Board authorized charter schools shall ensure the following objectives are met:

- (1) To carry out a comprehensive screening and assessment plan emphasizing the early identification and evaluation of students with disabilities;
- (2) To use the Individualized Education Program (IEP) team for reviewing assessments, formulating programming, and determining placement for every student with a disability, including review of significant changes in placement (including proposed suspensions) when appropriate, in accordance with the State Board rules;
- (3) To ensure that placements are made to educate students with disabilities with non-disabled, age-appropriate peers to the extent appropriate;
- (4) To provide each student with a disability with an IEP specifically designed to meet his/her unique needs;
- (5) To provide continuing evaluation of the progress of each student with a disability, including at least an annual review of each IEP and re-evaluation at least every three (3) years;
- (6) To ensure that students with disabilities are disciplined in accordance with the requirements of state and federal laws;
- (7) To ensure that procedural safeguards required by state and federal laws are adhered to and that parents of students with disabilities are given annual copies of the procedural safeguards; and

- (8) To involve parents of students with disabilities in a meaningful dialogue with school personnel which will begin with an initial referral and continue throughout the student's educational career.

IDEA Grievances. Authorized charter schools shall create a complaint policy whereby general complaints may be filed by parents or students regarding students with disabilities under IDEA. Further, complaints may be submitted to the State Board via the State Board's general complaints process outlined in State Board's Grievance and Complaints Policy 1200 and corresponding procedures. IDEA legal or other administrative actions may be filed without filing a complaint or grievance with the State Board or school. Complaints may be directed to the following:

IDEA Administrative and/or Due Process Complaints:

Tennessee Department of Education
Office of General Counsel
9th Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, Tennessee 37243

Telephone: (615) 741-2921

Website: <https://www.tn.gov/education/legal-services/special-education-legal-services.html>

Legal References:

¹ TRR/MS 0520-01-09

² T.C.A. § 49-10-101 *et. seq.*

³ Individuals with Disabilities Education Act (IDEA)
20 U.S.C. §§ 1400-1482

Cross References:

Grievances and Complaints 1200
Americans with Disabilities Act
(ADA) and Section 504 1802
Complaint/Grievance Procedures

TENNESSEE STATE BOARD OF EDUCATION		
AMERICANS WITH DISABILITIES ACT (ADA) AND SECTION 504		1802
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

The State Board is committed to upholding equitable employment and educational practices, services, programs, and activities and maintaining facilities that are accessible and usable by individuals with disabilities, to the extent provided by law.

As defined by Title II of the Americans with Disabilities Act (“ADA”), no covered entity shall discriminate against a qualified individual on the basis of disability 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.^{1,2}

As defined by Section 504 of the Rehabilitation Act of 1973 (“Section 504”), no qualified person with a disability shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance.^{1,3}

State Board Coordination.⁴ The Director of Schools shall designate at least one State Board employee to coordinate efforts to comply with and fulfill obligations arising under ADA and Section 504 (collectively the “Acts”) and monitor the school’s compliance with obligations under ADA and Section 504, including cooperation and coordination with the school’s coordinator with regard to the investigation of any complaint alleging non-compliance with the Acts or alleging any actions that would be prohibited by the Acts.

School Coordination.⁴ Each authorized charter school shall designate at least one (1) employee to coordinate its compliance efforts and carry out responsibilities under ADA and Section 504, including investigation of any complaint alleging noncompliance under the Acts or any act or omission that would be prohibited by the Acts.

The school shall make available to interested individuals the name, office address, and telephone number of the designated employee(s). Annually, the school shall notify the State Board by September 1 of the designated employee(s) coordinating ADA and Section 504 compliance.

School Complaint Procedure.⁵ The school shall adopt a complaint policy or procedure and disseminate it to employees, students, and the school community. The school’s policy or procedure shall outline the process for handling complaints regarding ADA/Section 504. The school’s ADA/Section 504 coordinator shall handle any complaint involving ADA/Section 504. The school’s ADA/Section 504 coordinator shall provide a copy of each complaint received to the State Board’s ADA/Section 504 coordinator. The school’s ADA/Section 504 coordinator shall respond to all complaints promptly in accordance with the

school's policy. A copy of the response to a complaint shall also be provided to the parent and to the State Board's ADA/Section 504 Coordinator.

Section 504 Due Process Hearing Procedures. Each authorized charter school shall follow these procedures for Section 504 due process hearings and disseminate it to employees, students, and the school community. The school may choose to adopt a due process hearing procedure with additional requirements. If the school adopts a procedure with additional requirements, it shall provide a copy to the State Board.

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 school 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 school's Section 504 coordinator. The request shall be submitted on or reduced to writing on a form provided by the school. The school's Section 504 coordinator shall notify the State Board's Section 504 coordinator of any request for a due process hearing upon receipt.

Impartial Hearing Officer

The school leader or his/her 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 school or district and shall not be related to any member of the school's governing board. 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; TDD: 877-521-2172
Email: OCR.Atlanta@ed.gov

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 both the district's and the school's 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 school's 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, 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 or relevance.

Recording

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

Witnesses

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

Format of Presentation

Each side will have an equal amount of time to present their positions as determined by the hearing officer. The parent/guardian will present his/her case first by making an opening statement outlining the issues, calling witnesses, and making a closing argument. The school will present its side next.

At the end of the school'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 school system must take. Any issue or claim raised by the parent/guardian that is left unaddressed by the hearing officer in his/her decision will be deemed to have been denied. The decision must be issued within forty-five (45) days after the date the Request for a Due Process Hearing is received by the school. The hearing officer may not award attorneys' fees as a part of the relief granted to a parent/guardian or the school.

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.

ADA or Section 504 Grievances. ADA or Section 504 legal or other administrative actions may be filed without filing a complaint or grievance with the State Board or school. Complaints shall be directed to the following:

ADA Complaints:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section – 1425 NYAV
Washington, D.C. 20530

[Online: Complaint Form \(en Español\)](#) (Instructions for submitting attachments are on the form.)

Telephone: 1-800-514-0301 (voice); 1-800-514-0383 (TTY)
Fax: (202) 307-1197

Section 504 Complaints:

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

Telephone: 404-974-9406
Fax: 404-974-9471; TDD: 800-877-8339

Email: OCR.Atlanta@ed.gov

Legal References:

¹ T.C.A. § 49-13-111(b)

² 42 U.S.C. § 12112(a)

³ 34 C.F.R. § 104.4(a)

⁴ 28 C.F.R. § 35.107

⁵ 28 C.F.R. § 35.170, 35.172

⁶ 34 C.F.R. §104.36

Cross References:

Employee Rights 5104

Grievances and Complaints 1200

Complaint/Grievance Procedures

TENNESSEE STATE BOARD OF EDUCATION		
FISCAL MANAGEMENT OBJECTIVES		2100
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall practice sound fiscal management procedures, which guarantee maximum use of all resources provided. Each school assumes responsibility, within its financial capabilities, for providing at public expense all items of equipment, supplies, and services that may be required in the interest of education.¹ Fiscal management of schools shall be in accordance with the Tennessee Internal School Uniform Accounting Policy Manual, as applicable.

In fiscal management, a school shall seek to achieve the following goals:

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

Use of Federal Funds. The school shall comply with all regulations tied to such federal funds, including 2 C.F.R. 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), Individuals with Disabilities Education Act (IDEA), and any other applicable federal or state laws. In addition, each authorized charter school shall comply with the State Board’s Operating Policies and Procedures for Implementation and Administration of Federal Education Programs.

Annually, any applicable allocation methodology for federal funds shall be included in the State Board’s approved operating procedures.

Legal References:

¹ T.C.A. § 49-3-314

Cross References:

Tennessee Internal School Uniform
Accounting Policy Manual; Section 4-23

TENNESSEE STATE BOARD OF EDUCATION		
SCHOOL OPERATING BUDGET		2200
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school’s budget is the legal basis for the establishment of funding. It is the legal document that describes the programs to be conducted during the fiscal year beginning July 1 and ending June 30 the following year.¹ It is the operational plan, stated in financial terms, for the conduct of all programs within a school.

Preparation Procedures. The budget should be balanced and consistent with the approved charter application and the following contract conditions:

- (1) Programs to meet the needs of the entire student body;
- (2) Staffing arrangements adequate for proposed programs; and
- (3) Maintenance of the school’s equipment and facilities.

The budget provides the framework for both expenditures and revenues for the year and translates into financial terms the educational programs and priorities for the school. The budget shall set forth in itemized form the amount necessary to operate the school for the fiscal year.

Budget preparation shall be the responsibility of the school. The school shall establish a budget development and adoption process.² The school shall establish necessary procedures for the effective and extensive involvement of school employees, including requests from department heads and/or school leaders, all of whom should seek advice and suggestions from other staff and faculty members. It is the responsibility of the school to prepare the budget on forms furnished by the Commissioner of Education in accordance with applicable federal and state laws, statutes, and State Board policies.

Unless notified otherwise, the State Board assumes that the school leader shall be designated as the financial officer to oversee the daily administration of the school's budget and serve as the chief point of communication regarding fiscal matters with the State Board.

Requests for a budget revision must be approved by the school leader or designee and submitted for approval to State Board staff in accordance with established budget procedures. State Board staff will review budget revision requests and provide a response in a timely manner.

Reviews. The proposed school budget is considered a public record and, upon proper request, shall be available for inspection.

Adoption Procedure. The school shall adopt a budget and submit it to the State Board by June 1.³

Governmental Funds. Transfer of funds between governmental funds are prohibited unless the transfer to/from (Other Financing Source/Use of Funds) is included in the budget and subsequently approved by the school leader or designated financial officer. Funds for educational purposes made available by any government, agency, or organization shall be sought by the school system only when the conditions of their availability are in alignment with the purposes and policies of the school and the laws of the state.

Legal References:

¹ T.C.A. § 49-13-111(l)

² T.C.A. § 49-2-203(a)(10)

³ T.C.A. § 49-2-301(b)(1)(Z);

TRR/MS 0520-01-02-.13(2)(a)

Cross References:

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

TENNESSEE STATE BOARD OF EDUCATION		
LINE ITEM TRANSFER AUTHORITY		2201
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

After a school budget has been officially adopted, transfers between state major function expenditure categories (i.e., instructional, operational, and other service accounts) shall be made upon the recommendation of the school leader or designated financial officer. Line-item transfers within major function expenditure categories shall be made upon the recommendation of the school leader or designated financial officer, provided there is sufficient justification for the transfer including but not limited to the nature of the transfer, rationale for the transfer, impact if the transfer is not made, and how the transfer aligns with the school’s strategic plan for which the proposed expenditure is directly related. The school leader or designated financial officer shall notify the State Board of any transfer between major budget categories.

Transfers between major budget categories can be made within state-supervised grant and program budgets, provided the state supervising authority over grant management has approved the transfers.¹

Legal References:

¹ Op. Tenn. Atty. Gen. 83-464 (Oct 26, 1983)

TENNESSEE STATE BOARD OF EDUCATION		
REVENUE AND SCHOOL FEES		2400
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An authorized charter school may receive funds collected from activities and for events held at or in connection with the school, including contracts with other schools for interschool events. To be included in this accounting are all monies collected from athletics, entertainment, school clubs, fees, concessions, stores, gifts, vending machines and all fund-raising activities.¹ All funds collected by a school shall be properly receipted and documented in accordance with the Tennessee Internal School Uniform Accounting Policy Manual.

The purchase of items intended for resale for profit through the school shall be subject to sales tax based on the purchase price of the vendor providing the service or item. Resale activities not intended to generate a profit shall be conducted at the discretion of the school leader or designated financial officer.²

School funds are not considered to include those of organizations composed of parents and teachers or parents and students working in coordination, including, but not limited to, appropriately organized and approved school support organizations.

Fees. In keeping with the establishment of free public schools in Tennessee, all necessary elements of any school activity, which constitute an internal fundamental part of elementary and secondary education, shall be provided free of charge to students. In the event that it becomes necessary to collect fees from pupils enrolled in certain academic subjects or engaged in certain enrichment activities to maintain the desired instructional and activities program in each school center, school fees may be collected and then expended only for the purposes for which they were collected. No fees or tuition shall be required of any student as a condition to attend the school or use its equipment. No student shall be penalized for nonpayment of any materials fee.^{1,3}

Fee Waivers. The school shall adopt a policy by which to waive school fees for verified students that comply with all state laws and regulations.⁴

Fines. The school shall adopt a policy for implementation and collection of fines in accordance with state law.⁵

Grants. As defined: a “grant” refers to financial resources that are awarded to a school, department, or individual (“grantee”) based upon a request or application for funding. Grant awards are usually designated for specific purposes and are generally accompanied by a statement of terms and conditions that guide the grantee in the use of these funds.

Grants for educational purposes made available by the state and/or federal government may be sought by the school when the conditions of their availability are in alignment with the purposes and policies of the school and the laws of the state and county. Schools are encouraged to apply for federal funds appropriated specifically for the support of public charter schools.

Each school shall adopt a policy detailing its grant management procedures, regarding applications, specific types of grants, and the receipt of grant awards.⁶ Grant management procedures adopted by the school shall comply with the State Board's Operating Policies and Procedures for Implementation and Administration of Federal Education Programs. It is the responsibility of the school to apply for and receive desired grants. The school shall incur all obligations and responsibilities to expend the grant funds in accordance to the stated purposes and conditions of the award. Legally restricted donations or allocations to individual schools must be used in accordance with the stipulations placed on their use by the contributor. Any grant received by a school, with the exception of certain state or federal pass-through/subrecipient grants (grants that are allocated to the district and passed through to schools or grants that allow the district to withhold a portion of funds for specified purposes), shall become property of that school and the State Board shall have no title to the award.

Receipt of any grants shall be reported to the State Board semi-annually as outlined in the adopted charter school reporting calendar.⁷

Legal References:

- ¹ T.C.A. § 49-2-110(a); T.C.A. § 49-2-110(b)
- ² T.C.A. § 67-6-102 (75)(A)
- ³T.C.A. § 49-6-3001(a); T.C.A. § 49-6-3003;
T.C.A. § 49-13-111(k); TRR/MS 0520-01-03-.03(14)
- ⁴ T.C.A. § 49-2-114; TRR/MS 0520-01-03-.03 (14)
- ⁵ T.C.A. § 37-10-101 - 102;
TRR/MS 0520-01-03-.03(15)
- ⁶ T.C.A. § 49-2-203(b)(15)
- ⁷ T.C.A. § 49-13-112

Cross References:

- Tennessee Internal School Uniform
Accounting Policy Manual; Section 4-31;
Section 4-40
- School Support Organizations 2404
- State Board Operating Policies and Procedures
for Implementation and Administration of Federal
Education Programs

TENNESSEE STATE BOARD OF EDUCATION		
GIFTS AND BEQUESTS		2401
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Gifts Received by the School. The school leader or other designated financial officer is authorized to accept gifts for the school and may designate others to accept gifts for the school.¹ An authorized charter school may receive donations of money, property, or securities from any source for the benefit of the school which shall be disbursed, in good faith, in accordance with the conditions of such gifts.² Gifts which may serve to enhance and extend the work of the school may be accepted. In instances where the school leader or designated financial officer questions the appropriateness or usefulness of an offered gift, the gift may be declined or the matter referred to the governing board of the authorized charter school for a determination of whether the gift is appropriate. In accepting gifts and donations, a school shall recognize the following:

- (1) Any gift or donation accepted by a school shall become property of that school and the State Board shall have no title to that contribution;
- (2) Unless otherwise expressly specified in writing, all property contributed, given, or otherwise placed on school premises shall become property of the school and subject to the same controls and regulations that govern the use of other school-owned property; and
- (3) Contributions of equipment or services that may involve major costs for installation, maintenance, or initial or continuing financial commitments from school funds may be accepted with the understanding that the contributions and corresponding costs are the sole responsibility of the school.

Receipt of any such gifts, donations, or bequests shall be reported to the State Board semi-annually as outlined in the charter school reporting calendar.

Purchasing Gifts. No state or federal funds may be used to purchase gifts, including but not limited to, presents, donations, memorials, and flowers. Funds collected from school support organizations, teachers, or derived by sales to teachers may be used for these purposes.

The solicitation and/or collection of funds for the purpose of providing gifts for school personnel is not permitted. Extreme discretion will be exercised by teachers in accepting student gifts.

Legal References:
¹ T.C.A. § 49-6-2006(a)
² T.C.A. § 49-13-112

TENNESSEE STATE BOARD OF EDUCATION		
PROPERTY SALES		2403
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

If an authorized charter school intends to dispose of any property it owns but no longer needs for public school purposes, then the school leader or designated financial officer shall do so in accordance with state law and appropriate property transaction procedures. The school shall adopt policies and procedures for property disposal in the event it is deemed necessary to sell, trade-in, or exchange any property.¹

Disposition of Equipment Purchased with Federal Dollars.² When equipment that was purchased with federal dollars is no longer needed for the original project or program or for other activities currently or previously supported by a federal agency, disposition of the equipment shall comply with federal regulations and the District’s Operating Policies and Procedures for Implementation and Administration of Federal Education Programs document.

The school’s policies and procedures with regard to disposal of equipment shall include provisions to ensure the highest possible return if the school is authorized or required to sell equipment purchased with federal dollars.

Legal References:

¹ T.C.A. § 49-2-206(3); T.C.A. § 49-6-2007;

T.C.A. § 6-36-115

² 2 C.F.R. § 200.313

Cross References:

State Board Operating Policies and Procedures for Implementation and Administration of Federal Education Programs

TENNESSEE STATE BOARD OF EDUCATION		
ACCOUNTING SYSTEM		2700
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

The State Board shall maintain a system of accounting that provides a detailed and accurate account of all receipts and disbursements. The State Board will utilize the state’s Edison accounting system coupled with the state’s ePlan system. Approval structure and internal controls will be maintained within the Edison system.

