
State Board of Education Charter School Local Education Agency (LEA) Policy Revisions

The Background:

Pursuant to T.C.A. § 49-13-108, the State Board serves as the chartering authority for charter schools that it authorizes on appeal if the local education agency (LEA) and the charter school operator do not mutually agree that the LEA will be the authorizer. Public Chapter (PC) 622 of the 110th General Assembly reiterates that the State Board is the LEA for any charter school it authorizes.

In order to comply with the oversight and monitoring duties required in statute, the State Board must adopt policies to govern its functions as the LEA for authorized charter schools. *These policies will only impact the charter schools authorized by the State Board and will not be applicable to any other school or local district.*

Pursuant to the State Board's Board Meetings Policy 1.400, this item is on first and final reading due to timing considerations. State Board-authorized charter schools must wait for our LEA policies to be approved before they can finalize revisions to their school policies for the upcoming school year.

This item presents the following policy changes necessitated by new state laws passed by the General Assembly during the 2018 legislative session:

- 3202 Emergency Preparedness: To comply with [PC 1028](#), adds a requirement that high schools install an Automated External Defibrillator (AED), conduct training for users, and develop a written plan for use of the AED.
- 3400 Transportation: To comply with [PC 1006](#), adds a requirement that bus drivers be background checked every five (5) years after initial employment.
- 4400 Instructional Materials: To comply with [PC 553](#) and [PC 882](#), adds a requirement that elementary schools provide students a "scholars summer guide" at the end of each school year (beginning in 2018-19) and that high schools provide students a "scholars prep guide" upon registering for a course (beginning in 2019-20).
- 4206 Homebound Instruction: To comply with [PC 625](#) and the proposed revisions to the State Board's homebound rule, this is a new policy to outline requirements for the homebound instruction program.
- 5106 Application and Employment: To comply with [PC 935](#), [PC 938](#), and [PC 1006](#), requires that employees, contractors and volunteers requiring proximity to children be background checked at least every five (5) years after initial employment. Adds a required report to the State Board for licensed personnel who are suspended, terminated, or resign as a result of sexual misconduct with a student or child, or conviction for certain felony offenses. Adds requirement to send requested personnel files to a requesting LEA.

- 5118 Background Investigations: To comply with [PC 1006](#), adds the requirement that teachers and any other person requiring proximity to children be background checked at least every five (5) years after initial employment.
- 5610 Staff Student Relations: To comply with [PC 937](#), requires schools to conduct annual training on the Teacher Code of Ethics and requires educators to report a breach by another teacher of the Teacher Code of Ethics to their supervisor or other designee.
- 6200 Attendance: To comply with [PC 958](#), revises requirements for schools to adopt a progressive truancy intervention plan prior to referring a student to Juvenile court.
- 6309 Zero Tolerance: To comply with [PC 958](#), makes changes to the list of student misconduct requiring a one (1)-year zero tolerance expulsion.
- 6313 Student Discipline: To comply with [PC 958](#), makes updates to student discipline policy/code of conduct requirements and consolidates all information required to be in a student discipline policy into this policy.
- 6316 Suspension/Expulsion/Remand: Deletes the statutory reasons for suspension and transfers them to LEA Policy 6313 Student Discipline, revised in compliance with [PC 958](#).
- 6400 Student Wellness and Health Services: To comply with [PC 910](#), adds a requirement that schools notify parents before a student participates in a mental health screening.
- 6409 Child Abuse: To comply with [PC 935](#) and [PC 983](#), adds that school leaders must report to the State Board teachers who are suspended, dismissed, or resign following allegations of sexual misconduct. Adds a requirement that schools ensure teachers annually complete a child abuse training program developed by the Department of Education (beginning in 2019-20).

The Recommendation:

State Board staff recommends approval of this item on first and final reading.

