

Rutherford County Board of Education

2240 Southpark Drive
Murfreesboro, TN 37128

Committee Members

Chairman,
Jim Estes

Vice Chairman,
Coy Young

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Tiffany Johnson

Jeff Jordan

Lisa Moore

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Mike Walls

Tim Pedigo

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Sara Page

Jeff Reed

SPECIAL CALLED POLICY COMMITTEE MEETING AMENDED AGENDA

5:30 p.m.

July 28, 2020

Jim Estes, Chairman

1. Call to Order

2. Pledge of Allegiance

3. Approval of Agenda

4. Policy Changes

a. **Policy 1.400: School Board Meetings**

Amended to prohibit board members and staff participating in board meetings from utilizing cell phones while the meeting is in progress to avoid conflicts with Sunshine laws.

b. **Policy 4.700: Testing Programs**

Amended to update test names and clarify which final grades are being referenced.

c. **Policy 6.200 Attendance***

Added in attendance expectations for virtual/distance learners.

d. **Policy 6.203: School Admissions**

Amended to require all families to complete the Student Residency Questionnaire prior to being provided with an affidavit of residency or being denied enrollment to ensure compliance with Board Policy 6.502. This change is recommended by the Department of Education.

e. **Policy 6.304: Student Discrimination, Harassment, Bullying, Cyberbullying, and Intimidation**

Rewritten to clarify process and definitions in light of Title IX rule changes

f. **Policy 6.319: Alternative Education**

Amended to reflect changes made in the law under Public Acts of 2020, Chapter 603 and State Board of Education Rule.

g. **Policy 6.406: Reporting Child Abuse***

Extensive rewrite of former 6.406 to incorporate new legal requirements passed in the most recent legislative session. The most notable change is the requirement to designate a Child Abuse Coordinator and Alternate at each school.

h. **Policy 6.503: Homeless Students**

Amended to require all families to complete the Student Residency Questionnaire prior to being provided with an affidavit of residency or being

denied enrollment to ensure compliance with Board Policy 6.502. This change is recommended by the Department of Education.

5. Policies for Consideration

a. Policy 3.204: Threat Assessment Team

This policy enshrines the requirements of Public Chapter 394. This allows the creation of a district-level threat assessment team charged with overseeing threats and establishing procedures for the management of threats across the district.

b. Policy 3.2041: Pandemic/Epidemic Face Covering/Mask Requirement*

Establishes the standards for face coverings/masks during the COVID-19 pandemic/epidemic.

c. Policy 4.205: Enrollment in College Level Courses

This policy acknowledges broadly the acceptance of a college-level course as possible grounds for high school credit. This is a TSBA model policy.

d. Policy 5.605: Staff Gifts and Solicitations

This policy sets out the restrictions on employees receiving gifts and protects employees from solicitation while at work.

e. Policy 6.3001 Pandemic/Epidemic Code of Conduct Supplement*

This policy creates guidance for discipline related to behaviors specific to the current pandemic/epidemic. It also clearly ties the Code of Conduct to virtual/distance learning.

f. Policy 6.3041: Title IX & Sexual Harassment*

This summer, the Tennessee Department of Education adopted rules that fundamentally changed the requirements for investigating Title IX matters. This policy enshrines the new process.

* Indicates policies that will be proposed for board passage on a single reading due legal deadlines and to ensure school opens with proper policies for COVID-19 mitigation.

6. Adjournment

Rutherford County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School Board Meetings	Descriptor Code: 1.400	Issued Date: 06/05/14
		Rescinds: 1.400	Issued: 08/09/12

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

2 Every meeting of the board shall be open to the public, except for those meetings in which the law allows
3 closed sessions.¹ Open meetings will be physically accessible to all students, employees, and interested
4 citizens.³ In order to ensure all elements of board meetings are open to the public, no board members or
5 Rutherford County Schools support staff in attendance and participating in a board meeting shall utilize
6 a cell phone during the meeting.

7 The Board may restrict the recording of Board meetings via camera, camcorder or other photographic
8 equipment when such recording creates a threat to public safety and welfare or impedes the conducting
9 of efficient and orderly public meetings.⁴

10 SPECIAL MEETINGS

11 The Board shall hold such special meetings as necessary to transact the business of the Board. Such
12 meetings shall be called by the chair whenever, in the chair's judgment, the interests of the schools
13 require it, or when requested to do so by a majority of the Board.²

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

16 ELECTRONIC ATTENDANCE⁵

17 Absent Board members may attend a regular or special meeting by electronic means if the member is
18 absent because of work, a family emergency, or the member's military service. If a board member is
19 absent due to military service, he/she may participate electronically as often as he/she is able to do so.
20 However, a board member may not participate electronically more than two (2) times per year for
21 absences due to work and/or family emergencies.

22 *General Requirements*

23 The following requirements apply to all electronic attendance, regardless of the reason for the
24 member's absence:

- 25 1. A quorum of the Board must be physically present at the meeting in order for any member to
26 attend electronically.
- 27 2. Any member wishing to participate electronically must do so using technology which allows
28 the Chair to visually identify the member.