Each authorized charter school shall maintain a system of accounting arranged according to the regulations prescribed by the Commissioner of Education that provides a detailed and accurate account of all receipts and disbursements of the school.¹ The school leader or designated financial officer shall be responsible for the management of all internal accounts under his/her jurisdiction.² The school shall maintain its accounts and records in accordance with generally accepted accounting principles and in conformance with the uniform chart of accounts and accounting requirements prescribed by the comptroller of the treasury. The school shall prepare and publish an annual financial report that encompasses all funds and includes the audited financial statements of the school.³

Legal References:

¹ T.C.A. § 49-2-301(b)(1)(D); T.C.A. § 49-3-316(a)(1); TRR/MS 0520-01-02-.13
² T.C.A. § 49-2-110(d)
³ T.C.A. § 49-13-111(m)

TENNESSEE STATE BOARD OF EDUCATION		
FINANCIAL RECORDS		2701
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall maintain financial records as required by state and federal regulation and applicable state and federal law.¹ Any records or papers that may be destroyed according to the law shall be disposed of in such a manner as to ensure complete destruction.

The governing board of the school shall make an annual progress report to the sponsor of the school, the State Board, and the Commissioner of Education.² The report shall include financial records of the school, including revenues and expenditures, and shall be public information. Pursuant to the Department of Education’s annual report guidance, each school’s report shall provide a detailed accounting, including the amounts and sources, of all funds. The funds shall include, but not be limited to, any funds received from federal grants; grants, gifts, devises, or donations from any private sources; and state funds appropriated for the support of the public charter school.³

Legal References:

¹ T.C.A. § 49-2-206(5)

² T.C.A. § 49-13-111(m)

³ T.C.A. § 49-13-112

TENNESSEE STATE BOARD OF EDUCATION		
AUDITS		2703
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

The governing board of each authorized charter school shall cause an annual audit to be made of the accounts and records, including internal school activity and cafeteria funds, of their school. The audits may be prepared by certified public accountants or by the department of audit. The audit shall be completed as soon as practical after June 30 of each year, and a copy of the audit shall be furnished to the State Board, the Commissioner of Education, and the comptroller of the treasury.^{1,2}

The school leader or designated financial officer shall furnish or make copies of the audit available to the proper authorities as prescribed by law.³ The comptroller of the treasury is authorized to audit any books and records, including internal school activity and cafeteria funds, of any charter school when the audit is deemed necessary or appropriate by the comptroller of the treasury. The comptroller of the treasury shall have the full cooperation of officials of the school in the performance of the audit or audits. In the event the governing board fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant to prepare the audit. The cost of the audit shall be paid by the governing board.¹

When an administrative change occurs during the fiscal year and the position is responsible for the expenditure of funds, a special audit of accounts involved may be conducted. The special audit shall be as extensive as the State Board determines.

A charter management organization (CMO) may comply with T.C.A. § 49-13-127 by submitting one (1) audit for all the charter schools operated in Tennessee by the CMO, provided that such audit includes all information required for each school.⁴

When an audit of the authorized charter school’s financial accounts results in any findings, a corrective action plan shall be developed as part of the audit to address the findings. The plan shall be submitted to the comptroller of the treasury and include the following:⁵

- (1) Name(s) of the individual responsible for implementing the plan;
- (2) The corrective action taken or planned; and
- (3) Anticipated completion date.

Legal References:

¹ T.C.A. § 49-2-112; T.C.A. § 49-13-127

² T.C.A. § 49-2-110(a); T.C.A § 49-13- 111(j);

TRR/MS 0520-01-02-.13(4)

³ TRR/MS 0520-01-02-.13(3)(d)

⁴ T.C.A. § 49-13-127

⁵ T.C.A. § 9-3-407

TENNESSEE STATE BOARD OF EDUCATION		
SCHOOL SAFETY		3201
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall adopt procedures for keeping school facilities safe and free from hazards to the life and safety of children and teachers. The school is responsible for ensuring that safety is a part of the instructional program of the school and that it is appropriately geared to students at different grade levels.¹ Necessary precautions shall be taken to minimize the possibilities of fire, explosion, and comparable dangerous incidents from occurring. All staff members shall report current and potential hazards to their immediate supervisor(s). All staff members shall be periodically reminded of their responsibility for promptly reporting both current and potential hazards to their supervisors. Supervisors are expected to promptly and effectively follow up on these reports.

The safety program shall include:

- (1) Fire prevention;
- (2) Accident prevention;
- (3) Warning systems;
- (4) Emergency drills (fire, severe weather, earthquake, and intruder);
- (5) Traffic safety;
- (6) Traffic and parking controls;
- (7) Safety inspections;
- (8) First aid;
- (9) Disaster preparation; and
- (10) A disaster preparedness plan for a nuclear or other major emergency.

SAVE Act.² The State Board will utilize the template created by the state-level safety team to develop and adopt a district-wide emergency response plan. The district emergency response plan shall be developed by a district school safety team and approved by the Director of Schools. Additionally, each authorized charter school shall utilize the template created by the state-level safety team to prepare a building-level emergency response plan developed by the building-level school safety team.

The emergency response plan shall address, at minimum, crisis intervention, emergency response, and emergency management.

Any meeting concerning school security or school safety plans shall not be subject to the open meetings laws defined in state law. Though closed to the general public, reasonable notice of the meeting shall be provided to the general public prior to such a meeting. The school's governing

board and/or the State Board shall not discuss or deliberate on any other issues or subjects during such a meeting.

The school and the State Board shall provide the school's and district's emergency response plans, as well as information, records, and plans that are related to school security to the local law enforcement agency with jurisdiction over the school.

The district-wide school safety team shall be appointed by the Director of Schools and shall include all members as required by law. A building-level school safety team shall be appointed by the building school leader and shall include all members as required by law.³ The emergency response plan shall be reviewed by the appropriate school safety team on at least an annual basis and updated as needed.

The State Board shall file a copy of its comprehensive district emergency response plan with the Commissioner of Education, and all amendments to the plan shall be filed with the Commissioner no later than thirty (30) days after their adoption. A copy of the building-level school emergency response plan and any amendments to the plan shall be filed with the appropriate local law enforcement agency and with the Department of Safety within thirty (30) days of their adoption.

School emergency response plans shall be confidential and shall not be subject to any open or public records requirements.

A school may ask the State Board to seek grant funding from the school safety center to assist with compliance.⁴ The school shall ensure that all safety and emergency response plans required by this part are developed in such a manner as to be consistent with harassment and bullying policies.⁵

The school may adopt a policy addressing who can possess a firearm on school property compliant with all state and federal laws, rules, and regulations.⁶

School Safety Zones.⁷ A school may develop a method of marking school safety zones, including the use of signs. Signs or other markings shall be located in a visible manner on or near the school indicating that such area is a school safety zone, that such zone extends 1,000 feet from school property and that the delivery or sale of a controlled substance or controlled substance analogue to a minor in the school safety zone will subject the offender to an enhanced punishment. The district shall assist the school in complying with the preceding provisions, as needed.

As defined for this section:

- (1) School property means all property used for school purposes, including, but not limited to, school playgrounds; and
- (2) A school safety zone is the territory located within 1,000 feet of school property.

Safety Instruction. Whenever any state funds are used in any of the public schools of the state, it is the duty of the school leader of the school or schools, including all other school administrators and

teachers, to instruct pupils in the art of safety against injury on the public thoroughfares, highways and streets of the state, and other places where the students may come in contact with, or be in danger of, bodily injury, for at least fifteen (15) minutes in each week during the time the school is in session.⁸

Each authorized charter school shall comply with all state laws with regard to laboratory safety and toxic art supplies.⁹

Legal References:

¹ T.C.A. § 49-6-1003

² T.C.A. §§ 49-6-801- 815

³ T.C.A. § 49-6-806

⁴ T.C.A. § 49-6-4302

⁵ T.C.A. § 49-6-4503; T.C.A. § 49-6-812

⁶ T.C.A. § 49-6-815; T.C.A. § 39-11-106; T.C.A. §§ 39-17-1350- 1351

⁷ T.C.A. § 49-2-116

⁸ T.C.A. § 49-6-1003

⁹ T.C.A. § 49-50-501; T.C.A. §§ 49-50-1201- 1204

Cross References:

Emergency Preparedness 3202

TENNESSEE STATE BOARD OF EDUCATION		
EMERGENCY PREPAREDNESS		3202
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Earthquake, AED, and CPR Drills. Each authorized charter school shall practice emergency safety drills. Any school that lies within 100 miles of the New Madrid Fault Line shall implement earthquake preparedness drills. *Section – 4: Earthquake Drills of the Guidebook for Developing A School Earthquake Safety Program* published by the Federal Emergency Management Agency shall serve as the model plan for schools to consider when adopting plans for earthquake preparedness drills. Affected schools shall review and consider the entire guidebook to ensure that they provide the optimal safety conditions for their students. Any school that lies within 100 miles of the New Madrid Fault Line shall conduct at least two (2) earthquake preparedness drills every school year. A record of the earthquake preparedness drills, including the time and date, shall be kept in the school using the form provided by the district. The drill log shall be submitted to the State Board in accordance with the State Board’s reporting calendar and shall be made available upon request by the Department of Education.¹

Any school with an Automated External Defibrillator (“AED”) shall conduct a cardio-pulmonary resuscitation (“CPR”) and AED drill to ensure school personnel are aware of the steps that must be taken in the event of a medical emergency. The school leader shall be responsible for ensuring the drill occurs.² A record of the drills, including time and date shall be kept in the school using the form provided by the district. The drill log shall be submitted to the State Board in accordance with the State Board’s reporting calendar.

Fire, Armed Intruder, and Other Emergency Drills. There shall be one (1) fire drill every thirty (30) school days with an additional one (1) during the first 30 days of operation each school year as required by state law. Additionally, there shall be four (4) fire safety announcements conducted throughout the year.³

Annually, there shall be at least one (1) armed intruder drill and three (3) additional safety drills conducted that do not require evacuation of the building, which may include inclement weather, earthquake, intruder, or other emergency drills not requiring full evacuation.⁴

A record of all fire and safety drills, including the time and date, shall be kept using the form provided by the district. The completed drill log shall be kept in the respective school or institutional offices, submitted to the State Board in accordance with the State Board’s reporting calendar, and made available upon request to the state fire marshal, or the state fire marshal's deputies or assistants, for inspection and review.⁵

In educational occupancies, fire drills shall include complete evacuation of all persons from the building. Complete evacuation of occupants from the building at the time of the fire drill shall be

required only where it is practicable and does not involve moving or disturbing persons under medical care.

All doors serving as an exit shall be kept unlocked during the periods that a building is occupied. It is unlawful for any teacher to keep the doors or windows of the school building locked while the pupils are assembled in the school or to permit any screens to be fastened in windows of the building that would prevent the egress of pupils in case of fire or other emergency.⁶

A school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office. The school shall have at least one (1) fire safety inspection annually. The fire safety inspections will be based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office. Copies of the inspection reports, including findings of non-compliance and actions taken to comply, shall be maintained in the office of the school and available for review.⁷

The school shall comply with rules, regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and safety.⁸

In case of fire, the buildings shall be cleared of all persons – students, clerks, custodians, cafeteria employees, guests, etc.

Legal References:

¹ TRR/MS 0520-01-03-.03(18)

² T.C.A. § 49-2-122

³ T.C.A. § 69-102-137

⁴ T.C.A. § 49-6-807

⁵ T.C.A. § 68-102-137

⁶ T.C.A. § 49-5-201(b)

⁷ TRR/MS 0520-01-04-.01(2)

⁸ TRR/MS 0520-01-04-.01(1)

Cross References:

School Safety 3201

Emergency Preparedness and School
Safety Drill Procedures

TENNESSEE STATE BOARD OF EDUCATION		
CRISIS MANAGEMENT		3203
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

~~Each authorized charter school shall adopt a crisis management plan for use in times of crisis, including suicides, shootings, and death of a student, parent, or faculty member. If determined to be necessary, the school leader shall contact the appropriate emergency services (police, fire, ambulance, etc.).[‡]~~

TENNESSEE STATE BOARD OF EDUCATION		
ASBESTOS MANAGEMENT		3208
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall develop an asbestos management plan for all buildings that the school leases, owns, or otherwise uses as school buildings and shall update this plan to reflect current operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. The school shall submit the asbestos management plan to the district and maintain a copy of the plan within the school.¹

The Director of Schools shall identify an asbestos management coordinator/designated person for the district. The designated person will ensure that schools are meeting all asbestos management requirements, including submission of an asbestos management plan. In addition, each school shall designate an asbestos management coordinator/designated person to ensure school compliance of asbestos management responsibilities and shall report the name of the designated person to the district on an annual basis.² The school asbestos management coordinator/designated person shall ensure the school complies with all asbestos management responsibilities required by law, including:

- (1) Ensuring the school performs an initial inspection of all buildings that the charter school leases, owns, or otherwise uses as school buildings to determine whether asbestos-containing materials are present, if required;³
- (2) Re-inspecting asbestos-containing material in the school every three (3) years, if required;
- (3) Performing periodic surveillance every six (6) months of known or suspected asbestos-containing building material, if required;
- (4) Ensuring that trained and licensed professionals perform inspections and take response actions;
- (5) Notifying parents, teachers, and employee organizations at least once each school year of the availability of the management plan and of any asbestos-related actions taken or planned within the school, and¹
- (6) Ensuring that all members of the custodial staff who may work in a building with asbestos-containing building materials have awareness training. The school is responsible for ensuring that all new custodial staff are trained within sixty (60) days of hire.⁴

Legal References:

¹ 40 C.F.R. § 763.93

² 40 C.F.R. § 763.84(g)(1)

³ 40 C.F.R. § 763.99; 40 C.F.R. § 763.92; 40 C.F.R. § 763.85

⁴ 40 C.F.R. § 763.84; 40 C.F.R. § 763.92

TENNESSEE STATE BOARD OF EDUCATION		
TRANSPORTATION		3400
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall provide transportation in accordance with its charter agreement. If a school elects to provide transportation for its pupils as a part of its charter agreement, the school shall receive the additional transportation component as a part of the BEP payments received from the State Board. The transportation shall be provided by the school or by agreement with the district in which the school is located in accordance with state law.¹ If a school elects not to provide transportation for its pupils, the school shall not receive the additional transportation component of the BEP. All schools shall provide transportation to students if required by a student’s Individualized Education Program (IEP).

At the time a pupil enrolls in a charter school, the school shall provide the child's parent or guardian with information regarding transportation.

Both the charter school and the district in which the school is located shall include in their annual reports what transportation plans are in effect for charter schools.²

Transportation Supervisor. The Director of Schools shall appoint a transportation supervisor for the district. He/she shall be responsible for monitoring the authorized charter schools’ compliance and oversight of transportation services. 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 annually. The Director of Schools shall ensure that training is completed and provide the Tennessee Department of Education with appropriate documentation.

Each authorized charter school shall appoint a transportation supervisor for the school. He/she shall be responsible for monitoring and oversight of transportation services for the charter school. The transportation supervisor shall complete a student transportation management training program upon appointment. Every year, the transportation supervisor shall complete a minimum of four (4) hours of training annually. The school leader shall ensure that training is completed and provide the Tennessee Department of Education with appropriate documentation.

FOR CHARTER SCHOOLS ELECTING TO PROVIDE TRANSPORTATION

Bus Regulations.³ A school shall adopt policies and procedures regarding the transportation of students to ensure compliance with the statutory and regulatory requirements for a transportation program.

The allocation of minimum program funds for pupil transportation shall be based on a formula for the distribution of available funds. A school that receives aid under T.C.A. § 49-10-113 shall operate in accordance with the Tennessee Children with Disabilities Transportation Act.⁴ The school shall

keep records of transportation costs and the number of pupils transported on a monthly basis, and make such reports as required by the Commissioner of Education.

No school bus shall be operated to transport pupils to and from school unless the school bus is insured for liability and property damage according to the rules and regulations of the State Board.⁵ The school shall safely operate buses and transport students in accordance with state law.

All school bus accidents shall be immediately reported to the State Board's transportation supervisor. School bus accidents shall be reported to the Tennessee Department of Education in the following manner⁶:

- (1) Pupil injury and/or fatality accidents: By telephone within twenty-four (24) hours of the accident and by written report within ten (10) days on the Department's provided School Bus Accident Report Form.
- (2) Property damage accidents: At the end of the school year on the Annual Pupil Transportation Report.

A school shall only operate buses that are approved under State Board rule 0520-01-05-.01(8). All school buses purchased by a school or private contractor shall meet the Tennessee Minimum School Bus Standards approved by the State Board and all applicable federal motor vehicle safety standards. Vehicles constructed for transporting children with disabilities shall comply generally with the Tennessee Minimum School Bus Standards approved by the State Board but, because of special equipment, appropriate modifications shall be made for children with disabilities. All school buses shall be inspected, maintained, serviced, and operated in accordance with state law and State Board rules and regulations.⁷

Bus Drivers.⁸ A school shall select and hire school bus drivers in accordance with state law. The school shall submit reports on forms prescribed by the State Board verifying the school has documentation, or has access to documentation, of physical and mental examinations of school bus drivers, in accordance with state law.

The district will issue certificates authorizing a person to drive a school bus for an authorized charter school in accordance with state law and State Board transportation procedures.

Transportation of Students. A school, prior to the beginning of each school year or upon hire of a school bus driver during the school year, shall assure that every school bus driver knows and understands the school's policies and procedures concerning transportation, including, but not limited to, bus drivers' responsibilities and duties with regard to a student exiting a bus at a point other than the student's destination for the trip, in accordance with state law.