TENNESSEE STATE BOARD OF EDUCATION		
EMERGENCY PREPAREDNESS		3202
ADOPTED: July 28, 2017	REVISED: July 27, 2018	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 State Board. 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

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 thirty (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.²

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.³

A record of all fire and safety drills, including the time and date, shall be kept using the form provided by the State Board. The completed drill log shall be kept in the school 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.⁴

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.⁵

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.⁶

The school shall comply with rules, regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and safety.⁷

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

Automated External Defibrillator (AED). All authorized high schools shall have an AED placed within the school. Authorized elementary or middle schools are encouraged, but are not required, to place an AED within the school. Any school that has an AED shall comply with the requirements set forth in state law, including:⁸

- (1) Training for expected users of the AED as approved by the Department of Health in cardio-pulmonary resuscitation and the proper use of an AED prior to use.
- (2) Establishment of a written plan that complies with the following requirements:
 - a. Where the AED will be placed;
 - b. The individuals who are authorized to operate the AED;
 - c. How the AED will be coordinated with an emergency medical service providing services in the area where the AED is located;
 - d. The maintenance and testing that will be performed on the AED;
 - e. Records that will be kept by the program;
 - f. Reports that will be made of AED use;
 - g. Other matters as specified by the Tennessee Department of Health; and
 - h. A plan of action for proper usage of the AED.⁹
- (3) Notification to emergency communications district or the primary provider of emergency medical services as required by law before allowing any use of the AED.

The AED shall be placed in a location that may be accessed readily from any area of the school.

Legal References:

¹ TRR/MS 0520-01-03-.03(18)

² T.C.A. § 69-102-137

³ T.C.A. § 49-6-807

⁴ T.C.A. § 68-102-137

⁵ T.C.A. § 49-5-201(b)

⁶ TRR/MS 0520-01-04-.01(2)

⁷ TRR/MS 0520-01-04-.01(1)

⁸ T.C.A. § 49-2-122; T.C.A. § 68-140-404

⁹ T.C.A. § 68-140-404

Cross References:

School Safety 3201

Safety Drill Procedures

TENNESSEE STATE BOARD OF EDUCATION		
TRANSPORTATION		3400
ADOPTED: July 28, 2017	REVISED: April 20, 2018	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. Authorized charter schools shall ensure that school bus drivers undergo all required background checks prior to employment and at least every five (5) years thereafter.⁹

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.¹⁰

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.¹¹

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.¹²

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 law¹³ and the minimum standards outlined in State Board rule 0520-01-05-.01(8).

Complaint Number.¹⁴ 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. § 49-5-413
- ¹⁰ T.C.A. § 49-6-2118
- ¹¹ T.C.A. § 49-6-2105
- ¹² T.C.A. § 49-6-2110
- ¹³ T.C.A. § 49-6-2109
- ¹⁴ T.C.A. § 49-6-2116

Cross References:

Transportation Procedures
5118 Background Investigations

TENNESSEE STATE BOARD OF EDUCATION		
HOMEBOUND INSTRUCTION		4206
ADOPTED: July 27, 2018	REVISED:	MONITORING: Review: Annually

Homebound Instruction Eligibility.¹ The homebound instruction program is instruction provided at home or at a hospital or related site for students who are unable to attend the regular instructional program due to a physical or mental condition.

A student may be eligible for homebound instruction if the student has obtained certification by the student’s treating physician that shows the following:

- (1) The student has a physical or mental condition that will require the student’s absence from school for a minimum of ten (10) consecutive instructional days and that the student can benefit from the instructional program without endangering the health of personnel providing it and/or the student. If the physical or mental condition occurs less than ten (10) instructional days prior to the end of the school year and the student needs instruction to meet graduation requirements, the physician’s statement must indicate the student will be unable to attend school through the end of the school year; or
- (2) The student has a chronic physical or mental condition that will require the student’s absence for an aggregate of at least ten (10) instructional days over the period of the school year.

The ultimate decision whether or not the student qualifies for homebound instruction shall be determined by the school’s review team. Medical documentation is relevant to determining the need for homebound instruction, but the decision to provide services is not made by the treating physician.

Review Team. The review team shall consist of members of school staff who are familiar with the health and educational needs of the student for whom homebound instruction is being requested, including the student’s 504 Team, if applicable. The review team shall consider the student’s grade level, academic status, physical abilities, individual academic needs, duration of homebound instruction, and similar factors when determining the amount of instruction time. The student’s physician shall recommend, in writing, the period for which the student is eligible for homebound instruction; however, the determination of the initial homebound instruction period shall be made by the review team.