- 1 3. The responsibility for the connection lies with the member wishing to participate electronically.
2 No more than three (3) attempts to connect shall be made, unless the Board chooses to make
3 additional attempts.

4 *Work Related Absence*

5 The following requirements apply to electronic attendance due to a work related absence:

- 6 1. The Board member must be absent from the county due to work.
7 2. The member wishing to participate must give the Chair and director at least five (5) days notice
8 prior to the meeting of the member's desire to participate electronically.

9 *Family Emergency*

10 The following requirement applies to electronic attendance due to a family emergency:

- 11 1. The member must be absent due to the hospitalization of the member or the death or
12 hospitalization of the member's spouse, father, mother, son, daughter, brother, sister, son-in-
13 law, daughter-in-law, step-son, step-daughter, father-in-law, mother-in-law, brother-in-law, or
14 sister-in-law.

Legal References

1. TCA 8-44-102; TCA 49-6-804(b)
2. TCA 49-2-202(c)(1)
3. 28 CFR § 36.201(a); 36.202
4. OP Tenn. Atty. Gen. 95-126
5. TCA 49-2-203(c)

Cross References

School Board Legal Status and Authority 1.100
Section 504 & ADA Grievance Procedures 1.802

Rutherford County Board of Education

Monitoring: Review: Annually, in December	Descriptor Term: Testing Programs	Descriptor Code: 4.700	Issued Date: 09/18/19
		Rescinds: 4.700	Issued: 08/16/17

1 *General*

2 The Board shall provide for a system-wide testing program which shall be periodically reviewed and
3 evaluated. The purposes of the program shall be to:

- 4 1. Assist in promoting accountability;
- 5
- 6 2. Determine the progress of students;
- 7
- 8 3. Assess the effectiveness of the instructional program and student learning;
- 9
- 10 4. Aid in counseling and guiding students in planning future education and other endeavors;
- 11
- 12 5. Analyze the improvements needed in each instructional area;
- 13
- 14 6. Assist in the screening of students with learning difficulties;¹
- 15
- 16 7. Assist in placing students in remedial programs;
- 17
- 18 8. Provide information for college entrance and placement; and
- 19
- 20 9. Assist in educational research by providing data.²

21 The Director of Schools shall be responsible for planning and implementing the program which includes:

- 22 1. Determining specific purposes for each test;
- 23
- 24 2. Selecting the appropriate test to be given;
- 25
- 26 3. Establishing procedures for administering the tests;
- 27
- 28 4. Making provisions for interpreting and disseminating the results;
- 29
- 30 5. Maintaining testing information in a consistent and confidential manner; and
- 31
- 32 6. Ensuring that results are obtained as quickly as possible, especially when placement in a special
33 learning program might be necessary.

1 State-mandated student testing programs shall be undertaken in accordance with guidelines published
2 by the State Department of Education.³

3 **WEIGHTING TCAP SCORES**

4 **TCAP**⁴ and EOC⁵ scores shall be included in students' second semester grades as follows:

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

8 **TCAP** and EOC Grade Conversion from raw score to quick score will be the cube root methodology
9 previously used by the Tennessee Department of Education for quick score generation.

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

12 **INTEREST INVENTORIES AND CAREER ASSESSMENTS**⁶

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

15 Career aptitude assessments shall be administered to 8th graders in order to inform the student's high
16 school plan of study.

17 **TESTING INFORMATION AND PARENTAL CONSENT**

18 Any test directly concerned with measuring student ability or achievement through individual or group
19 psychological or socio-metric tests shall not be administered by or with the knowledge of any employee
20 of the district without first obtaining written consent of the parent(s)/guardian(s).²

21 Results of all group tests shall be recorded on students' permanent records and shall be made available
22 to appropriate personnel in accordance with established board policies.⁷

23 No later than July 31st of each year, the Board shall publish on its website information related to state
24 and board mandated tests that will be administered during the school year. The information shall
25 include:⁸

- 26 1. The name of the test;
- 27
- 28 2. The purpose and use of the test;
- 29
- 30 3. The grade or class in which the test will be administered;
- 31
- 32 4. The tentative date or dates that the test will be administered;
- 33

- 1 5. The time and manner in which parent(s)/guardian(s) and students will be notified of the results
2 of the test;
3
4 6. How parent(s)/guardian(s) can access the questions and answers on their student’s state-
5 required tests; and
6
7 7. If a board mandated test, how the test complements and enhances student instruction and
8 learning and how it serves a purpose distinct from state-required tests.
- 9 Testing information shall also be placed in student handbooks or other school publications that are
10 assessible to parent(s)/guardian(s) on an annual basis.