In accordance with state law, a student whom a parent or guardian desires to exit a school bus at a destination other than the student's regular bus stop on the student's return bus route after dismissal of school shall provide the bus driver with a signed note from the parent or guardian informing the driver of the change in the student's bus stop for that day. The driver shall be required to turn the signed note over to the student's school principal or his/her designee as soon as practicable after completion of the route. A school may adopt more stringent policies and procedures than the above requirements (with respect to a student's exiting the bus at a point other

than the student's regular bus stop), including a policy that does not permit a student to exit at a point other than the student's regular bus stop.⁹

In accordance with state law, no school bus driver shall require or permit a student to exit a bus in violation of the school's policies and procedures. However, nothing shall prevent a school from adopting policies and procedures for management of unruly students on school buses, including the ejection of a student when necessary for the safety of other student passengers or the bus driver; provided, that the driver secures the safety of that student for the uncompleted trip. The school shall immediately review the fitness to drive of a school bus driver who permits or requires a student to exit a bus in violation of the school's policies and procedures.⁷

In accordance with state law, 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 and exiting the bus without the driver's permission at a point other than the student's destination for that trip.⁷

No pupil shall be allowed to remain in transit to or from school on a school bus more than one and one half (1 ½) hours in the morning or one and one half (1 ½) hours in the afternoon, in accordance with state law.¹⁰

A school bus shall at no time transport more pupils than the manufacturer's rated capacity for the bus, allowing no less than thirteen (13) linear inches of seat space for each pupil. The Commissioner of Education may, under rules and regulations prepared by the Commissioner and approved by the State Board, issue permits to a local board of education allowing the number of pupils transported on a school bus to exceed this limit, up to, but not to exceed, twenty percent (20%) of the manufacturer's rated capacity. In no event shall a permit be issued authorizing the loading of a school bus beyond the limits of safety.¹¹

A school bus transporting pupils to and from school or on school-sponsored activity trips shall not exceed posted speed limits or a maximum speed of thirty-five (35) miles per hour on unpaved roadways.¹¹

A school may choose to allow commercial advertising to be displayed on school buses; however, any school that chooses to do so shall adopt a policy regulating commercial advertising on school buses in accordance with state law and the minimum standards outlined in State Board rule 0520-01-05-.01(8).

Complaint Number.¹² Each authorized charter school providing transportation, including through a contractual agreement, to students to and from school shall ensure that each school bus serving the charter school is equipped with the phone number for reporting complaints on the rear bumper. The phone number may not go to the transportation contractor.

Complaint Process.¹² Each authorized charter school providing transportation to students to and from school shall develop a policy to govern how students, teachers, staff, and community members shall submit bus safety complaints. The policy must include:

1. All complaints shall be submitted to the charter school transportation supervisor; and
2. Complaints may be submitted in person, via phone call, mail, or email.

3. The charter school transportation supervisor shall begin an investigation of all bus safety complaints within twenty-four (24) hours of receipt.
4. Within forty-eight (48) hours of receipt of the initial complaint, the charter school transportation supervisor shall submit a preliminary report to the State Board's Director of Schools. The report shall include:
 - a. The time and date the complaint was received;
 - b. The name of the bus driver;
 - c. A copy or summary of the complaint; and
 - d. Any prior complaints or disciplinary actions taken against the driver.
5. Within sixty (60) school days of receiving the initial complaint, the charter school transportation supervisor shall submit a final written report to the State Board's Director of Schools that details the investigation's findings as well as the action taken in response to the complaint.

Annual notice of the charter school's complaint process shall be provided to parents and students. This information shall be made available in the charter school's student handbook.

Recording Keeping.¹² The charter school transportation supervisor shall be responsible for the collection and maintenance of the following records regardless of whether transportation services are provided directly by the charter school or via contractual agreement:

1. Bus maintenance and inspection forms;
2. Bus driver credentials, including required background checks, health records, and performance reviews;
3. Driver training records; and
4. Complaints received and any records related to the investigation of complaints.

Legal References:

¹ T.C.A. § 49-13-114; T.C.A. § 49-6-2101 *et seq.*

² T.C.A. § 49-13-114

³ T.C.A. § 49-6-2109

⁴ T.C.A. § 49-6-2114

⁵ T.C.A. § 49-6-2111

⁶ TRR/MS 0520-01-05-.01(2)(b)

⁷ TRR/MS 0520-01-05; T.C.A. § 49-6-2118

⁸ T.C.A. § 49-6-2107; T.C.A. § 49-6-2108

⁹ T.C.A. § 49-6-2118

¹⁰ T.C.A. § 49-6-2105

¹¹ T.C.A. § 49-6-2110

¹² T.C.A. § 49-6-2116

Cross References:

Transportation Procedures

TENNESSEE STATE BOARD OF EDUCATION		
ENGLISH LEARNERS		4207
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

If the inability to speak, read, write, and understand the English language excludes a student from meaningful participation in the educational programs offered by an authorized charter school, the school shall take reasonable actions to provide the student equal access to its programs. Students who are English learners (EL) shall be identified, assessed, and provided appropriate services. An authorized charter school shall identify students as EL using the two (2) step process outlined in State Board policy, which includes administering the Home Language Survey and assessing a student for English proficiency using the state’s approved screening assessment for ELs. No child shall be admitted to or excluded from any program or extra-curricular activity based on the student’s surname or EL status.¹

The school leader or designee shall evaluate the effectiveness of the school’s language assistance program to ensure EL students will acquire English proficiency and the ability to meaningfully participate in the standard instructional program within a reasonable period of time.

English Language Instruction Program. Authorized charter schools shall develop and implement English as a Second Language (ESL) instruction programs that:^{2,3}

- (1) Appropriately identify EL students in a timely, valid, and reliable manner;
- (2) Determine the appropriate instructional environment for EL students;
- (3) Provide EL students with a language assistance program that is educationally sound and proven successful;
- (4) Annually assess the English proficiency of EL students and monitor the progress of students in order to determine their readiness for standard instructional program;
- (5) Provide EL students with an Individualized Learning Plan (ILP) and interventions for students who are not meeting the expected growth trajectories outlined in their ILP;
- (6) Monitor the progress of students that have exited the EL program; and
- (7) Provide EL students with instruction by teachers who are trained in the WIDA standards.

Parental Notification.⁴ Parents of EL students shall be given notice of and information regarding the instructional program within the first thirty (30) days of the school year, or within the first two (2) weeks of a student being placed in an ESL program, in a language the parent understands. At a minimum, the notice shall include the following:³

- (1) The reason for identifying the child as an EL student;
- (2) The child’s level of English language proficiency, including how the level was assessed, and the status of the child’s academic achievement;

- (3) Methods of instruction used in the program, methods of instruction in other available programs, and how they differ;
- (4) How the program meets the educational strengths and needs of the student, and how the program will help the student reach English language proficiency and meet academic standards;
- (5) Program exit requirements, rate of transition to standard instructional program classroom, and expected rate of high school graduation;
- (6) How the program meets the goals of an EL student with an IEP; and
- (7) Information on the parents' right to withdraw the student from the program or choose another program or method of instruction if available.

The school shall encourage parental involvement and regularly apprise parents of their child's progress.⁵ If a parent refuses direct ESL services for the student, the general education classroom teacher shall be responsible for providing appropriate accommodations as required in the student's ILP.⁶ Further, retention of an EL student shall not be based solely on English language proficiency.⁷

Legal References:

¹ Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(D)

² Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 3113(b)(3)(B)

³ State Board Policy 3.207

⁴ Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(A)

⁵ Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(C)

⁶ State Board Policy 3.207

⁷ [TDOE Retention Guidelines for English Learner Students](#)

Cross References:

English Learner Monitoring Procedures

Student Enrollment Procedures
Promotion and Retention, Grading, and Assessment 4603

TENNESSEE STATE BOARD OF EDUCATION		
CREDIT RECOVERY		4210
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Generally. Each authorized charter school shall adopt procedures for credit recovery and ensure that all credit recovery teachers comply with State Board certification requirements.

Admission and Removal.¹ The school’s procedures shall ensure that students shall be admitted to or otherwise enrolled in credit recovery courses in accordance with State Board Policy 2.103.

No school shall admit or otherwise enroll students in credit recovery courses unless all of the following are true:

- (1) The student’s parent or legal guardian gives written consent for the student to enroll in the proposed credit recovery course. Parents/guardians should be informed that not all postsecondary institutions will accept credit recovery courses for credit and that the NCAA Clearinghouse will not accept credit recovery courses for credit;
- (2) The student has previously taken an initial, non-credit recovery section of the proposed course. Credit recovery is designed to be a remediation option for students. A credit recovery course shall not be the first time a student is exposed to course content; and
- (3) The student mastered at least fifty percent (50%) of the course standards as evidenced by the course grade in a non-credit recovery section of the course or a diagnostic assessment. Students who mastered below fifty percent (50%) of the course standards as evidenced by the course grade in a non-credit recovery section of the course or diagnostic assessment 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 school shall track students enrolled in credit recovery courses as directed by the Department of Education.

Instruction and Content. The school leader shall ensure that all credit recovery courses align with Tennessee’s current academic standards for the relevant course content areas, as approved by the State Board.

Students in credit recovery programs shall:

- (1) Complete a course standard-specific diagnostic assessment to determine standard-specific goals;

- (2) Meet individual standard-specific goals in a flexible time frame as established by identified student need; and
- (3) Master all individualized standard-specific goals and assignments as established by diagnostic process and the credit recovery teacher of record, in order to earn credit.

Grades. The school leader shall establish a grading formula for credit recovery courses in compliance with State Board Policy 2.103.

Grades awarded in credit recovery courses shall adhere to the State Board’s Uniform Grading Policy.²

Legal References:

¹ State Board Policy 2.103

² State Board Policy 3.301

TENNESSEE STATE BOARD OF EDUCATION		
INTERSCHOLASTIC ATHLETICS		4300
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school electing to participate in interscholastic athletics shall adopt a policy for organizing, conducting, and participating in interscholastic athletics that complies with all state and federal laws, rules, and regulations, and the regulations of the Tennessee Secondary School Athletic Association (TSSAA) and Tennessee Middle School Athletic Association (TMSAA).

TENNESSEE STATE BOARD OF EDUCATION		
HAZING		4301
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

~~Each authorized charter school shall adopt, at minimum, a written policy prohibiting hazing by any student or organization operating under the sanction of the school or surrounding district. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the school and/or State Board. The school is encouraged to adopt an additional policy establishing procedures and disciplinary actions in response to hazing and related behaviors.³~~

~~"Hazing" means any intentional or reckless act in this state, on or off school property, by one (1) student acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of that student, or that induces or coerces a student to endanger that student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.⁴~~

Legal References: _____
³T.C.A. § 49-2-120 _____

TENNESSEE STATE BOARD OF EDUCATION		
INTERNET SAFETY AND USE OF TECHNOLOGY		4406
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall adopt a policy and implement procedures to promote Internet safety and the appropriate use of technology by staff and students¹. This policy shall address and/or include:

- (1) An acceptable use policy and internal rules/ethics for the use of school technological resources;
- (2) Guidelines for appropriate instruction and oversight of student Internet use;
- (3) A plan for Internet safety instruction to educate students and staff on appropriate online behavior, including what constitutes appropriate and inappropriate communication between staff and students via the internet, social media, and text messages or phone calls;
- (4) Usage and monitoring of electronic mail by and within the school;
- (5) Prohibited/unlawful activities (with regard to Internet safety and use of technology) and corresponding disciplinary actions; and
- (6) Procedures for responding to violations of school policy (with regard to Internet safety and use of technology).

In accordance with federal law, a school using E-Rate discounts shall also adopt technology protection measures in the form of a written Internet safety policy. This policy shall²:

- (1) Prevent Internet access by both adults and minors to visual depictions that are obscene, child pornography, or otherwise harmful to minors (if seen by minors);
- (2) Include monitoring of the online activities of minors;
- (3) Provide for the education of minors on appropriate online behavior, including interactions with others on social networking sites and chat rooms as well as cyberbullying awareness and response;
- (4) Address access by minors to inappropriate matter on the internet;
- (5) Address the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
- (6) Address unauthorized access, including so-called "hacking," and other unlawful activities by minors online;
- (7) Address unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- (8) Address measures restricting minors' access to materials harmful to them.

A school participating in the E-Rate program is not required to have separate and/or redundant policies to fulfill requirements of both the State Board and federal law. Rather, these requirements may be combined to form one cohesive school policy.

Legal References:

¹ Enhancing Education through Technology Act of 2001;
20 U.S.C. § 6777

² Children's Internet Protection Act (CIPA);
47 U.S.C § 254(h)(5)(B)-(C), 254(l)

TENNESSEE STATE BOARD OF EDUCATION		
PARENT INVOLVEMENT AND ENGAGEMENT		4502
ADOPTED: July 28, 2017	REVISED: October 20, 2017	MONITORING: Review: Annually

The State Board recognizes the importance and value of meaningful parent and family involvement and, with schools, seeks to establish effective strategies and plans to engage parents and families in the design, review, and implementation of the education program. The State Board and its schools shall create a welcoming environment for all parents and families and implement policies that encourage the participation of parents in the education of their child.

Responsibilities of the District. Annually, the State Board shall work with authorized charter schools on the local education agency (LEA) district plan to establish expectations and objectives for the district and its schools, including parent and family engagement. A parent representative, whose child is currently enrolled in a school in the LEA, shall be part of the planning team.

Additionally, the State Board shall publish documents for parents on its website including, but not limited to:

- (1) LEA policies, with specific policies pertinent to students and parents translated in a language parents can understand;
- (2) Student and parent handbooks produced by each school;
- (3) School calendars produced by each school; and
- (4) State and district mandated assessments given by each school.

Responsibilities of the School. Each school shall adopt a policy to address the engagement of parents and families. This policy shall be jointly developed with parents and outline how parents, students, and school staff will share the responsibility for high student achievement.¹ The policy shall include, but is not limited to:

- (1) The school’s grievance and complaint policy with specific information on how parents and members of the community can engage with the governing board;
- (2) A description of how the school plans to engage parents concerning student progress including, but not limited to:
 - (a) Report cards;
 - (b) Progress reports; and
 - (c) Notices of concern;
- (3) Notification that the school will hold at least two (2) scheduled parent-teacher meetings during the school year that do not occur during school hours of any day that is counted for the purposes of meeting the one hundred and eighty (180) days of classroom instruction, nor are substituted for a day of classroom instruction;²

- (4) Entitlement of parents and families to review all teaching materials, instructional materials, and tests developed by teachers;³
- (5) Notification of the inclusion of at least one (1) parent representative as a member of the governing board, whose child is currently enrolled in a school operated by the governing board;⁴
- (6) Notification of the inclusion of at least one (1) parent representative as a member of the school planning team;
- (7) Notification that the school (if a Title I school) will hold at least one (1) annual Title I meeting to inform parents of the school's participation in Title I, the requirements of Title I, and the parent's right to be involved;
- (8) Assurance that non-English speaking parents of students are identified and served through translation or interpretation as needed;
- (9) Annual notification to parents of the school's parent and family engagement policy, in a language the parent can understand;¹
- (10) Annual distribution of the school's student and parent handbooks to parents, in a language the parent can understand, along with notification to the State Board that handbooks have been distributed; and
- (11) Annual evaluations of the effectiveness of the parent and family engagement policy by identifying:¹
 - (a) Barriers to greater participation by parents;
 - (b) The needs of parents and family members to assist with the education of their children; and
 - (c) Strategies to support successful school and family interactions.

Schools shall consider the needs and schedules of working parents when planning meetings, activities, or other events in which parents are encouraged to attend.

Legal References:

¹ 20 U.S.C. § 6318

² T.C.A. § 46-6-7002

³ T.C.A. § 46-6-7003

⁴ T.C.A. § 49-13-109

Cross References:

Instructional Materials 4400

State Board Policy 4.207

Promotion and Retention, Grading
and Assessment 4603

TENNESSEE STATE BOARD OF EDUCATION		
PROMOTION AND RETENTION, GRADING, AND ASSESSMENT		4603
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall adopt a promotion and retention policy in accordance with state laws and policies.

Promotion.¹ For schools serving students in grades kindergarten through eight (K-8):

The school leader or his/her designee shall promote students to the next grade level based on the successful completion of required academic work and on the satisfactory progress in each of the relevant academic areas. However, no student enrolled in the third (3rd) grade shall be promoted unless the student has shown a basic understanding of the 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 a governing board-approved, research-based intervention prior to the beginning of the next school year or to students who have an individualized education program (IEP).

Students who have difficulty in achieving the requirements for promotion may be considered for retention. Factors used to identify students who may be considered for retention shall, at minimum, include:

- (1) The student's ability to perform at the current grade level;
- (2) The results of local or state assessments, if applicable;
- (3) The overall academic achievement of the student;
- (4) The student's chance for success with more difficult material if promoted to the next grade;
- (5) Attendance; and
- (6) Social and emotional maturity.

When a student is considered for retention, the student's parent/guardian shall be notified within fifteen (15) days, and an individualized promotion plan shall be developed to help the student avoid retention. This plan shall be provided to the student's parent/guardian and the school shall offer to hold a parent-teacher conference to discuss the promotion plan. A student who demonstrates sufficient progress with the strategies included in his or her promotion plan during the school year shall be promoted to the next grade level and shall be enrolled in a summer reading or learning program, if available.

The school's policy shall include procedures governing how decisions on retention will be made after the student begins work on his/her individualized promotion plan.