The review team shall conduct progress reviews every thirty (30) days to ensure that homebound instruction is still the most appropriate placement for the student.

Homebound Instruction Program and Recertification. The homebound instruction program shall consist of a minimum of three (3) hours of instruction per week while school is in session for the period of homebound instruction, plus any authorized extension(s). The three (3) -hour instruction time shall not include travel to and from the student or preparation time. Students receiving homebound instruction shall not be counted absent from school.

All initial homebound instruction shall be for the period certified by the review team. In order for a student to be recertified for homebound instruction to continue beyond the initial certification period, the student must receive another certification in writing from his or her treating physician stating that the student has a physical or mental condition that, in the treating physician's judgment, prevents the student from returning to regular classes.

Prior to expiration of the period of homebound instruction and return to school, the review team shall develop a treatment plan and strategy for the student's reentry into the school environment.

Homebound Placement for Students with Disabilities²

A student with a disability may be eligible for a homebound placement if the student qualifies under the Individuals with Disabilities Education Act (IDEA) and State Board rules and regulations. In the case of a student with a disability, the IEP team will determine if the student is in need of a homebound placement.

The IEP team shall consider a medical homebound placement only upon certification by a licensed doctor of medicine or osteopathy that a child with a disability needs a homebound placement, is expected to be absent from school due to a physical or mental condition for at least (10) consecutive school days and that the child can receive instruction in a homebound placement without endangering the health of personnel providing it.

A homebound placement for a student with a disability shall be temporary, and shall not exceed thirty (30) school days. The student's IEP shall contain a goal of returning the child to a less restrictive environment within the school year, unless there is a medical necessity that requires extended homebound instruction, in which case additional homebound placements of thirty (30) school days or less may be instituted. The student's IEP shall also be reviewed by the IEP team every thirty (30) school days to ensure the continued appropriateness of instruction and of the homebound placement.

Legal References:

¹ T.C.A. § 49-10-1101; TRR/MS 0520-01-02-.10

² TRR/MS 0520-01-09-.07

Cross References:

Communicable Diseases 6403

Students Living with HIV or AIDS 6404

TENNESSEE STATE BOARD OF EDUCATION		
INSTRUCTIONAL MATERIALS		4400
ADOPTED: July 28, 2017	REVISED: July 27, 2018	MONITORING: Review: Annually

All curricular decisions and the selection, development, and provision of instructional materials shall be the responsibility of each authorized charter school. The school shall ensure that instructional materials align with Tennessee academic standards, as approved by the State Board. A school may adopt further policies on school curriculum and instructional materials as it sees fit.

In accordance with state law, parents/guardians of a student shall be entitled to review all instructional materials, teaching materials (including handouts), textbooks, and teaching aids used in the classroom of their child. As defined for the purposes of this policy, “instructional materials” denote instructional content provided to the student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats. Parents/legal guardians may also review tests that are developed and graded by their child’s teacher.¹

The above materials shall be made available by the school, upon request, to parents/legal guardians for review.¹ The school shall adopt a written policy and procedures for granting parental review of school instructional materials and for responding to related grievances.

SCHOLAR GUIDES

Grades K-8. Beginning in the 2018-19 school year, authorized charter schools shall provide each student in grades kindergarten through eight (K-8) a scholar’s summer guide prior to the last day of the school year, which shall be created by teachers. The guide shall provide each student with information regarding:

- (1) Curriculum covered during the previous year that requires continued retention and repetition for students;
- (2) Curriculum for the upcoming school year of which students should be aware, areas that might be a challenge, and suggestions on how students can prepare for the upcoming year; and
- (3) Summer reading and assignments.²

Grades 9-12. Beginning in the 2019-20 school year, authorized charter high schools shall provide each student in grades nine through twelve (9-12) a scholar’s prep guide upon registering for a course. The scholar’s prep guide shall be created by teachers who teach that course or are familiar with the course content and shall provide the student with information regarding the curriculum for that course, areas that might be challenging for students, and suggestions on how students can best prepare for the course.³

Legal References:

¹ 20 U.S.C. § 1232h(a); T.C.A. § 49-6-7003

² Public Acts of 2018, Chapter No. 553

³ Public Acts of 2018, Chapter No. 882

TENNESSEE STATE BOARD OF EDUCATION		
APPLICATION AND EMPLOYMENT		5106
ADOPTED: July 28, 2017	REVISED: July 27, 2018	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). The charter school shall require that any person holding a position as a teacher or any other position requiring proximity to school children undergo a criminal history background check and fingerprinting least every five (5) years after the initial pre-employment background check.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 disease;⁵
- (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 America;⁷
- (6) Who has been identified by the Department of Children’s Services as a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect, or who poses an immediate threat to the health, safety, or welfare of children;⁸
- (7) Who is listed on the state’s abuse of vulnerable persons registry maintained by the Department of Health;⁹

- (8) Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
- (9) Who does not receive a satisfactory background check.¹⁰

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 has been identified by the Department of Children's Services as a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect, or who poses an immediate threat to the health, safety, or welfare of children;¹¹
- (5) Who is listed on the state's abuse of vulnerable persons registry maintained by the Department of Health;¹²
- (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.

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

- (1) How employees are hired;¹³
- (2) The extent to which employees may provide professional services outside the school;¹⁴
- (3) The provision of fringe benefits, including leave and insurance;¹⁵
- (4) The use of recruiting expenses to attract personnel;¹⁶
- (5) Reimbursement for relocation costs;¹⁷
- (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,

including sexual misconduct, 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. Sexual misconduct means any sexually related behavior with a child or student, regardless of the age of the child or student, whether verbal, nonverbal, written, physical, or electronic that is designed to establish a sexual relationship with the child or student, including, but not limited to behaviors such as:¹⁸

- (1) Making sexual jokes, sexual remarks, or sexually suggestive comments;
- (2) Engaging in sexual kidding, sexual teasing, sexual innuendo, or sexualized dialogue;
- (3) Dating or soliciting dates or sexual favors;
- (4) Engaging in inappropriate physical contact or touching, groping, grabbing, or kissing; or
- (5) Committing an offense under Tennessee code, title 39, chapter 13, part 5, against a child or student.

Additionally, the school leader, upon learning of the conviction of a licensed educator employed by the charter school for any felony or offense listed in T.C.A. § 39-13-532, § 39-17-417, and § 40-35-501(i)(2), shall report the conviction to the State Board within thirty (30) days of receiving knowledge of the conviction.¹⁹

Recommendations and File Transfers.²⁰ 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.

For purposes of determining if sexual misconduct has occurred, an LEA may request a personnel file regarding any person seeking employment in the LEA from any LEA in which the person seeking employment worked previously. If the charter school or State Board receives such a request, the charter school shall provide the file to the requesting LEA within ten (10) business days.²¹ The authorized charter school may develop additional procedures to enforce this policy and comply with federal and state 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(e)
⁹ T.C.A. § 49-5-413(e)
¹⁰ T.C.A. § 49-5-413(d)(3)(B); T.C.A. § 49-5-413(e)(7)
¹¹ T.C.A. § 49-5-413(e)
¹² T.C.A. § 49-5-413(e)
¹³ 2 C.F.R. § 200.430(a)(2)
¹⁴ 2 C.F.R. § 200.430(c)
¹⁵ 2 C.F.R. § 200.431
¹⁶ 2 C.F.R. § 200.463(b)
¹⁷ 2 C.F.R. § 200.464
¹⁸ TRR/MS 0520-02-03-.09; T.C.A. § 49-5-417
¹⁹ TRR/MS 0520-02-03-.09; T.C.A. § 49-5-417
²⁰ 20 U.S.C. § 7926; Public Acts of 2018, Chapter No. 938
²¹ Public Acts of 2018, Chapter No. 938

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: July 27, 2018	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 requires 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 requires proximity to children in any school.² Charter schools shall require any person holding a position as a teacher or any other position requiring proximity to school children to undergo a criminal history background check at least every five (5) years after the initial pre-employment background check. Any costs incurred to perform 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 and its schools shall be solely used by the State Board and its schools 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 or its schools. 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 or his/her designee 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 or its schools shall be restricted to authorized personnel identified by the Director of Schools or, in the case of a school, the school leader. The area shall be out of the view of the public and unauthorized personnel. The Director of Schools and the school leader 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		
STAFF-STUDENT RELATIONS		5610
ADOPTED: April 20, 2018	REVISED: July 27, 2018	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.