If a student has not demonstrated sufficient progress on his or her promotion plan by the end of the school year to be promoted to the next grade level, the student shall be enrolled in a summer reading or learning program, if available. If a student is enrolled in a summer program, a decision

for retention may be made after completion of a summer program but shall be made and communicated to the student's parent or guardian at least ten (10) days prior to the start of the next school year. If a student is not enrolled in a summer program, a decision for retention shall be made and communicated to the student's parent or guardian at least thirty (30) days prior to the start of the next school year. Parents and guardians shall also be notified of their right to appeal a retention decision pursuant to the school's policy.

Retention.² For schools serving students in grades kindergarten through eight (K-8):

A student may be retained when, in the judgment of the student's teacher and/or the student's IEP team, such retention is in the best interest of the student. However, a student shall not be retained more than once in any grade. Additionally, retention of English Learner (EL) students shall not be based solely on English language proficiency.³

If a student is retained, the school leader or his/her 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/guardian within ten (10) days of its development. This plan shall include at least one (1) 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 highly effective teacher; or
- (5) Attendance or truancy interventions.

The school's policy shall include procedures to ensure appropriate record keeping and proper monitoring of students who are retained, including reporting progress to parents at least three (3) times during the school year of retention.

Grading. Each school shall adopt a grading policy in accordance with state laws and policies. For the purposes of application for postsecondary financial assistance administered by the Tennessee Student Assistance Corporation, schools shall report the grades for students in grades nine through twelve (9-12) using the uniform grading system contained in State Board Policy 3.301. Schools electing to offer honors courses and early postsecondary opportunities shall provide for additional weighting for these courses, as outlined in the uniform grading system. These policies shall be communicated annually to students and parents.⁴

Weighting State Assessment Scores.⁵ TNReady and EOC scores shall be included in students' final grades as follows:

- (1) 2017-2018 School Year: TNReady and EOC scores shall count for fifteen percent (15%) of a student's final grade.
- (2) 2018-2019 School Year and Thereafter: The school shall determine the percentage of a student's final grade that is comprised of the student's scores on TNReady or EOC assessments. A student's score on TNReady or EOC assessments shall comprise no less than fifteen percent (15%) and no more than twenty-five percent (25%) of the student's final

grade. The school shall notify the State Board of the percentage for which the state assessment shall count towards a student's final grade.

If state assessment results are not received by the State Board at least five (5) instructional days before the end of the course, the school may choose not to include the state assessment score in the student's final grade calculation.

Each school shall adopt a policy that outlines the methodology for including EOC/TNReady scores in a student's final grade calculation and submit that policy to the State Board annually.

Testing Information and Parental Consent.⁶ No later than July 31st of each year, the State Board and each school shall publish on their website information related to state and district mandated tests that will be administered during the school year. The information shall include:

- (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 parents and students will be notified of the results of the test;
- (6) How parents can access the questions and answers on their student's state-required tests; and
- (7) If a board 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 parents on an annual basis.

Legal References:

¹ State Board Policy 3.300

² State Board Policy 3.300

³ [TDOE Retention Guidelines for English Learner Students](#)

⁴ TRR/MS 0520-01-03-.05(3)(b);

TRR/MS 0520-01-03-.05(3)(c);

State Board Policy 3.301

⁵ T.C.A. § 49-1-617; Public Acts of 2017, Chapter No. 192; TRR/MS 0520-01-03-.06(1)(c)(2)

⁶ T.C.A. § 49-6-6007; State Board Policy 2.103

Cross References:

Attendance 6200

Credit Recovery 4210

TENNESSEE STATE BOARD OF EDUCATION		
COURSE CREDITS AND GRADUATION		4605
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall require students to meet or exceed all course graduation requirements as outlined in State Board Policy 2.103 and State Board rules.¹

Graduation with Honors, State Honors, and State Distinction (High Schools Only). Authorized charter schools shall develop a policy outlining how students meeting the requirements to graduate with the following distinctions will be recognized. Such policy, at minimum, shall include placing the appropriate notation in the school’s graduation program.²

- (1) Honors;
- (2) State Honors;
- (3) State Distinction;
- (4) District Distinction;
- (5) Tri-Star Scholar;
- (6) Students receiving a Tennessee Seal of Biliteracy (school policy also must require affixing an appropriate insignia to the diploma or transcript of the student indicating that the student has been awarded a Tennessee Seal of Biliteracy);
- (7) Students voluntarily completing at least ten (10) hours of community service each semester the student is in attendance at a public high school;
- (8) Students receiving a gold or platinum medal on National Career Readiness Certificate; and
- (9) Students graduating with a school-developed work ethic distinction (if applicable).

Legal References:

¹ TRR/MS 0520-01-03-.05;
TRR/MS 0520-01-03-.06;
TRR/MS 0520-01-03-.03 (6);
State Board Policy 2.103
² State Board Policy 2.103

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT EQUAL ACCESS/ LIMITED PUBLIC FORUM		4802
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

If an authorized charter school chooses to provide a limited public forum for student speakers at school events, the school shall adopt a policy, in accordance with state law, to establish guidelines for the provision of student equal access in a limited public forum. It is the responsibility of the school to implement this policy and monitor limited public forums, if established.¹

“Limited public forum” means public property that is provided for students as a place for expressive activity which may impose reasonable, content-neutral time, place, and manner restrictions on certain groups or topics of speech; provided, that the restriction is necessary and narrowly tailored to serve a compelling state interest.²

If the school chooses to establish a limited public forum, the school’s policy shall ensure that the school does not discriminate against a student’s publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the school of a student’s expression of a religious viewpoint, if any.³

The policy shall also include and/or address:⁴

- (1) Rights of students and/or groups of students to organize meetings and express viewpoints;
- (2) Procedures for request and approval of student meetings;
- (3) Requirements for approval of student meetings;
- (4) Parameters for time, place/facilities, and manner of student meetings;
- (5) Method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;
- (6) Role and responsibilities of the school and its administrators and staff; and
- (7) Permissible and prohibited content of student expression, including ensuring that a student speaker does not engage in speech that is obscene, vulgar, offensively lewd, indecent, or promotes illegal drug use.

The school shall state in writing, orally, or both, that the student’s speech does not reflect the endorsement, sponsorship, position, or expression of the school or district.

Legal References:

¹ T.C.A. § 49-6-1802; T.C.A. § 49-6-1805

² T.C.A. § 49-6-1801

³ T.C.A. § 49-6-1803(b)

⁴ T.C.A. § 49-6-1801 - 1805

TENNESSEE STATE BOARD OF EDUCATION		
EMPLOYEE RIGHTS		5104
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Equal Opportunity Employment. Each authorized charter school shall adopt policies that promote equal opportunities for employment, as well as continuation and advancement in employment, to members of all races, creeds, colors, genders, religions, ages, national origins, and individuals with disabilities or veteran status with regard only for qualifications for the positions involved.¹

Alcohol and Drug Use (Employees). Each authorized charter school shall adopt a policy outlining when employees may be tested for drugs and alcohol. Testing for bus drivers is required if the charter school provides transportation². Additionally, if an authorized charter school contracts with a transportation vendor that provides drivers, that vendor shall have an alcohol and drug testing policy compliant with the Omnibus Transportation Employee Testing Act and State Board transportation procedures.² It is the responsibility of the charter school to verify a vendor’s compliance.

Employee-Related Complaints and Grievances. Employees of authorized charter schools are not employees of the State Board or the State of Tennessee. All employee-related complaints and grievances shall be handled by each authorized charter school. Each authorized charter school shall adopt a policy to handle employee-related complaints and grievances in accordance with all federal and state laws, and a plan to regularly notify employees of their rights.

Harassment of Employees. Each authorized charter school shall adopt a policy to provide its employees a work environment free from sexual, racial, ethnic, disability, and religious discrimination/ harassment.³ At a minimum, the policy shall prohibit any employee or any student from discrimination against or harassment of an employee through disparaging conduct or communication that is sexual, racial, ethnic, based on a disability, or religious in nature that:

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

The school’s policy shall encourage victims to report alleged act(s) immediately to the appropriate school personnel as designed by the school’s policy. Such complaints shall be fully and promptly investigated, in accordance with school policy. The school’s policy shall outline a detailed investigation procedure for resolving complaints of discrimination or harassment.

Employee Whistleblower Protection. Employees who report improper governmental activity involving any authorized charter school or the State Board are protected against retaliation, interference, intimidation, threats, or similar acts. No employee of any authorized charter school shall be discharged, terminated, or otherwise discriminated against with respect to compensation, terms, conditions, or privileges of employment solely for refusing to remain silent about illegal activities.⁴ Illegal activities means activities that are in violation of criminal or civil laws, either state

or federal, or any regulation intended to protect the public health, safety, or welfare. If an employee believes he/she is the subject of actual or attempted retaliation, interference, intimidation, threats, or similar acts for reporting improper governmental activity, he/she may file a written complaint in state court. A complaint must be filed within 12 months of the alleged act or threat of retaliation or similar acts.

Any employee terminated or discriminated against in violation of this policy shall have a cause of action against the employer and any other damages to which the employee may be entitled.

Legal References:

¹ U.S. Constitution, Amendment XIV;
Title VII, Civil Rights Act of 1964;
Title VI, Civil Rights Act of 1964;
Title IX, Education Amendments of 1972;
Age Discrimination Act of 1967;
Section 504 of the Rehabilitation Act of 1973;
42 U.S.C. § 12101-12213
² Omnibus Transportation Employee Testing Act;
49 U.S.C. § 5331, 31306
³ Title VII, Civil Rights Act of 1964;
Title VI, Civil Rights Act of 1964;
Title IX, Education Amendments of 1972;
Section 504 of the Rehabilitation Act of 1973;
Tennessee Human Rights Act
29 C.F.R. § 1604.11; T.C.A § 49-6-4503
⁴ T.C.A. § 50-1-304

Cross References:

Americans With Disabilities Act and Section
504 Grievance Procedures 1802
Transportation Procedures

TENNESSEE STATE BOARD OF EDUCATION		
APPLICATION AND EMPLOYMENT		5106
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Application. An individual desiring a position with an authorized charter school shall apply to the school leader or designee on forms developed by the school. To ensure the safety and welfare of students and staff, the charter school shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other positions that require proximity to children (including contractors and school volunteers).¹

Knowingly falsifying employment information shall be sufficient grounds for termination of employment and shall also constitute a Class A misdemeanor which must be reported to the District Attorney General for prosecution.²

Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant. Each authorized charter school may adopt a policy for reimbursing applicants.³

Professional Employees. The application shall include whether such applicant has been dismissed for cause from a school system. If previously employed by a local board of education, the applicant shall provide evidence of acceptable resignation.

No person shall be employed by an authorized charter school:

- (1) Who does not provide a transcript of credits earned at the colleges or universities attended;
- (2) Who does not hold a valid license to teach from the State Board of Education;⁴
- (3) Who does not present a physician’s certificate showing a satisfactory health record or who has any contagious or communicable disease in such form that might endanger the health of school children if there is a reasonable suspicion that an individual has a contagious or communicable disease⁵;
- (4) Who has not complied with the Immigration Reform and Control Act of 1986⁶;
- (5) Who refuses to take and subscribe to an oath to support the Constitution of the State of Tennessee and of the United States of America⁷;
- (6) Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
- (7) Who does not receive a satisfactory background check.⁸

Support Employees. No person shall be employed by an authorized charter school:

- (1) Who does not present a physician’s certificate showing a satisfactory health record or has any contagious or communicable disease in such form that might endanger the health of

school children if there is a reasonable suspicion that an individual has a contagious or communicable disease⁵;

- (2) Who has not complied with the Immigration Reform and Control Act of 1986⁶;
- (3) Who refuses to take and subscribe to an oath to support the Constitution of the State of Tennessee and of the United States of America⁷;
- (4) Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
- (5) Who does not receive a satisfactory background check.

Human Resources. Each authorized charter school shall adopt human resources policies that address the following:

- (1) How employees are hired⁹;
- (2) The extent to which employees may provide professional services outside the school¹⁰;
- (3) The provision of fringe benefits, including leave and insurance¹¹;
- (4) The use of recruiting expenses to attract personnel¹²;
- (5) Reimbursement for relocation costs¹³;
- (6) Compensation guides and contracts for certified personnel;
- (7) Salary schedule approval;
- (8) Differentiated pay;
- (9) Emergency and legal leave;
- (10) Sick leave, personal and professional leave, extended leave of absence, family and medical leave, maternity leave, physical assault leave; and
- (11) Vacation and holidays.

Highly Effective Teachers and Paraprofessionals. Each authorized charter school shall have a process in place to ensure that licensed, highly effective teachers and paraprofessionals are hired, including a formal plan to recruit and strategies/incentives to retain highly effective educators, including teachers and paraprofessionals from diverse backgrounds.

Reporting Employee Misconduct. The school leader or designee shall report anyone holding a license from Tennessee who is suspended, terminated, or resigns following allegations of conduct which, if substantiated, would warrant consideration for license suspension or revocation under State Board rules. The school leader shall make reports within thirty (30) days of the action to the Office of Educator Licensing at the Tennessee Department of Education using the form provided by the state of Tennessee.¹⁴

Recommendations and File Transfers.¹⁵ Other than the routine transmission of administrative and personnel files, authorized charter school employees are prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual knows, or has probable cause to believe, that the person seeking a job change engaged in sexual misconduct regarding a minor or student in violation of the law.

These requirements shall not apply if:

- (1) The information giving rise to probable cause has been properly reported to the appropriate law enforcement agency; and
- (2) The matter has been officially closed in one of the following ways:
 - a. The prosecutor or police have investigated the allegations and notified school officials that there is insufficient information to establish probable cause;
 - b. The employee, contractor, or agent has been charged and either acquitted or exonerated; or
 - c. The case remains open, and there have been no charges or indictment filed within four (4) years of the date the information was reported to the law enforcement agency.

The authorized charter school may develop additional procedures to enforce this policy and comply with federal law.

Legal References:

- ¹ T.C.A. § 49-5-406(a)(1); T.C.A. § 49-5-413
- ² T.C.A. § 49-5-406(a)(2)(A)
- ³ T.C.A. § 49-5-413(c)
- ⁴ T.C.A. § 49-5-403; T.C.A. § 49-5-101
- ⁵ T.C.A. § 49-5-404; TRR/MS 0520-01-03-.08(2)(f)
- ⁶ Immigration Reform and Control Act of 1986; Pub. L. No. 99-603, 100 Stat. 3359
- ⁷ T.C.A. § 49-5-405
- ⁸ T.C.A. § 49-5-413(d)(3)(B); T.C.A. § 49-5-413(e)(7)
- ⁹ 2 C.F.R. § 200.430(a)(2)
- ¹⁰ 2 C.F.R. § 200.430(c)
- ¹¹ 2 C.F.R. § 200.431
- ¹² 2 C.F.R. § 200.463(b)
- ¹³ 2 C.F.R. § 200.464
- ¹⁴ TRR/MS 0520-02-03-.09(5)
- ¹⁵ 20 U.S.C. § 7926

Cross References:

Background Investigations 5118
Personnel Hiring Procedures
Child Abuse, Neglect, and Child
Sexual Abuse 6409

TENNESSEE STATE BOARD OF EDUCATION		
BACKGROUND INVESTIGATIONS		5118
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

To ensure the safety and welfare of students and staff, the State Board shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other position that require proximity to children in any authorized charter school.¹ Additionally, the State Board shall require Department of Children’s Services background checks, Department of Health abuse registry checks, and sex offender registry checks of applicants for teaching positions and any other position that require proximity to children in any school.² Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant. Each school may adopt a policy for reimbursing applicants.³ These background check requirements shall also apply to contractors and school volunteers.⁴ The authorized charter school shall develop procedures specifying the types of volunteers who shall be required to undergo a background check. These procedures shall at least require the appropriate background checks for volunteers who may work closely with students.

Use and Dissemination. Fingerprints and other approved forms of positive identification shall be submitted with all requests for criminal history record checks for non-criminal justice purposes.⁵ The State Board shall ensure the Originating Agency Identifier number is on file at all times.

Tennessee and FBI Criminal History Record Information (“CHRI”) obtained by the State Board shall be solely used by the State Board to verify criminal violation(s) and shall not be disseminated. Results shall be considered confidential and only accessible to the school leader or designee. CHRI shall only be accessed by authorized personnel in performance of their duties and shall never be released to the public.

All persons directly associated with the accessing, maintaining, processing, dissemination, or destruction of CHRI must sign an awareness statement and shall indicate that they have been specifically trained on the subject by the State Board. The training shall provide those with access to CHRI with a working knowledge of federal and state regulations and laws governing the security and processing of criminal history information. The Director of Schools is responsible for ensuring that authorized personnel in each school receives such training within sixty (60) days of employment or job assignment and every three (3) years thereafter.

Retention and Security. The Director of Schools and each school shall adopt procedures to ensure CHRI and all other background information are stored in a secure location. Areas in which CHRI and other background information are processed and handled by the district shall be restricted to authorized personnel identified by the Director of Schools for the State Board. The area shall be out of the view of the public and unauthorized personnel. The Director of Schools shall maintain a list of all employees who have access to, can process, disseminate, and/or destroy CHRI and other background information.

Disposal of CHRI and other background information. When CHRI and other background information are no longer needed, they shall be destroyed by burning, shredding, or other methods rendering the information unreadable. Record destruction must be conducted under the supervision of the Director of Schools for the State Board or the school leader.

Misuse. Employees who misuse CHRI or other background information or violate this policy shall be subject to disciplinary action up to and including termination. Any employee with knowledge of misuse shall immediately report a violation to the State Board.

Legal References:

¹ T.C.A. § 49-5-406(a)(1); T.C.A. § 49-5-413

² T.C.A. § 49-5-413(e)

³ T.C.A. § 49-5-413(c)

⁴ T.C.A. § 49-5-413

⁵ 42 U.S.C. § 14616(a)

Cross References:

Application and Employment 5106
Personnel/Hiring Procedures

TENNESSEE STATE BOARD OF EDUCATION		
EMPLOYEE HEALTH		5400
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Generally. All authorized charter schools shall provide a sanitary environment and shall establish routine procedures for handling bodily fluids that are recommended by appropriate health professionals that shall be distributed to all staff.¹ The procedures shall be Occupational Safety and Health Administration (OSHA)-based infection control procedures in which the school will:

- (1) Provide 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.