Teacher Code of Ethics, Reporting Breaches. Authorized charter schools shall conduct annual professional development training concerning the teacher code of ethics and its requirements. The professional development training shall address what constitutes unethical conduct.

An educator who has personal knowledge of a breach by another educator of the teacher code of ethics shall report the breach to the educator’s immediate supervisor, or other designee as set by the school, within thirty (30) days of discovering the breach. Failure to report a breach of the teacher code of ethics, or to file a report of any criminal activity or other misconduct that is required by federal or state law, is itself a breach of the teacher code of ethics.¹

Legal References:

¹ Public Acts of 2018, Chapter No. 937;
T.C.A. § 49-5-1003; T.C.A. § 49-5-1004

Cross References:

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

TENNESSEE STATE BOARD OF EDUCATION		
ATTENDANCE		6200
ADOPTED: July 28, 2017	REVISED: July 27, 2018	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) Military active duty/deployment (as outlined below);⁶
- (10) Summons, subpoena, or court order; or
- (11) 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:⁷

- (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 in writing 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 accumulates five (5) days of unexcused absences during the school year, then the student is subject to the school's progressive truancy interventions and that continued unexcused absences may result in a referral to juvenile court.⁸

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, or who have a 504 Plan, may attend part-time days, alternating days, or for a specific amount of time as indicated in their Individualized Education Plan or 504 Plan.⁹ 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.¹⁰

Accumulation of Five (5) Unexcused Absences

Students who accumulate five (5) days of unexcused absences shall be reported to the school leader or designee who will, in turn, provide written notice to the child's parent, guardian, or other person having control of the child that the child's attendance at school is required by law. The school leader or designee shall send a new notice after each successive accumulation of five (5) unexcused absences.⁶

After a student has accumulated five (5) unexcused absences during the school year, and after given adequate time (as determined by the school leader or designee) to turn in documentation to excuse those absences or request an attendance hearing, the school leader or designee shall begin implementation of the school's progressive truancy intervention plan, beginning with Tier I. The school's progressive truancy intervention plan shall be implemented prior to the filing of a truancy petition in juvenile court or a criminal prosecution for educational neglect. The progressive truancy intervention plan must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.

Progressive Truancy Intervention Plan¹¹

Each authorized charter school shall adopt a policy setting forth its progressive truancy intervention plan which shall, at minimum, include the following:¹²

Tier I:

- (1) A conference with the student and the student's parent/guardian, or other person having control of the student;
- (2) An attendance contract, based on the conference, to be signed by the student, the parent/guardian, or other person having control of the student, and the school leader or designee. 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; 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, which may be with the student and the parent/guardian, or other person having control of the student, to discuss the student's progress

Tier II:

If the student accumulates additional unexcused absences in violation of the attendance contract required under Tier I, the student will be subject to Tier II. Tier II shall include an individualized assessment by a school employee of the reasons the student has been absent from school. This may result in referral to counseling, community-based services, or other in-school or out-of-school services to address the student's attendance problems.

Tier III:

If the truancy interventions under Tier II are unsuccessful and the student continues to accumulate additional unexcused absences, Tier III shall be implemented. Tier III may consist of one (1) or more of the following interventions, as determined by a team formed by the school:

- (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 or after school courses designed to improve attendance and behavior.

Tier III interventions shall address student needs in an age-appropriate manner.

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

If the progressive truancy intervention plan is unsuccessful with a student and the school can document that the student's parent or guardian is unwilling to cooperate in the truancy intervention plan, or that the interventions of the progressive truancy intervention plan have failed to meaningfully address the student's school attendance, the school leader or designee, after written notice to the parent, guardian, or other person having control of the student, shall report the student's absences to the appropriate judge having juvenile jurisdiction in that county.

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.¹³

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.¹⁴ The school shall adopt a policy addressing how attendance will be utilized as a criteria for denial of credit or denial of promotion. 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. This includes affording students with more than five (5) unexcused absences the opportunity to appeal and must, at minimum, provide written or actual notice to the student or their parent/guardian and the opportunity to be heard. The appeal process for determining unexcused absences is ancillary to the truancy process.¹⁵

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. § 49-6-3019

⁷ T.C.A. § 49-6-3007; TN Department of Education, *Student Membership and Attendance Procedures Manual* (2017)

⁸ T.C.A. § 49-6-3007

Cross References:

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

⁹ TN Department of Education, *Student Membership and Attendance Procedures Manual* (2017)

¹⁰ T.C.A. § 49-6-3021

¹¹ T.C.A. § 49-6-3007; T.C.A. § 49-6-3009

¹² T.C.A. § 49-6-3007; T.C.A. § 49-6-3009

¹³ T.C.A. § 49-6-3019

¹⁴ T.C.A. § 49-2-203(b)(7)

¹⁵ TRR/MS 0520-01-02-.17

TENNESSEE STATE BOARD OF EDUCATION		
ZERO TOLERANCE		6309
ADOPTED: July 28, 2017	REVISED: July 27, 2018	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 or assault that results in bodily injury,⁶ upon any teacher, principal, administrator, any other employee of an LEA, or school resource officer; or
- 3) Unlawfully possessing any drug including any controlled substance⁷, controlled substance analogue,⁸ or legend drug⁹ on school grounds or at a school-sponsored event.

Modification and Appeals. The Director of Schools shall have the ability to modify zero tolerance disciplinary actions on a case-by-case basis.¹⁰ State Board LEA Policy 6317 outlines requirements for modification of zero tolerance expulsions and appeal procedures.

Notice of Policy.¹¹ 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. § 39-13-101(a)(1)

⁷ T.C.A. §§ 39-17-402 - 415

⁸ T.C.A. § 39-17-454

⁹ T.C.A. § 53-10-101

¹⁰ T.C.A. § 49-6-3401(g)

¹¹ T.C.A. § 49-6-4216(c),(d)

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: July 27, 2018	MONITORING: Review: Annually

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

- (1) The type of behavior expected from each student, the consequences of failure to obey the policy, and the importance of the policy to the maintenance of a safe learning environment. The school's policy shall, at minimum, address: ¹
 - a. Language used by students;
 - b. Respect for school employees;
 - c. Fighting, threats, bullying, cyberbullying, and hazing by students;
 - d. Damage to the property or person of others;
 - e. Misuse or destruction of school property;
 - f. Sale, distribution, use, or being under the influence of drugs, alcohol, or drug paraphernalia;
 - g. Student conduct on school property, conduct in classes, and conduct on school buses;
 - h. And other subjects that the school may choose to include, including those permissible reasons for suspension set forth in state law as:²
 - i. Willful and persistent violation of the rules of the school;
 - ii. Immoral or disreputable conduct or vulgar or profane language;
 - iii. Violence or threatened violence against the person of any personnel attending or assigned to any school;
 - iv. Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
 - v. Inciting, advising, or counseling of others to engage in any of these acts;
 - vi. Marking, defacing, or destroying school property;
 - vii. Possession of a pistol, gun, or firearm on school property;
 - viii. Possession of a knife or other weapons as defined in T.C.A. § 39-17-1301 on school property;
 - ix. Assaulting a school leader, teacher, school bus driver, or other school personnel with vulgar, obscene, or threatening language;
 - x. Unlawful use or possession of barbitol or legend drugs as defined in T.C.A. § 53-10-101;
 - xi. 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;
 - xii. 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;