These procedures shall provide simple and effective precautions against transmission of diseases to persons potentially exposed to the blood or bodily fluids of another. These procedures shall be standard health and safety practices. No distinction shall be made between bodily fluids from individuals with a known disease and individuals without symptoms or with an undiagnosed disease. All schools shall further follow the most current Centers for Disease Control and Prevention (CDC) *Universal Precautions for Prevention of Transmission of Bloodborne Infections* and the *OSHA Bloodborne Pathogens Standard*.^{2,3}

Training.³ HIV- and Tennessee Occupational Safety and Health Administration (TOSHA)-related staff development is critical to ensuring a safe and healthy school environment. Authorized charter schools shall provide annual training to all employees on HIV, AIDS, and infection control, including bloodborne pathogens and universal precautions. Training and appropriate supplies shall be available to all personnel including those involved in transportation and custodial services. In addition to insuring that these health and safety practices are carried out on a school-wide basis, special emphasis shall be placed in those areas of school operation that potentially present a greater need for these precautions. This training shall include:

- (1) HIV epidemiology;
- (2) Methods of transmission and prevention;
- (3) Bloodborne pathogens;
- (4) Universal precautions;
- (5) Psychological and social aspects of HIV and AIDS;
- (6) Related federal and state laws and policies; and
- (7) School procedures and policies regarding HIV and AIDS-related issues.

Additionally, schools must ensure that Physical Education teachers and athletic program staff complete an approved first-aid and injury prevention course that includes implementation of infection control guidelines.²

HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

Liability and Nondiscrimination. No employee of an authorized charter school who is living with HIV or AIDS shall be prevented from continuing his/her employment. No disciplinary action may be taken by an authorized charter school against an employee solely on the basis of HIV status. Action may be taken against an employee only if the employee is disabled and the disability interferes with their ability to perform his/her employment duties. The governing board of the authorized charter school shall make reasonable accommodations to enable the employee to perform employment duties as may be required by state or federal law.³

HIV Testing. No school official can require any employee to undergo an HIV antibody test or other HIV-related test. This does not preclude school officials from requiring an employee to undergo an examination when another communicable illness is suspected.⁴

Confidentiality. If information is received regarding an employee's HIV status, an authorized charter school's school leader shall initiate procedures which will ensure privacy and maintenance of all medically-related documents.² Authorized charter schools may consult with the school attorney on the appropriate course of action to pursue, bearing in mind the school's potential liability for defamation, employment discrimination, and breach of confidentiality requirements.⁵ Information about an employee's HIV status shall be secured by appropriate safeguards intended to limit access, and shall not be documented in the employee's personnel file or faxed or emailed without prior written consent of the employee.^{1,3} Information obtained is confidential and may not be released to anyone except³:

- (1) Persons named on an Authorization for Release of Confidential HIV-Related Information Form;
- (2) Persons listed on a court order; and
- (3) Persons authorized to receive such information without a release or court order.

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

HEPATITIS B

Confidentiality and Nondiscrimination.⁶ In all instances, school personnel shall respect an individual's right to privacy and treat any medical diagnosis as confidential information. The school shall initiate procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality shall be subject to appropriate disciplinary

measures. Under no circumstances shall information identifying an employee with Hepatitis B (HBV) be released to the public.

Safety. Employees of an authorized charter school who are at high risk of occupational exposure shall be identified and provided with personal protective equipment, including HBV vaccinations. Employees considered to be at high risk shall include custodians, 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 shall be notified immediately by a supervisor, and the charter school governing board shall provide vaccinations. The school shall ensure that an accident report is filed for all accidents. The report shall include the employee's name, date of the accident, an explanation of the accident, and the care used in treating the individual. These reports shall be kept on file in the school office for a minimum of one (1) year.

Legal References:

¹ 29 C.F.R. § 1910.1030

² TRR/MS 0520-01-03-.05(1)(c)

³ State Board Policy 5.300

⁴ 29 C.F.R. §1630.13(b)

⁵ T.C.A. § 68-10-113

⁶ T.C.A. § 68-10-113

Cross References:

Americans with Disabilities Act, Section 504, and
Individuals with Disabilities Education Act 1802

TENNESSEE STATE BOARD OF EDUCATION		
STAFF-STUDENT RELATIONS		5610
ADOPTED:	REVISED:	MONITORING: Review: Annually

All employees, contractors, and volunteers at authorized charter schools shall maintain professional relationships with students at all times. Employees, contractors, and volunteers shall treat students with respect and use good judgment in their relations with students beyond their work responsibilities and/or outside the school setting.

Any appearance of impropriety shall be avoided. Sexual relationships or inappropriate communications between a student and an employee, contractor, or volunteer shall be prohibited and shall result in disciplinary action, up to and including termination.

Cross References:
 Child Abuse, Neglect, and Child
 Sexual Abuse 6409
 Internet Safety and Use of
 Technology 4406

TENNESSEE STATE BOARD OF EDUCATION		
THREATS OF VIOLENCE		5910
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall adopt a policy stating that any verbal, written or electronically communicated (e-mail) threat, suggestion, or prediction of violence against any person or group of persons employed by the school shall not be tolerated. Any threat of violence may result in immediate disciplinary action, if applicable, and/or referral to the appropriate law enforcement agency.[†]

Legal References: _____
[†]T.C.A. § 49-6-4216 _____

TENNESSEE STATE BOARD OF EDUCATION		
DIFFERENTIATED PAY AND STRATEGIC COMPENSATION		5911
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

In order for the State Board to comply with state¹ requirements, each authorized charter school shall submit to the State Board the school’s salary schedule or strategic compensation plan during the pre-opening process and during the five-year interim review. Annually, as a part of the school improvement planning process, each authorized charter school shall assure that it has a differentiated pay plan or strategic compensation plan and shall submit documentation of the plan as a part of the district’s annual monitoring of schools.

Legal References:
¹ T.C.A. § 49-3-306;
State Board Policy 5.600;
TRR/MS 0520-01-02-.02

TENNESSEE STATE BOARD OF EDUCATION		
ATTENDANCE		6200
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

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

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

Student attendance records shall be given the same level of confidentiality as other student records. Only authorized school officials with legitimate educational purposes may have access to student information without the consent of the student or parent/guardian.³

Absences shall be classified as either excused or unexcused as determined by the school leader 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 activities;⁵
- (9) Summons, subpoena, or court order; or
- (10) Circumstances which in the judgment of the school leader create emergencies over which the student has no control.

The school shall be responsible for ensuring that:⁶

- (1) Attendance is checked and reported daily in the State Board's student information system;
- (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; and
- (6) Students and families are notified annually of all attendance procedures.

Truancy. On or before the beginning of each school year, the school leader shall notify parents (or legal guardians or person having control) of students that the parent/guardian has a duty to monitor the student's school attendance and require the student to attend school. The notice shall include language that if the student is absent from school for an aggregate of five (5) days during the school year without adequate excuse, then the student is subject to referral to juvenile court.⁷

Students shall be present at least fifty percent (50%) of the scheduled school day in order to be counted present. Students receiving special education services may attend part-time days, alternating days, or for a specific amount of time as indicated in their Individualized Education Plan.⁸ If a student is required to participate in a remedial instruction program outside of the regular school day where there is no cost to the parent(s)/guardian(s) and the school system provides transportation, unexcused absences from these programs shall be reported in the same manner.⁹ Students who are absent five (5) days without adequate excuse shall be reported to the school leader or designee who will, in turn, provide written notice to the parents/guardians of the student's absences.⁶ The school leader shall also comply with state law regarding the reporting of truant students to the proper authorities.

Prior to referring a truant student to juvenile court, the school's Progressive Truancy Intervention Plan shall be followed. Each authorized charter school shall adopt a policy setting forth its Progressive Truancy Intervention Plan which shall, at minimum, include the following:¹⁰

Progressive Truancy Intervention Plan

Students with three (3) unexcused absences shall be subject to the progressive truancy intervention framework outlined below:

Tier I

- (1) A conference with the student and the student's parent/guardian;
- (2) An attendance contract, based on the conference, signed by the student, the parent/guardian, and an attendance officer. The contract shall include:
 - a. A specific description of the school's attendance expectations for the student;
 - b. The period for which the contract is effective. The term of the contract must not exceed ninety (90) school days or continue beyond the last day of the semester, whichever comes first; and
 - c. Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court; and
- (3) Regularly scheduled follow-up meetings to discuss the student's progress

Tier II and Tier III

The Progressive Truancy Intervention Plan outlined in each school's policy shall include at least two (2) additional tiers of interventions that are applied if the student accumulates additional unexcused absences in violation of the attendance contract. At least one (1) tier shall include an individualized assessment by a school employee of the reasons a student has been absent from school. This may result in referral to counseling, community-based services, or other services to address the student's attendance problems. Additional interventions may consist of one (1) or more of the following:

- (1) School-based community services;
- (2) Participation in a school-based restorative justice program;
- (3) Referral to a school-based teen court; or
- (4) Saturday courses designed to improve attendance and behavior.

In-school or out-of-school suspension shall not be used as part of the progressive truancy interventions.

Military Service of Parent/Guardian. School leaders 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/custodian serving active military service. School leaders 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.¹¹

Make-up Work. The school shall adopt a policy regarding make-up work for students who are absent from school.

State-Mandated Tests/End of Course (EOC) Exams. Students who are absent the day of the scheduled TN Ready/EOC exams must make-up the exam.

Credit/Promotion Denial. The school shall adopt a policy addressing how attendance will be utilized as a criteria for credit/promotion denial. Additionally, the policy shall allow a student the right to an appeal as outlined in the attendance hearing section of this policy.

Driver's License Revocation.² More than ten (10) consecutive or fifteen (15) total reported unexcused absences by a student during any semester renders a student ineligible to retain a driver's permit or license, or to obtain such if of age. In order to qualify for reclaiming a driver's permit or license, the student must make a passing grade in at least three (3) full unit subjects or their equivalency at the conclusion of a subsequent grading period.

Attendance Hearing. The school shall adopt a policy for attendance hearings that complies with all State Board policies as well as all state rules and regulations.¹²

Legal References:

- ¹ TRR/MS 0520-01-03-.08(1)(a); T.C.A. § 49-6-3006
- ² T.C.A. § 49-6-3017
- ³ T.C.A. § 10-7-504; 20 U.S.C. § 1232g
- ⁴ TRR/MS 0520-01-03-.03(16); T.C.A. § 49-6-2904
- ⁵ TN Department of Education, *Student Membership and Attendance Procedures Manual* (2017)
- ⁶ T.C.A. § 49-6-3007; TN Department of Education, *Student Membership and Attendance Procedures Manual* (2017); Public Acts of 2017, Chapter No. 379
- ⁷ T.C.A. § 49-6-3007; Public Acts of 2017, Chapter No. 379
- ⁸ TN Department of Education, *Student Membership and Attendance Procedures Manual* (2017)
- ⁹ T.C.A. § 49-6-3021
- ¹⁰ T.C.A. § 49-6-3007; T.C.A. § 49-6-3009; Public Acts of 2017, Chapter No. 379
- ¹¹ T.C.A. § 49-6-3019
- ¹² TRR/MS 0520-01-02-.17

Cross References:

State Board Policy 4.100
Promotion and Retention,
Grading, and Assessment
4603

TENNESSEE STATE BOARD OF EDUCATION		
PHYSICAL EXAMINATIONS AND IMMUNIZATIONS		6203
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

It is the responsibility of each authorized charter school to ensure that there is proof of a complete physical examination prior to (a) each student entering school for the first time¹ and (b) each student participating as a member of an interscholastic athletic team or in any other strenuous physical activity program.²

It is the responsibility of the school to ensure that no students are permitted to enroll or attend without proof of immunization.^{1,3} Students may be granted an exemption from immunization requirements if a qualified physician certifies that administration of immunizations would be in any manner harmful to the child.⁴ Students may also be granted an exemption from immunization requirements if a parent/guardian files with proper authorities a signed, written statement affirmed under penalties of perjury that such immunization and preventive measures conflict with the religious tenets and practices of the parent/guardian.⁵ No student determined to be homeless shall be denied admission to school if the student has not yet been immunized or is unable to produce immunization records due to being homeless. The authorized charter school shall comply with all federal laws pertaining to the educational rights of homeless children and shall assist the parent/guardian in obtaining the proper immunizations for the child.⁶

The school shall provide parents/guardians with information about influenza and meningococcal disease and the effectiveness of vaccination against influenza and meningococcal disease at the beginning of every school year. This information shall include the causes, symptoms, and the means by which influenza and meningococcal disease are spread and the places where parents/guardians may obtain additional information and vaccinations for their children. Neither a school nor its governing board is required to provide or purchase vaccines against influenza or meningococcal disease.⁷

The school shall adopt policies in accordance with state law detailing the requirements above and necessary guidelines for recordkeeping. Costs associated with examinations and/or immunizations are the responsibility of the parents/guardians of a student.³

Legal References:

- ¹ TRR/MS 0520-01-03-.08(2)(a)
- ² TRR/MS 0520-01-03-.08(2)(b)
- ³ T.C.A. § 49-6-5001
- ⁴ T.C.A. § 49-6-5001(c)(2)
- ⁵ T.C.A. § 49-6-5001(b)(2)
- ⁶ T.C.A. § 49-6-5001(c)(3)
- ⁷ Public Acts of 2017, Chapter No. 22;
T.C.A. § 49-13-111(c)

TENNESSEE STATE BOARD OF EDUCATION		
SCHOOL ADMISSIONS AND ENROLLMENT PERIOD		6206
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Participation in each authorized charter school shall be based on the choice of the parent, legal guardian, or custodian. All eligible students who submit a timely application shall be enrolled in the school, unless the number of applications exceeds the capacity of the program, in which case enrollment preferences and a lottery shall be instituted pursuant to state law and State Board rules.¹

Charter schools shall adopt a policy that provides for an open enrollment period during which parents/guardians may choose to enroll in the school and that, at minimum, addresses application period, lottery, waitlists, or any other admission processes.² Authorized charter schools shall not accept students residing outside of the geographic boundaries of the school district that they were authorized to locate in.

Legal References:

¹ T.C.A. § 49-13-113; TRR/MS 0520-14-01-.04

² T.C.A. § 49-2-128

Cross References:

Student Enrollment Procedures

TENNESSEE STATE BOARD OF EDUCATION		
SECURITY		6300
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Gang Activity on School Property.¹ A school may adopt policies to prohibit the activities of criminal gangs on school property.

Safe Conditions for Learning. In order to maintain the conditions and atmosphere suitable for learning, no person shall enter onto school buses, or, during school hours, enter upon the grounds or into the buildings of any school, except students assigned to that bus or school, the staff of the school, parents of students, and other persons with lawful and valid business on the bus or school premises. Any person improperly on the premises of a school shall depart on the request of the school leader or other authorized person.²

¹ T.C.A. § 49-6-4215

² T.C.A. § 49-6-2008(a), (b)

TENNESSEE STATE BOARD OF EDUCATION		
REPORTING OF CRIMES, INTERROGATIONS, AND SEARCHES		6303
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

REPORTING OF CRIMES

School Officials’ Duty to Report Drug or Weapon Offenses.¹ It is the duty of a school leader of an authorized charter school who has reasonable suspicion to believe, either as a result of a search or otherwise, that any student is committing or has committed any violation of a drug offense² or unlawful carrying or possession of a weapon³, upon the school grounds or within any school building or structure under the school leader’s supervision, to report the reasonable suspicion to the appropriate law enforcement officer.

School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of a drug offense² or unlawful carrying or possession of a weapon³ to the school leader, or, if the school leader is not available, to the school leader’s designee. If neither the school leader nor the designee is available, school personnel may report violations of a drug offense² or unlawful carrying or possession of a weapon³ committed on school property to the appropriate authorities.

School Officials’ Duty to Report Other Student Offenses.⁴ A teacher observing or otherwise having knowledge of an assault, battery, or vandalism endangering life, health, or safety committed by a student on school property shall report such action immediately to the school leader. A school leader having direct knowledge of an assault, battery, or vandalism endangering life, health, or safety committed by a student on school property or receiving a report of such action shall report the action immediately to the municipal or metropolitan police department or sheriff’s department having jurisdiction. Any fight not involving the use of a weapon³, or any fight not resulting in serious personal injury to the parties involved, shall be reported only to the school leader.

Authorized charter schools shall also report violent and disruptive incidents to the State Board through the student information system. The State Board will annually report such incidents to the Commissioner of Education through the uniform violent incident reporting system. Reporting information shall include:

- (1) The type of offenders;
- (2) If an offender is a student, the age and grade of the student;
- (3) The location in which the incident occurred;
- (4) The type of incident;
- (5) Whether the incident occurred during or outside of regular school hours;
- (6) Where the incident involved a weapon, whether the weapon was a firearm, knife, or other weapon;

- (7) The actions taken by the school in response to the incident, including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders by law enforcement;
- (8) Any student discipline or referral action taken against a student offender and the duration of the action; and
- (9) The nature of the victim and the victim's age and grade where appropriate.

INTERROGATIONS

Police-Initiated Interrogations.⁵ If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated crimes committed outside of school hours, the police department shall first contact the school leader regarding the planned interrogation and inform him/her of the probable cause to investigate. The school leader has discretion in deciding whether to allow the interrogation on school property, unless immediate police access to the student is required by law, court order, warrant, or an exigent circumstance justifying dispensation with the requirement to obtain a warrant. The school leader shall make reasonable effort to notify the parent(s)/guardian(s) of the interrogation unless circumstances require otherwise.

Interrogations by Police (At Administrator's Request). If the school leader has requested assistance from law enforcement to investigate a crime involving his/her school, the police may interrogate a student suspect in school during school hours. The school leader shall make reasonable effort to notify the parent(s)/guardian(s) of the student. However, the interrogation may proceed without attendance of the parent(s)/guardian(s), and the school leader or his/her designee shall be present during the interrogation.

Interrogations by School Personnel. Students may be questioned by teachers or administrators about any matter pertaining to the operation of the school or school district and/or the enforcement of its rules, policies, and procedures.

SEARCHES

Search of Lockers, Vehicles, and Other Property.⁶ When individual circumstances in a school dictate, a school leader may order that vehicles parked on school property by students or visitors, containers, packages, lockers, or other enclosures used for storage by students or visitors, and other areas accessible to students or visitors be searched in the school leader's presence or in the presence of other members of the school leader's staff.

A notice shall be posted in the school that lockers and other storage areas, containers, and packages brought into the school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons, or any property that is not properly in the possession of the student.

A notice shall be posted where it is visible from the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia, or dangerous weapons.

Search of Persons and Containers.⁷ A student may be subject to physical search because of the results of a locker search, or because of information received from a teacher, staff member, student, or other person if such action is reasonable to the school leader.

All of the following standards of reasonableness shall be met:

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

Use of Metal Detectors.⁸ To facilitate a search that is found to be necessary, metal detectors and other devices designed to indicate the presence of dangerous weapons, drug paraphernalia, or drugs may be used in searches, including hand-held models that are passed over or around a student's or visitor's body, and students, visitors, containers, and packages may be required to pass through a stationary detector.

Use of Animals.⁹ To facilitate a search that is found to be necessary, dogs or other animals trained to detect drugs or dangerous weapons by odor or otherwise may be used in conducting searches, but the animals shall be used only to pinpoint areas needed to be searched and shall not be used to search the persons of students or visitors.

Disposal of Contraband.¹⁰ Any dangerous weapon or drug located by the school leader or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

Training Program for School Leaders – Notice of Policies to Parents and Students.¹¹ The school and the local law enforcement agency shall establish and maintain an orientation and training program designed to familiarize school leaders with the School Security Act of 1981 and with district and school policies and procedures.

The school shall provide parents and students with reasonable notice of this policy and any additional school policies and procedures.

Legal References:

¹ T.C.A. § 49-6-4209

² T.C.A. §§ 39-17-401 - 455

³ T.C.A. § 39-17-1307; T.C.A. § 39-17-1309

⁴ T.C.A. § 49-6-4301

⁵ Op. Tenn. Atty. Gen. No. 14-21

⁶ T.C.A. § 49-6-4204

⁷ T.C.A. § 49-6-4205

⁸ T.C.A. § 49-6-4207

⁹ T.C.A. § 49-6-4208

¹⁰ T.C.A. § 49-6-4210

¹¹ T.C.A. § 49-6-4212

TENNESSEE STATE BOARD OF EDUCATION		
BULLYING, CYBER-BULLYING, DISCRIMINATION, HARASSMENT, AND HAZING		6304
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

In order to maintain a safe and supportive school environment, acts of bullying, cyber-bullying, discrimination, harassment (including sexual harassment), hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, are prohibited.¹ Each authorized charter school shall adopt a policy regarding bullying, cyber-bullying, discrimination, harassment, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, in compliance with state law and this policy. The policy will cover a school’s employees, employees’ behaviors, students and students’ behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop. If the act takes place off school property or outside of a school-sponsored activity, this policy is applicable 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 educational environment or learning process. The school is responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.² Schools shall disseminate their policy annually to all school staff, students, and parents.

Definitions

“Bullying/Intimidation/Harassment” is an intentional act that substantially interferes with a student’s educational benefits, opportunities, or performance, and the act has the effect of:

- (1) Physically harming a student or damaging a student’s property;
- (2) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student’s property;
- (3) Causing emotional distress to a student or students;
- (4) Creating a hostile educational environment; or
- (5) Creating unwelcome conduct based on a protected class (race, nationality, ethnicity, gender/sex, age, disability, religion) that is severe, pervasive, or persistent and creates a hostile environment.

“Cyber-bullying” is 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, computers, text messaging, emails, social networking sites, instant messaging, videos, web sites, or fake profiles.

“Hazing”³ means any intentional or reckless act on or off school property, by one (1) student acting alone or with others, 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 his/her own mental or physical health or safety. Coaches and other employees of a school shall not encourage, permit, condone, or tolerate hazing activities. “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. The school’s policy regarding hazing shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the hazing policy and its ramifications as a criminal offense and the penalties that may be imposed by the school and/or State Board.

Complaints and Investigations.⁴ The school shall adopt a policy addressing how complaints and investigations are handled, including the person responsible for handling the investigation, the timeline for completion of an investigation, notification given to all necessary parties of an investigation, and any disciplinary action taken as the result of an investigation. Such policy shall include all requirements listed in T.C.A. § 49-6-4503(b). Any investigation involving conduct reported as child abuse or child sexual abuse or another criminal matter shall not commence until authorization to proceed with the investigation has been received from the Department of Children’s Services or local law enforcement.

Response and Prevention. The school shall adopt a policy addressing the response and prevention of any behaviors prohibited by this policy.

Reports. When a complaint is filed alleging a violation of this or the school’s policy where there is physical harm or the threat of physical harm to a student or a student's property, the school leader/designee of each school shall report the findings and any disciplinary actions taken to the Director of Schools/designee. By July 1st of each year, the Director of Schools/designee shall prepare a report of all of the bullying cases brought to the attention of school officials during the prior academic year. The report shall also indicate how the cases were resolved and/or the reasons they are still pending. This report shall be submitted to the Department of Education by August 1st.

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 school 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 shall be determined by the school.

Sexual Harassment as Sexual Abuse. Under certain circumstances, sexual harassment of a student may constitute sexual abuse as defined under state law. In such situations, authorized charter schools shall comply with state laws as well as State Board and school policies regarding the reporting of suspected abuse to appropriate authorities.⁵

Legal References:

¹ T.C.A. § 49-6-4503;

20 U.S.C. § 1681 to 1686

² T.C.A. § 49-6-4503(c)

³ T.C.A. § 49-2-120

⁴ 20 U.S.C. §§ 1681 - 1686;

T.C.A. § 49-6-4503

⁵ T.C.A. § 37-1-605; T.C.A. § 49-6-1601;

T.C.A. § 37-1-403

Cross References:

Child Abuse, Neglect, and

Child Sexual Abuse 6409

Employee Rights 5104

Student Discipline 6313

TENNESSEE STATE BOARD OF EDUCATION		
ZERO TOLERANCE		6309
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Zero Tolerance. ¹ Each authorized charter school shall adopt a zero tolerance policy in accordance with state law to ensure the safety and security of all students and a learning environment that is free of drugs, violence, and firearms. “Zero tolerance policy” means that violations of the policy will not be tolerated, and that violators will receive certain, swift, and reasoned punishment. Reasoned punishment may include a spectrum of disciplinary measures designed to correct student misbehavior and promote student respect and compliance with codes of conduct and policies. The school’s policy shall specify the offenses which qualify as zero tolerance offenses and the corresponding punishment. A zero tolerance violation may not necessarily result in a presumptive one (1)-calendar year expulsion, except for the following student misconduct:²

- 1) Bringing to school or being in unauthorized possession on school property of a firearm;^{3,4}
- 2) Commission of aggravated assault⁵ upon any teacher, principal, administrator, any other employee of an LEA, or school resource officer; or
- 3) Unlawfully possessing any drug including any controlled substance⁶, controlled substance analogue,⁷ or legend drug.⁸

Modification and Appeals. The Director of Schools shall have the ability to modify zero tolerance disciplinary actions on a case-by-case basis.⁹ State Board LEA Policy 6317 outlines requirements for modification of zero tolerance expulsions and appeal procedures.

Notice of Policy. The school shall annually report their zero tolerance policy and procedures to the State Board. The State Board will annually file each charter school’s zero tolerance policy and procedures with the Commissioner of Education. At the beginning of school each year, the school shall provide students and parents with written notification of the school’s policies and procedures and post a summary within each school.

Legal References:

- ¹ T.C.A. § 49-6-4216
- ² T.C.A. § 49-6-3401(g)
- ³ 18 U.S.C. § 921
- ⁴ 20 U.S.C. § 7961
- ⁵ T.C.A. § 39-13-102
- ⁶ T.C.A. §§ 39-17-403 - 415
- ⁷ T.C.A. § 39-17-454
- ⁸ T.C.A. § 53-10-101
- ⁹ T.C.A. § 49-6-3401(g)

Cross References:

- Required Remands and Student Disciplinary Hearing Authority 6317
- Student Discipline 6313
- Disciplinary Hearing Authority Procedures

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT DISCIPLINE		6313
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Discipline. Each authorized charter school shall adopt a student discipline policy that includes, but is not limited to:

- (1) A list and definitions of the offenses for which students in the school must (where non-discretionary) and may (where discretionary) be suspended¹ or expelled, respectively (taking into account the grounds for suspension/expulsion set forth in State Board LEA Policy 6316 - Suspension/Expulsion/Remand). Such policy shall ensure safe and secure learning environments free of drugs, drug paraphernalia, violence, and dangerous weapons, and impose swift, certain, and severe disciplinary sanctions on any student:
 - a. Who brings a drug, drug paraphernalia, or a dangerous weapon onto a school bus, onto school property, or to any school related event or activity;
 - b. Who, while on a school bus, on school property, or while attending any school related event or activity is under the influence of a drug, possesses a drug, drug paraphernalia, or dangerous weapon, or assaults or threatens to assault a teacher, student, or other person; or
 - c. 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.²
- (2) Procedures for due process when a student is suspended or expelled as a result of a code of conduct violation, including a description of the appeal process that the school will employ for students facing expulsion (in compliance with State Board LEA Policies 6316 and 6317);
- (3) An explanation of how the school will protect the rights of students with disabilities in disciplinary actions and proceedings; and
- (4) How students and parents will be informed of the school’s discipline policy on an annual basis.

Corporal Punishment. Corporal punishment shall not be used as a disciplinary measure in any school.³

Safe Relocation of Students. The school shall adopt a policy regarding the safe relocation of students. The policy shall comply with the minimum requirements set forth in state law.⁴

Alternative Schools.⁵ Placement in an alternative program shall be determined on a case-by-case basis, be reserved for students who significantly disrupt the educational process, and shall consider the impact of exclusionary discipline practices on students. Alternative school programs shall

comply with all applicable state and federal laws, rules, and regulations, including all state and federal laws relating to special education if a student has an active Individualized Education Program (IEP), 504 plan, or if the student is suspected of having a disability. Instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student's home school. Prior to the assignment of the student to an alternative school program, the school leader shall provide written notice to the student's parent/guardian stating the reason for the student's placement.

Attendance for a student remanded to alternative school shall be mandatory for the duration of the remand. The school shall report attendance for all students remanded to alternative school. All course work and credits earned in an alternative school shall be transferred to and recorded in the student's home school, and students enrolled in alternative schools shall participate in all required state assessments.

The academic progress of each student enrolled in an alternative education program shall be monitored and regularly evaluated by the charter school. Furthermore, the school leader of each authorized charter school or his/her designee shall work with the supervisor of the alternative school at which a student attends to develop and implement formal transition plans for the integration of a student from the middle or high school to the alternative school and from the alternative school back to the middle or high school. Transition plans shall be targeted to improve communication between the authorized charter school and alternative school staff and should address any barriers that would prohibit students from successfully transitioning. Transition plans should include aligning of curricula, educational and behavioral supports, follow-up for students returning to traditional school, and the development of graduation and postsecondary goals.

Legal References:

¹ T.C.A. § 49-6-3401

² T.C.A. § 49-6-4216(a)

³ T.C.A. § 49-6-4103

⁴ T.C.A. § 49-6-4008

⁵ T.C.A. § 49-6-3402; State Board Policy 2.302;

TRR/MS 0520-01-02-.09

Cross References:

Required Remands and Student Disciplinary

Hearing Authority 6317

Suspension/Expulsion/Remand 6316

Zero Tolerance 6309

TENNESSEE STATE BOARD OF EDUCATION		
SUSPENSION/EXPULSION/REMAND		6316
ADOPTED:	REVISED:	MONITORING: Review: Annually

DEFINITIONS¹

Suspension: Dismissed from attendance at school for any reason for not more than ten (10) consecutive school days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.

Expulsion: Removal from attendance for more than ten (10) consecutive school days or more than fifteen (15) school days in a month of school attendance.

Remand: Assignment to an alternative school.

REASONS FOR SUSPENSION/EXPULSION/REMAND²

Any principal, principal-teacher, or assistant principal (herein called principal or school leader) may suspend/expel/remand any student from attendance at school or at any school-related activity on or off campus or from attendance at a specific class or classes, or from riding a school bus, without suspending such student from attendance at school (in-school suspension), for good and sufficient reasons including, but not limited to:

- (1) Willful and persistent violation of the rules of the school;
- (2) Immoral or disreputable conduct or vulgar or profane language;
- (3) Violence or threatened violence against the person of any personnel attending or assigned to any school;
- (4) Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
- (5) Inciting, advising, or counseling of others to engage in any of the acts mentioned in this policy;
- (6) Marking, defacing, or destroying school property;
- (7) Possession of a pistol, gun, or firearm on school property;
- (8) Possession of a knife or other weapons as defined in T.C.A. [§ 39-17-1301](#) on school property;
- (9) Assaulting a school leader, teacher, school bus driver, or other school personnel with vulgar, obscene, or threatening language;
- (10) Unlawful use or possession of barbitol or legend drugs as defined in T.C.A. [§ 53-10-101](#);
- (11) One (1) or more students initiating a physical attack on an individual student on school property or at a school-related activity, including travel to and from school or a school-related activity;
- (12) Making a threat, including a false report, to use a bomb, dynamite, or any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;
- (13) Any other conduct prejudicial to good order or discipline in any public school; and

- (14) Off campus criminal behavior that results in the student being legally charged with an offense that would be classified as a felony if the student was charged as an adult or if adjudicated delinquent for an offense that would be classified as a felony if the student was an adult, or if the student was convicted of a felony, and the student's continued presence in school poses a danger to persons or property or disrupts the educational process.

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

IN-SCHOOL SUSPENSION³

Students given an in-school suspension in excess of one (1) school day shall attend either special classes attended only by students who have committed misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic assignments and shall receive credit for work completed.

PROCEDURES FOR OUT OF SCHOOL SUSPENSION/EXPULSION/REMAND⁴

Unless the student's continued presence in the school, class, or school-related activity presents an immediate danger to the student or other persons or property, no school leader shall suspend/expel/remand any student until that student has been advised of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.

Upon suspension/expulsion/remand of any student or in-school suspension of more than one (1) school day, the school leader shall contact the parent or guardian within twenty-four (24) hours of the decision to inform him/her of the suspension/expulsion/remand, the cause for it, and the conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student, and school leader.

If the length of the suspension is between six (6) and ten (10) days, the school leader shall develop and implement a plan for improving the behavior when the student returns to school.

If the suspension/expulsion/remand occurs during the last ten (10) school days of any term or semester, the student may be permitted to take such final examinations or submit such required work as necessary to complete the course of instruction for that semester, subject to action of the school leader.⁵

Suspension/Expulsion/Remand for More Than Ten (10) Days. If, at the time of the suspension, the school leader determines that an offense has been committed that would justify a suspension/expulsion/remand for more than ten (10) days, he/she may suspend/expel/remand the student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

The school leader shall immediately give notice to the parent or guardian of the student of the right to appeal the decision to suspend/expel/remand for more than ten (10) days to a Disciplinary Hearing Authority as set forth in State Board LEA Policy 6317 Required Remands and Student Disciplinary Hearing Authority.

DISCIPLINING STUDENTS WITH DISABILITIES

Authorized charter schools shall ensure that all requirements of state and federal laws (including, but not limited to the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973), rules and policies are followed when disciplining students with disabilities.

Legal References:

¹ T.C.A. § 49-6-3007(h)

² T.C.A. § 49-6-3401(a)-(b)

³ T.C.A. § 49-6-3401(b)(2)

⁴ T.C.A. § 49-6-3401(c)(1)-(4);

Goss v. Lopez , 419 U.S. 565 (1975)

⁵ T.C.A. § 49-6-3401(d)

Cross References:

Required Remands and Student
Disciplinary Hearing Authority
6317

Student Discipline 6313

TENNESSEE STATE BOARD OF EDUCATION		
REQUIRED REMANDS AND STUDENT DISCIPLINARY HEARING AUTHORITY		6317
ADOPTED: July 28, 2017	REVISED: October 20, 2017	MONITORING: Review: Annually

Required Remand for Suspensions of More than Ten (10) Days. It is the State Board’s philosophy that it is in the best interest of students to be in the classroom as much as possible. To that end, the State Board has determined that for disciplinary infractions justifying a suspension of more than ten (10) school days, an authorized charter school shall remand students in grades seven (7) through twelve (12) to alternative school for the period of the suspension, absent special circumstances.¹ Students remanded to alternative school shall comply with the compulsory attendance law.²

If a special circumstance arises that the authorized charter school believes justifies a disciplinary action other than the required remand to alternative school, the authorized charter school shall immediately notify the Director of Schools, or designee, of the special circumstance. The Director of Schools, or designee, will consult with the authorized charter school regarding the special circumstance and will come to a decision regarding the proposed modification of the required remand within seven (7) business³ days. Special circumstance modifications will be considered by the Director of Schools on a case-by-case basis.