- xiii. Any other conduct prejudicial to good order or discipline in any public school; and
 - xiv. 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.
- (2) 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.³
- (3) A list of the offenses designated as zero tolerance offenses (consistent with State Board LEA Policy 6309);
- (4) Procedures for due process when a student is suspended or expelled as a result of a student discipline policy/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);
- (5) A statement that a teacher, principal, school employee, or school bus driver may use reasonable force in compliance with state law;⁴
- (6) A statement that, 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;
- (7) An explanation of how the school will protect the rights of students with disabilities in disciplinary actions and proceedings; and
- (8) A statement that the discipline policy/code of conduct will be posted on the school's website, and that a copy will be supplied to all school counselors, teachers, administrative staff, students, and parents on an annual basis.⁵

Corporal Punishment. Corporal punishment shall not be used as a disciplinary measure in any school.⁶

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.⁷

Alternative Schools.⁸ 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. § 49-6-4002
- ² T.C.A. § 49-6-3401(a)-(b)
- ³ T.C.A. § 49-6-4216(a)
- ⁴ T.C.A. § 49-6-4107
- ⁵ T.C.A. § 49-6-4007
- ⁶ T.C.A. § 49-6-4103
- ⁷ T.C.A. § 49-6-4008
- ⁸ 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: April 20, 2018	REVISED: July 27, 2018	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.

IN-SCHOOL SUSPENSION²

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/REMAND³

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.⁴

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(b)(2)

³ T.C.A. § 49-6-3401(c)(1)-(4);

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

⁴ T.C.A. § 49-6-3401(d)

Cross References:

Required Remands and Student
Disciplinary Hearing Authority 6317

Student Discipline 6313

Zero Tolerance 6309

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT WELLNESS AND HEALTH SERVICES		6400
ADOPTED: July 28, 2017	REVISED: July 27, 2018	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.

MENTAL HEALTH SCREENING

Authorized charter schools shall notify parents or legal guardians prior to a student participating in any mental health screening. The notice shall include the purpose of the screening, the provider or the contractor providing the screening, the date and time, and the length of time the screening may last.⁴

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.⁵

ADMINISTRATION OF MEDICATION⁶

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 diabetes⁷ and students with pancreatic insufficiency or cystic fibrosis.⁸

Opioid Antagonist.⁹ 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.¹⁰ 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. § 49-2-124

⁵ 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*

⁶ T.C.A. §§ 49-50-1602 – 1605; State Board Policy 4.205

⁷ T.C.A. § 49-50-1602(d)(7)

⁸ T.C.A. § 49-50-1601; State Board Policy 4.205

⁹ Public Acts of 2017, Chapter No. 256

¹⁰ T.C.A. § 49-50-1603; TRR/MS 0520-01-13

TENNESSEE STATE BOARD OF EDUCATION		
CHILD ABUSE, NEGLECT, AND CHILD SEXUAL ABUSE		6409
ADOPTED: July 28, 2017	REVISED: July 27, 2018	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. Beginning in the 2019-20 school year, each school shall ensure its teachers complete a child abuse training program identified by the Tennessee Department of Education as a part of the teacher's annual in-service training, and shall report to the Department of Education that such training has taken place.⁸

Abuse, Neglect, or Child Sexual Abuse on School Grounds or Under School Supervision/Notice to Parents or Legal Guardians.^{9,10} 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.¹¹ 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, child sexual abuse, or sexual misconduct 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, child sexual abuse, or sexual misconduct 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, dismissal, or resignation of any employee with a state educator license following allegations of child abuse, neglect, child sexual abuse, including sexual misconduct, which, if substantiated, would warrant consideration for license suspension or revocation to the Office of Educator Licensing in accordance with State Board rules.¹²

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.¹³ 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 Public Acts of 2018, Chapter No. 983

⁹ T.C.A. § 49-6-1601

¹⁰ T.C.A. § 49-5-417

¹¹ T.C.A. § 10-7-504; T.C.A. § 49-6-1601

¹² TRR/MS 0520-02-03-.09; T.C.A. § 49-5-417

¹³ T.C.A. § 37-1-611(b)

Cross References:

Discrimination, Harassment, and Hazing 6304

Application and Employment 5106