The required remand to alternative school shall not apply to students found to have committed a Zero-tolerance offense requiring a one (1)-year expulsion.⁴

Student Disciplinary Hearing Authority. Each authorized charter school shall establish a Disciplinary Hearing Authority (“DHA”) which shall conduct appeals for students who have been suspended/expelled/remanded for more than ten (10) school days.³ Each authorized charter school shall develop a policy outlining the processes and procedures for its DHA hearings which shall include the following minimum requirements:

- (1) The governing board of the authorized charter school shall appoint a DHA which shall consist of at least two (2) members (maximum number must not exceed total membership of the governing board). At least one (1) DHA member shall be a licensed employee of the authorized charter school. All appointments are for one (1)-year terms and subject to reappointment. Governing board members shall not serve on the DHA. Names of appointed members shall be reported to the State Board as set forth in the State Board’s Disciplinary Hearing Authority Procedures.
- (2) The governing board shall appoint a chairman of the DHA from the members appointed by the board. The chairman shall perform the following duties:
 - (a) Set the time, place, and date for each hearing;
 - (b) Maintain order and structure during each hearing; and
 - (c) Prepare, sign, and disseminate the minutes of each meeting.
- (3) The policy of the authorized charter school shall outline how the record of the DHA proceeding will be kept, either by transcription, audio recording, or audio/visual recording, and whether the

student will have the right to have an attorney participate in the DHA hearing and if so, to what extent.

- (4) When a student is suspended/expelled/remanded for more than ten (10) school days, the authorized charter school shall provide immediate written or actual notice to the student and parent or guardian of the right to appeal the suspension/expulsion/remand and that appeals must be made within five (5) school days of notification of the suspension/expulsion/remand. The charter school shall also provide the student and parent or guardian with a copy of the appeal policy/procedures. Upon receiving notification of the request to appeal the suspension/expulsion/remand decision, the DHA shall provide written notification to the student and parent or guardian, and any other appropriate person of the time, place, and date of the hearing in a language that the parent and student understand. The hearing shall be held no later than ten (10) school days after the beginning of the suspension/expulsion/remand.⁵ The deadline for the DHA to make a decision shall be set forth in each authorized charter school's policy.
- (5) The DHA may take the following disciplinary actions:⁶
 - (a) Affirm the decision of the school leader;
 - (b) Order removal of the suspension/expulsion/remand unconditionally;
 - (c) Order removal of the suspension/expulsion/remand upon such terms and conditions as it deems reasonable; or
 - (d) Suspend/expel/remand the student for a specified period of time.
- (6) Within five (5) school days of the DHA rendering a decision, the student, parent or guardian, school leader, or assistant school leader may request a review by the governing board, and the governing board shall review the record. Following the review, the governing board may grant or deny the request for a hearing or affirm or overturn the decision of the DHA with or without a hearing. However, the governing board shall not impose a more severe penalty than that imposed by the DHA without first providing an opportunity for a hearing before the governing board.⁷ The notice of the hearing shall include a statement that, unless the student, parent or guardian requests an open hearing in writing within five (5) school days of receipt of the notice, the hearing shall be closed to the public.⁵ The deadline for the governing board to make a decision shall be set forth in each authorized charter school's policy. In addition, each authorized charter school's policy shall outline the requirements for participation in a hearing granted by the governing board, including whether governing board members and other participants will be allowed to participate electronically. The decision of the governing board shall be final.
- (7) **Zero-tolerance Offenses.** Certain zero-tolerance offenses require a mandatory calendar-year expulsion unless modified by the Director of Schools.² Students found to be in violation of the Zero-tolerance policy shall be given the right to appeal to the DHA within five (5) school days of receiving notice of the expulsion. The DHA shall only have the ability to consider guilt or innocence of the Zero-tolerance infraction, and whether the student was provided with proper due process. The deadline for the DHA to make a decision shall be set forth in each authorized charter school's policy. The DHA shall not have the ability to modify the mandatory calendar year expulsion, however, the DHA may make a recommendation to the Director of Schools regarding a proposed modification of the student's mandatory expulsion.

- (a) Within five (5) school days of the DHA rendering a decision, the student, parent or guardian shall have the right to appeal from the DHA to the Director of Schools to seek modification of the mandatory calendar year expulsion. If the student chooses not to appeal to the DHA and wishes only to seek modification of the mandatory calendar year expulsion, the student may appeal directly to the Director of Schools for modification of the student’s expulsion. The Director of Schools shall consider a recommendation from the DHA, if any, regarding a proposed modification of the student’s expulsion, however, the Director of Schools shall not be bound by the recommendation. The Director of Schools shall render a decision within seven (7) calendar days.
- (b) Within five (5) school days of the Director of Schools rendering a decision, the student, parent or guardian shall have the right to appeal to the governing board of the authorized charter school regarding guilt or innocence of the Zero-tolerance infraction, and whether the student was provided with proper due process. (If the student chose not to appeal to the zero tolerance infraction to the DHA before petitioning the Director of Schools for modification of the mandatory expulsion, the student shall not have the ability to appeal to the governing board.) The deadline for the governing board to make a decision shall be set forth in each authorized charter school’s policy. In addition, each authorized charter school’s policy shall outline the requirements for participation in a hearing granted by the governing board, including whether governing board members and other participants will be allowed to participate electronically. The governing board of the authorized charter school shall not have the ability to modify the decision of the Director of Schools with regard to modification of the student’s expulsion. The decision of the charter school’s governing board shall be final.

The DHA and governing board of the authorized charter school shall follow the same procedures and timelines for Zero-tolerance offenses and suspensions/expulsions/remands of more than ten (10) school days, unless otherwise stated herein.

Legal References:

¹ Prior to the assignment of a student with a disability to an alternative school or program, the IEP team shall review the student’s IEP to ensure the alternative education program is able to provide the services in the LRE. The IEP team shall make all decisions regarding change of placement and delivery of services. No student with a disability shall be arbitrarily placed in an alternative education program; State Board Policy 2.302

² T.C.A §§ 49-6-3402(c); 49-6-3001

³ A “business day” is defined as a day that the State Board of Education offices are open. A “school day” is defined as an instructional day that the authorized charter school is open.

⁴ T.C.A. § 49-6-3401(g)

⁵ T.C.A. § 49-6-3401(c)(4)(A)

⁶ T.C.A. § 49-6-3401(c) (5)

⁷ T.C.A. § 49-6-3401(c)(6)

Cross References:

Zero Tolerance Offenses 6309
 Student Discipline 6313
 Suspension/Expulsion/Remand 6316
 Disciplinary Hearing Authority Procedures

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT WELLNESS AND HEALTH SERVICES		6400
ADOPTED: July 28, 2018	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall address student wellness and the primary health concerns of its students by adopting policies that:¹

- (1) Highlight the guidelines for its health services program;
- (2) Detail the social services provided to students;
- (3) Highlight the standards for its guidance services program; and
- (4) Detail all available psychological services.

SUICIDE PREVENTION

The State Board is committed to protecting the health and well-being of all students and understands that physical, behavioral, and emotional health are integral components of student achievement. Faculty and staff of all schools are expected to be proactive in maintaining a safe and supportive learning environment and to immediately report to the school leader any indications that a student may be in danger of harming self or others. Students are strongly encouraged to report if they, or a friend, are feeling suicidal or are in need of help. The school shall provide students with information regarding The National Suicide Prevention Lifeline – 1-800-273-8255 (TALK).

Prevention.² The school shall provide either an annual in-service training in suicide prevention or participate in other equivalent trainings approved by the school leader. The training shall include, but not be limited to, identification of risk factors, warning signs, intervention and response procedures, referrals, and postvention strategies.

The school leader shall identify a school suicide prevention coordinator responsible for planning and coordinating the implementation of this policy. The school leader shall designate a suicide prevention coordinator to act as a point of contact in the school for issues relating to suicide prevention and policy implementation.

Intervention.² Any employee who has reason to believe that a student is at imminent risk of suicide shall report such belief to the school leader 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 school leader or designee shall ensure the student is placed under adult supervision. Emergency medical services shall be contacted immediately if an in-school suicide attempt occurs. The school leader or designee shall contact the Director of Schools or designee as soon as practicable.

Prior to contacting the student's parent/guardian, the school leader 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.³

If appropriate, the school leader or designee shall contact the student's parent/guardian and:

- (1) Inform the parent/guardian that there is reason to believe the student is at risk of suicide;
- (2) Inform the parent/guardian that emergency medical services were contacted;
- (3) Ask the parent/guardian whether he/she wishes to obtain or has obtained mental health counseling for the student; and
- (4) Provide the names of community mental health counseling resources.

The school leader 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.³

The school leader or designee shall document the incident, including contact with the parent/guardian, by recording:

- (1) The time, date, and circumstances which resulted in the student coming to the attention of school officials;
- (2) A timeline of the specific actions taken by school officials;
- (3) The parent/guardian contacted, including attempts;
- (4) The parent/guardian's response;
- (5) Time and date of release of student to authorized individual; and
- (6) Anticipated follow-up and safety plan.

Prior to a student returning to school, the school leader or designee 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 has received care and is no longer a danger to self or others. The school leader will identify an employee to periodically check in with the student to ensure the student's safety and address any problems with re-entry.

Postvention.² Immediately following a student suicide death, the school shall meet and implement a postvention plan. At a minimum, the postvention 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 school 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 school leader or designee shall be responsible for all media inquiries.

FOOD ALLERGIES

Each authorized charter school shall develop and implement a plan based on guidelines developed by the Department of Education for the management of students with life-threatening food allergies.⁴

ADMINISTRATION OF MEDICATION⁵

The administration of any medication at school, including student self-administration or employee assistance with student self-administration, shall comply with state laws and State Board rules and policies. An authorized charter school may adopt policies or procedures regarding the administration of medication at school.

Students with Diabetes, Pancreatic Insufficiency, or Cystic Fibrosis. Authorized charter schools shall comply with state law and state board rules and policies regarding the care of students with diabetes⁶ and students with pancreatic insufficiency or cystic fibrosis.⁷

Opioid Antagonist.⁸ An authorized charter school may choose to adopt a policy providing for the maintenance of an opioid antagonist. Any policy adopted by the school shall include a provision for parental notification and shall be in compliance with the Guidelines for Use of Health Care Professionals and Health Care Procedures in a School setting produced by the Tennessee Department of Education and Tennessee Department of Health.

Students with Adrenal Insufficiency.⁹ The parent/guardian of a student diagnosed with adrenal insufficiency shall notify the school of the student's diagnosis. Once notified, the school shall observe the following procedure:

- (1) The school 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 school shall maintain a record of all school personnel who have completed this training.
- (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 school shall develop procedures on the administration of medications that treat adrenal insufficiency and recordkeeping per rules and policies set forth by the State Board.

Legal References:

¹ TRR/MS 0520-01-03-.08(1)

² T.C.A. § 49-6-1902

³ T.C.A. § 37-1-403

⁴ T.C.A. § 49-50-1602(f)(2); TN Dept. of Education and TN Dept. of Health, *Guidelines for Use of Health Care Professionals and Health Care Procedures in a School Setting*

⁵ T.C.A. §§ 49-50-1602 – 1605; State Board Policy 4.205

⁶ T.C.A. § 49-50-1602(d)(7)

⁷ T.C.A. § 49-50-1601; State Board Policy 4.205

⁸ Public Acts of 2017, Chapter No. 256

⁹ T.C.A. § 49-50-1603; TRR/MS 0520-01-13

TENNESSEE STATE BOARD OF EDUCATION		
COMMUNICABLE DISEASES		6403
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

No student in an authorized charter school shall be denied an education solely because of a communicable disease, and his/her educational program shall be restricted only to the extent necessary to minimize the risk of transmitting the disease. Parents/guardians of students with communicable diseases 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 him/herself or other individuals shall enter or remain in the regular school setting.¹

If a school leader has reason to believe a student has a communicable disease, which may endanger the health of either him/herself or other individuals in the regular school setting, the school leader shall:

- (1) Assign the student to a setting which will protect other students, employees and the student him/herself; or
- (2) Exclude the student from school until certification is obtained from a physician or the county health department by either the parent or school leader stating that the disease is no longer communicable.²

If the school leader has reason to believe that the student has a long-term communicable disease, the school leader 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 school leader may refer the student for homebound instruction, special education services and/or 504 accommodations if appropriate to the situation.

Parents/guardians of students who have been excluded from school shall meet with the school leader and school nurse prior to returning to school to ensure that the proper physician or county health department certificate has been provided, and that the student's transition back to school is appropriate.

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

Legal References:

¹ TRR/MS 0520-01-03-.08(2)(c)

² T.C.A. § 49-2-203(b)(2)

Cross References:

Students Living with HIV or AIDS

6404

TENNESSEE STATE BOARD OF EDUCATION		
STUDENTS LIVING WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)		6404
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Liability and Non-Discrimination. Students living with human immunodeficiency virus (HIV) shall not be denied enrollment in an authorized charter school. The school shall not prevent a student from participating in the continuation of his/her education on the sole basis of HIV status. 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 (including school athletic programs) as all other students. The school shall strive to maintain a respectful school climate for students living with HIV. Mandatory screening for communicable diseases not spread by casual everyday contact, such as HIV, 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, the school leader shall initiate procedures developed by the school which will ensure privacy and maintenance of all medically-related documents.² The school shall be responsible for requesting medical records from the parent/guardian and a statement from the student's physician regarding the health status of the student reported to be HIV-positive.

Confidentiality. No information concerning a student living with HIV 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 school in a locked file. Information regarding HIV or AIDS status shall not be added to a student's permanent educational or health records without prior written consent. If the HIV-positive 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 student's parents/guardians. Under no circumstances shall information identifying a student living with HIV be released to the public.³

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

HIV Prevention Education. HIV prevention education and training is valuable to the school community and the community-at-large. The school shall be responsible for developing instructional objectives to address the state standards and provide each teacher responsible for teaching HIV prevention education with these objectives. Students shall further be taught universal precautions through the Tennessee Health Education and Lifetime Wellness Standards for Grades

K-12 and through the school's HIV prevention education program. Parents/guardians shall have the opportunity to preview all HIV-prevention curricula and materials in accordance with state law. 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 school shall develop Occupational Safety and Health Administration (OSHA)-based infection control procedures in which the school will:

- (1) Provide 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.

These procedures shall provide simple and effective precautions against transmission of diseases to persons potentially exposed to the blood or bodily fluids of another. These procedures shall be standard health and safety practices. No distinction shall be made between bodily fluids from individuals with a known disease and individuals without symptoms or with an undiagnosed disease. All schools shall further follow the most current Centers for Disease Control and Prevention (CDC) *Universal Precautions for Prevention of Transmission of Bloodborne Infections* and the *OSHA Bloodborne Pathogens Standard*.⁴

Training. Student orientation about safety on the playing field shall include guidelines for infection control. First-aid kits should be on hand at every athletic event.

Legal References:

¹ TRR/MS 0502-01-03-.08(2)(g)

² State Board Policy 5.300

³T.C.A. § 68-10-113; 20 U.S.C. § 1232(g);

34 C.F.R. §§ 3622 - 3623

⁴ TRR/MS 0520-01-03-.05(1)(c)

Cross References:

Section 504 & ADA Grievance

Procedures 1802

Employee Health 5400

Communicable Diseases 6403

TENNESSEE STATE BOARD OF EDUCATION		
CHILD ABUSE, NEGLECT, AND CHILD SEXUAL ABUSE		6409
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Posting of DCS Phone Number. Each authorized charter school shall post the toll-free telephone number operated by the Department of Children’s Services (DCS) to receive reports of child abuse or neglect in at least one (1) high-traffic, highly and clearly visible, public location that is readily accessible to students. The sign shall be on paper of eight and one-half inches (8 ½") by eleven inches (11") or larger. The current toll-free DCS abuse telephone number shall be in large, bold print and placed at eye level to the student for easy viewing. Additionally, the sign shall instruct students to call 911 for emergencies and provide directions for accessing the DCS website for more information on reporting abuse, neglect, and exploitation.¹

Duty to Report. All personnel of authorized charter schools shall be alert for any evidence of child abuse, neglect, or child sexual abuse.² Charter school personnel having knowledge or suspicion shall report such harm immediately in accordance with this policy. A person has the duty to immediately report suspected child abuse, neglect, or child sexual abuse when the following occur:

- (1) The person has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition which reasonably indicate that it has been caused by brutality, abuse, or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse, or neglect, or³
- (2) The person knows or has reasonable cause to suspect that a child has been sexually abused, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of the sexual abuse.^{3,4}

The report shall be made immediately to at least one of the following offices:

- (1) The judge having juvenile jurisdiction over the child (for schools located in Davidson County, reports may be made to the Juvenile Court of Metropolitan Nashville and Davidson County; for schools located in Shelby County, reports may be made to the Juvenile Court of Memphis and Shelby County); or
- (2) To the county office of DCS by way of the statewide hotline (1-877-237-0004), or the [DCS website](#); or
- (3) The sheriff of the county where the child resides; or
- (4) To the chief law-enforcement official of the municipality where the child resides.⁴

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

- (1) The name, address, telephone number, and age of the child;

- (2) The name, address, and telephone number of the parents or persons responsible for care the child; and
- (3) The facts requiring the report and any other facts pertinent to the report.

By law, anyone making a report in good faith shall be immune from any civil or criminal action and the identity of the person reporting shall remain confidential except when the juvenile court determines otherwise.⁶

The employee making the report shall document the report. If made by phone, the employee shall document the nature of the referral, including who they spoke with, the date, and any other pertinent information. If made via fax or online, the reporter shall keep a record of receipt of the fax or printout from the website submission. The employee making the report shall also notify the school leader or his/her designee of the report and provide to the school leader the documentation of the report. The school leader or his/her designee shall maintain documentation of all referrals in a secure location. An authorized charter school may include in school policies or procedures that the school leader should be notified and assist the employee in making the report; however, if the school leader is not available to participate in the making of the report, the employee must nevertheless make the report without delay.

The school shall develop detailed reporting procedures in accordance with this policy including sample indicators of child abuse, neglect, and sexual abuse, and shall disseminate the procedures to all school personnel.⁷ Schools shall provide annual training to school staff regarding application of this policy and the school's policies and procedures on this subject.

Abuse, Neglect, or Child Sexual Abuse on School Grounds or Under School Supervision/Notice to Parents or Legal Guardians.⁸ If a school teacher, school official, or any other school personnel has knowledge or reasonable cause to suspect that a child who attends the school may be a victim of child abuse, neglect, or child sexual abuse and that the abuse occurred on school grounds or while the child was under the supervision or care of the school (or that other school personnel has failed to report suspected child abuse), then the employee shall immediately report to the proper office as noted in the Duty to Report section of this policy above, and shall also report such suspicion to the school leader or his/her designee. In coordination with DCS, the school leader or his/her designee shall verbally notify the parent or legal guardian of the child that a report has been made within twenty-four (24) hours of such report being made and shall provide other information relevant to the future well-being of the child while under the supervision or care of the school. The school leader shall protect otherwise confidential information including the name of the reporting employee, any person whose life or safety may be endangered by the disclosure, and any information protected by federal or state law.⁹ The notice shall not be given to any parent or legal guardian if there is reasonable cause to believe that the parent or legal guardian may be the perpetrator or in any way responsible for the child abuse or child sexual abuse.

The charter school shall immediately suspend an employee, contractor, or volunteer accused of child abuse, neglect, or child sexual abuse pending the results of the DCS or law enforcement investigation. After the investigation has concluded, any employee, contractor, or volunteer found

to have committed child abuse, neglect, or child sexual abuse shall be terminated from employment or have their contract terminated. Any volunteer shall be banned from school grounds.

The school leader of the authorized charter school shall report the suspension and any further employment action against an employee with a state educator license to the Office of Educator Licensing in accordance with State Board rules.¹⁰

Investigations. School personnel are not to investigate cases in which abuse, neglect, or child sexual abuse are suspected unless DCS and/or law enforcement has given the school authorization to proceed with an internal investigation. DCS or law enforcement will conduct all interviews as part of their investigation. School administrators and employees have a duty to cooperate and provide assistance and information in child abuse investigations as permitted by federal and state laws, including permitting child abuse review teams to conduct interviews while the child is at school.¹¹ Except in cases where school employees are suspected of being the perpetrator, the school is regarded as an appropriate neutral setting for conducting such interviews. The school leader and other school personnel will accommodate DCS and law enforcement personnel concerning student access and interviewing both students and school personnel. The school leader and/or school personnel shall only permit review of student records in accordance with federal and state law.

Legal References:

¹ T.C.A. § 49-6-304

² T.C.A. § 37-1-412; T.C.A. § 37-1-602; T.C.A. § 37-1-605

³ T.C.A. § 37-1-605

⁴ T.C.A. § 37-1-403(a)(2)

⁵ T.C.A. § 37-1-403(b)

⁶ T.C.A. § 37-1-409(a)(1)

⁷ TRR/MS 0520-01-03-.08(2)(e)

⁸ T.C.A. § 49-6-1601

⁹ T.C.A. § 10-7-504; T.C.A. § 49-6-1601

¹⁰ TRR/MS 0520-02-03-.09

¹¹ T.C.A. § 37-1-611(b)

Cross References:

Discrimination, Harassment, and
Hazing 6304

Application and Employment 5106

TENNESSEE STATE BOARD OF EDUCATION		
HOMELESS STUDENTS		6503
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall ensure that any 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.² Homeless students include:

- (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 regular sleeping accommodations 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 qualify as homeless because they are living in circumstances described above.

Enrollment. All eligible students who submit a timely application shall be enrolled in the school, unless the number of applications exceeds the capacity of the program, in which case enrollment preferences and a lottery shall be instituted pursuant to state law. A student’s homeless status shall not preclude him or her from enrolling in a school. If a school has not exceeded its enrollment capacity based on the charter agreement and facility capacity, homeless students shall be immediately enrolled in the school, 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 school’s application or enrollment deadlines.³ Parents/guardians are required to submit contact information to the school’s homeless coordinator.³ The school’s homeless coordinator must submit the contact information to the State Board’s homeless liaison.

School of Origin. For the purposes of this policy, school of origin shall mean the school that a child or youth attended when last permanently housed or the school in which the child or youth was last enrolled, including a preschool/pre-k program. Therefore, in the case of a State Board charter school, the school of origin shall mean:

- (1) The charter school if it was the school that a child or youth attended when last permanently housed; or

- (2) A child or youth's local zoned school in which the student was last enrolled, including a preschool/pre-k program, if the student has submitted an application for enrollment into a charter school.⁴

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 of origin.⁴

Placement. 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 considered.⁶ 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, after conducting the best interest determination and considering student-centered factors, it is determined that 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 school leader or his/her 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 and should be provided in a timely manner.⁶ If the placement decision is appealed, the school shall refer the parent/guardian or unaccompanied student to the State Board's homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible and in accordance with the law and State Board procedures.⁸ Upon notice of an appeal, the school 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

Services/School-Level Homeless Coordinator.¹⁰ The school 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), programs for gifted and talented students, and school nutrition. The school leader shall designate a homeless coordinator who shall ensure this policy is implemented at the school. The homeless coordinator shall ensure:

- (1) Homeless students are quickly identified and have access to education and support services, including Head Start and district pre-k programs;
- (2) Coordination with local social service agencies and other entities providing services to homeless students;

- (3) Coordination of transportation, transfer of records, and other inter-district activities with other school districts;
- (4) Coordination of transportation to the school or origin or choice for homeless students;
- (5) Reference of homeless students and their families to health care services, dental services, mental health and substance abuse services, and housing services;
- (6) Assistance to homeless students in obtaining immunizations, medical or immunization records, and any additional assistance that may be needed;
- (7) Homeless students are provided any required supplies, including but not limited to school uniforms, free of charge;
- (8) Public notice of the educational rights of homeless students is disseminated in places frequented by parents/guardians of homeless students, including schools, shelters, public libraries, and soup kitchens; and
- (9) Unaccompanied youth are enrolled and informed of their status as independent students.

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

Transportation. The school is responsible for developing a policy to provide transportation services to homeless students, at the request of the parent/guardian. If requested, transportation must be arranged promptly to ensure immediate enrollment and to ensure barriers are not created for homeless students' attendance, retention, and success. The excess costs of transportation to the school of origin (costs above what the school would have otherwise provided to transport the student) may be paid for using Title I, Part A funds reserved to defray the excess costs of transportation of homeless students to and from their school of origin or from McKinney-Vento subgrant funds. The cost of transportation will be responsibility of the school or shared equally with another LEA, if the school and LEA mutually agree.

State Board Liaison. The Director of Schools shall designate a district employee to be the homeless liaison. The homeless liaison shall monitor the compliance of district schools in serving homeless students. The liaison shall ensure that schools:

- (1) Identify homeless students through school personnel and coordination activities with other entities and agencies;
- (2) Enroll homeless students in the school, providing a full and equal opportunity to succeed;
- (3) Ensure homeless families and student receive educational services for which such families and students are eligible, including Head Start, Even Start and preschool programs administered by the school, and provide referrals to health care services, dental services, mental health services, and other appropriate services;
- (4) Inform the parents/guardians of homeless students of the education and related opportunities available to their children by the school, and provide them with meaningful opportunities to participate in the education of their children at the school;

- (5) Provide public notice of educational rights of homeless students and disseminate where such students receive services, such as schools, family shelters, and soup kitchens;
- (6) Mediate enrollment disputes in accordance with law;
- (7) Fully inform the parents/guardians of homeless students and any unaccompanied youth of all available transportation services, including transportation to the school of origin, and assist in accessing transportation to the school selected;
- (8) Assist unaccompanied youths in the placement of enrollment decisions, ensure consideration of their views, and ensure that they are provided notice of the right to appeal by the school;
- (9) Provide assistance to students who need to obtain immunizations or medical records; and
- (10) Prepare and train homeless coordinators annually on the responsibilities and requirements under the McKinney-Vento Act.

Legal References:

¹ 42 U.S.C. §§ 11431 to 11435; McKinney-Vento Education Assistance Improvements Act of 2001, Part C, § 721

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)(I)

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)(G)

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

Cross References:

Education for Homeless Children and Youths Program [Non-Regulatory Guidance](#)
Homeless Students Procedures
Student Enrollment Procedures

TENNESSEE STATE BOARD OF EDUCATION		
STUDENTS IN FOSTER CARE		6505
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

All eligible students who submit a timely application to an authorized charter school shall be enrolled in the school, unless the number of applications exceeds the capacity of the program, in which case enrollment preferences and a lottery shall be instituted pursuant to state law.¹ A student's status in foster care shall not preclude him or her from enrolling in a school.

Definition. Children in 24-hour substitute care that have been placed away from their parents/guardians by the Department of Children's Services (DCS) in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and pre-adoptive institutions and other settings.

Enrollment. Students in foster care shall be immediately enrolled if accepted through the enrollment period or lottery, even if the student is unable to produce records normally required for enrollment (i.e., academic records, immunization records, health records, proof of residency).²

School of Origin. For the purposes of this policy, the school of origin shall mean the school at which a child is enrolled at the time of placement in foster care or the school at which a child is enrolled when there is a change in placement address, if the child is already in foster care.

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

Placement shall be determined based on the student's best interest. 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.³

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

- (1) Preferences of the student;
- (2) Preferences of the student's parent(s) or educational decision maker(s);
- (3) The student's attachment to the school, including meaningful relationships with staff and peers;
- (4) Placement of the student's siblings;

- (5) Influence of the school climate on the student, including safety;
- (6) The availability and quality of the services in the school to meet the student's educational needs;
- (7) History of school transfers and how they have impacted the student;
- (8) How the length of the commute would impact the student, based on the child's developmental state;
- (9) Whether the child is a student with a disability under IDEA who is receiving special education services and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
- (10) Whether the student is an English learner and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act (EEOA).

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

If it is not in the student's best interest to attend the school of origin, the school leader or designee shall provide a written explanation of the reasons for the determination. The written explanation shall include a statement regarding the right to appeal the placement decision. The school shall adopt an appeal policy for placement decisions that ensures the student's due process rights. Until the dispute is resolved, the student shall remain in his/her school of origin to the extent feasible..

Services. If the student exits foster care during the academic year, he or she shall have the option to maintain all additional services provided through the duration of the academic year. If a student exits foster care during the school year, he may remain in the school of origin through at least the end of the academic year.

Transportation.^{4,5} The State Board shall collaborate with the local child welfare agency to develop and implement clear, written procedures governing how transportation to a student's school of origin shall be provided, arranged, and funded. If it is required, the transportation will be provided for the duration of the student's time in foster care. A copy of any contracted services shall be provided to the State Board annually.

The State Board shall develop procedures to provide for transportation of students in foster care. These procedures shall ensure that:

- (1) Students in foster care requiring transportation to their schools of origin will promptly receive that transportation in a cost-effective manner and in accordance with federal law;
- (2) The requirements of section 1112(c)(5)(B) of the Every Student Succeeds Act (related to school of origin transportation for students in foster care) will be met in the event of a dispute over which agency or agencies will pay any additional costs incurred;
- (3) Transportation is promptly provided if an agency dispute is pending; and
- (4) If there are additional costs incurred in providing transportation to the school of origin, the school shall provide transportation if:

- (a) the local child welfare agency agrees to reimburse the school for the costs of such transportation;
- (b) the school agrees to pay for the cost; or
- (c) the school and local child welfare agency agree to share the cost.⁴

The State Board and its schools will ensure that a student in foster care, including any student awaiting foster care placement, remains in his/her school of origin while any disputes regarding transportation costs are being resolved.

Point of Contact. Annually, a school shall designate an employee to be the school-level foster care point of contact and notify the State Board's foster care point of contact of the individual's contact information. It shall be the responsibility of the school-level point of contact to:

- (1) Coordinate with the Department of Children's Services points of contact and the State Board's point of contact to ensure immediate enrollment of students in foster care;
- (2) Work with the Department of Children's Services points of contact and the State Board's point of contact on the placement process;
- (3) Develop and coordinate transportation procedures in accordance with federal law, this policy, and any State Board operating procedures;
- (4) Work with the Department of Children's Services points of contact and the State Board's point of contact to create a process for and manage best-interest determinations and transportation cost disputes;
- (5) Develop practices and procedures that ensure that children in foster care are enrolled in and regularly attending school;
- (6) Coordinate data sharing with the Department of Education and Department of Children's Services points of contact consistent with FERPA and other privacy protocols;
- (7) Create a process for facilitating the transfer of records and immediate enrollment; and
- (8) Coordinate professional development opportunities and training to school staff on the Title I provisions and educational needs of children in foster care.

The Director of Schools shall designate an employee to be the district's foster care point of contact. The foster care point of contact shall be responsible for training the school-level foster care points of contact, ensuring that schools comply with federal and state law, rule, and policy with regard to students in foster care and serving as the district's contact with the Department of Children's Services. Annually, the school shall submit all written procedures, contracts, agreements, or memorandums of understanding related to serving students in foster care to the State Board's foster care point of contact.

Legal References:

¹ T.C.A. § 49-13-113

² Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), § 1111(g)(1)(E)(i)-(iv)

³ Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), § 1111(g)(1)(E)

⁴ Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), § 1112(c)(5)

⁵ Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), § 1112(c)(5)(B)(i);
§ 475(4)(A) of the Social Security Act; 42 U.S.C. § 675(4)(A)

Cross References:

Transportation 3400

Student Enrollment

Procedures

Foster Care Procedures

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT RECORDS AND CONFIDENTIALITY		6600
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Student Records. A cumulative record shall be kept for each student enrolled in an authorized charter school. The folder shall contain a health record, attendance record, and scholarship record; shall be kept current; and shall accompany the student through his/her 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/guardian 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, 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).

Confidentiality of Student Records. Information collected and maintained about individual students is designed to primarily assist in the educational development of the students and should be accessed and disclosed only for that purpose. Therefore, a school shall keep the education records of all students confidential and allow disclosure only to persons who are legally permitted to review such records. The school shall adopt policies addressing the dissemination of any personally identifiable information and the dissemination of directory information.

Annual Notification. Annually, the school shall notify parents/guardians of students and eligible students of each student’s privacy rights.³ The student becomes an “eligible student” when he/she reaches age eighteen (18) or enrolls in a post-secondary school, at which time all of the above rights become the student’s rights.⁴ For students enrolling after the above period, this information shall be given to the student’s parents/guardians or the eligible student at the time of enrollment.⁵ The notice shall include what information the school designates as directory information, the right of the student’s parents/guardians 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; and

- (5) The right to provide consent before the school discloses personally identifiable information from a student's education records, except to the extent that FERPA authorizes disclosure without consent, or where the school system has designated certain information as "directory information." Parents/guardians of students or eligible students have two (2) weeks after notification to advise the school 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 parents/guardians or the eligible student.

The notice shall also include the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

Directory Information. Directory information means information contained in an educational 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 height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.⁶

Student directory information for eleventh (11th) and twelfth (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.⁷ The school shall annually notify parents that the school releases the names, addresses, and phone numbers of secondary students to military recruiters and institutions of higher education unless parents opt out.⁸

Confidentiality of Student Information – Media Releases. The school shall adopt a policy regarding the release of student information for media purposes. All media releases shall comply with FERPA regulations and protect the confidentiality of student information.

Surveys of Students.⁹ In accordance with the Protection of Pupil Rights Amendment (PPRA) and state law, the school shall adopt a policy addressing the survey of students, collection and use of information for marketing purposes, and certain physical exams, and the rights of parents to inspect third party surveys before they are administered or distributed to students. No student shall be required, as part of any program, to submit to a survey, analysis, or evaluation that reveals information concerning the following without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an un-emancipated minor, without the prior written consent of a parent/guardian:

- (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.

The collection of the following student data is strictly prohibited:

- (1) Political affiliation or voting history;
- (2) Religious practices; and
- (3) Firearm ownership.

Legal References:

¹ 20 U.S.C. § 1232g; T.C.A. § 10-7-503;
T.C.A. § 10-7-504

² T.C.A. § 49-6-3001(c)(1)

³ 34 C.F.R. § 99.4; 34 C.F.R. § 99.7

⁴ 34 C.F.R. § 99.5

⁵ 34 C.F.R. § 99.7; T.C.A. § 10-7-504

⁶ 34 C.F.R. § 99.3

⁷ T.C.A. § 49-6-406; 10 U.S.C. § 503(c)

⁸ 20 U.S.C. § 7908

⁹ T.C.A. § 49-2-211; T.C.A. § 49-1-701, *et. seq.*; 20 U.S.C. § 1232(h)

TENNESSEE STATE BOARD OF EDUCATION		
INCARCERATED STUDENTS		6921
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The State Board’s authorized charter schools will comply with all provisions of state¹ and federal law² and State Board rules³ regarding the provision of educational services to students incarcerated in detention centers or jails, including ensuring prompt transfer of an incarcerated student’s educational records to the LEA in which a detention center or jail is located. Additionally, authorized charter schools shall work with the LEA in which a detention center is located to develop an individualized Educational Service Plan (ESP) for an incarcerated student.³

Legal References:

¹ T.C.A. § 49-6-3023

² Individuals with Disabilities Education Act (IDEA), Part B

³ TRR/MS 0520-01-12

Cross References:

Incarcerated Students Procedures