Legal References

1. TCA 49-10-108
2. 20 USCA § 1232(g)
3. TRR/MS 0520-01-03-.03(7); TRR/MS 0520-01-03-.06(1)(b)
4. TCA 49-1-617; State Board of Education Policy 2.102
5. TRR/MS 0520-01-03-.06(1)(b); State Board of Education Policy 2.103; TCA 49-1-617
6. Public Acts of 2019, Chapter No. 108
7. TCA 10-7-504
8. TCA 49-6-6007; State Board of Education Policy 2.102; State Board of Education Policy 2.103

Cross References

- Student Surveys, Analyses, and Evaluations 6.4001
Student Records 6.600

Rutherford County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Attendance	Descriptor Code: 6.200	Issued Date: 06/05/19
		Rescinds: 6.200	Issued: 10/31/18

1 Attendance is a key factor in student achievement, and therefore, students are expected to be present
2 each day school is in session.

3 The attendance supervisor shall oversee the entire attendance program which shall include:¹

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

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

16 Absences shall be classified as either excused or unexcused as determined by the principal/designee. If
17 an absence is unexcused, the work missed may be made up for credit within five (5) days of returning to
18 school from said absence.

19 Out-of-school suspension days will be considered unexcused absences and students absent for out-of-
20 school suspension shall be allowed to make up the work missed within five (5) days of returning to
21 school from said absence and receive eighty percent (80%) of the grade earned. If a grade was not taken
22 for the day missed, no deduction in grades will occur because of the absence.

23 Excused absences shall include:⁴

24 1. Personal illness/injury

- 25 a. A note from the student's parent/guardian or legal custodian will be required upon the
26 student's returning to school. The note should include the reason(s) for and the date(s)
27 of the absence. Upon returning to school, a student has five (5) school days in which

- 1 to submit a note. After that time period has elapsed, the absence(s) will become
2 permanently unexcused.
- 3 b. The school may accept a written note from a parent/guardian or legal custodian
4 verifying a student's illness for up to a total of eight (8) accumulated days during the
5 school year. However, if a student is absent due to illness more than a total of eight
6 (8) accumulated days, a doctor's note specifying inclusive dates for the illness must
7 be submitted in order for any subsequent absences due to illness to be excused.
8
- 9 2. Illness of immediate family member
- 10 a. A doctor's statement may be required after three (3) days. Immediate family member
11 is defined as a student's parent/guardian or sibling.
12
- 13 3. Death in the family
- 14 a. One day shall be excused for death of family members. Additional days will be
15 excused at the discretion of the principal.
- 16 b. If the death is not of a family member, the principal may approve as an unexcused
17 absence with appropriate documentation.
- 18 4. Extreme weather conditions
- 19 5. Religious observances⁵
- 20 6. Military Service of Parent/Guardian
- 21 a. School principals shall provide students with a one-day excused absence prior to the
22 deployment of and a one-day excused absence upon the return of a parent/guardian
23 or immediate family member serving active military service.
24
- 25 b. Principals shall also allow up to ten (10) excused cumulative absences per year for
26 students to visit a parent/guardian during a deployment cycle. The student shall
27 provide documentation to the school as proof of his/her parent's/guardian's
28 deployment. Students shall be permitted to make up schoolwork missed during these
29 absences.⁶
- 30 7. Pregnancy
- 31 8. School sponsored or school endorsed activities⁷
- 32 9. Summons, subpoena, or court order
- 33 a. Written verification of the appearance and the time involved must be submitted
34 upon the student's return to school. These excuses may be obtained through the
35 Court Clerk's office.
36
- 37 10. Circumstances which in the judgment of the principal create emergencies over which the
38 student has no control.

1 The principal shall be responsible for ensuring that:⁸

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

9 **DISTANCE LEARNING ATTENDANCE**

10 All RCS attendance policies apply to students participating in distance learning. In order for distance
11 learning students to be considered present for the day, the student must be interacting and responding
12 to instruction. The teachers will take attendance for each class based on the following:

- 13 1. Submission of an assignment for the class;
- 14 2. Participation in an online discussion for the class;
- 15 3. Participation in synchronous learning in an online classroom;
- 16 4. Completion of an assessment for the class;
- 17 5. Discussion with the teacher/class via phone calls, email, or online meeting in a virtual format;
- 18 6. Other participation as determined by the principal.

19 Students with three unexcused absences shall be subject to the progressive truancy intervention
20 framework contained in this Policy.

21 **TRUANCY**

22 *General*

23 Students shall be present at least fifty percent (50%) of the scheduled school day in order to be counted
24 present. Students receiving special education services may attend part-time days, alternating days, or for
25 a specific amount of time as indicated in their Individualized Education Plan.⁹

26 If a student is required to participate in a remedial instruction program outside of the regular school day
27 where there is no cost to the parent(s) and the school system provides transportation, unexcused absences
28 from these programs shall be reported in the same manner.¹⁰

29 Students who are absent five (5) days without adequate excuse shall be reported to the Director of
30 Schools/designee who will, in turn, provide written notice to the parent(s)/guardian(s) of the student's
31 absence. The Director of Schools/ designee shall also comply with state law regarding the reporting of
32 truant students to the proper authorities. If a student accumulates a total of five (5) unexcused absences,
33 then he/she is subject to referral to juvenile court.⁸

1 The Director of Schools/designee shall develop appropriate administrative procedures to implement this
2 policy.

3 *Progressive Truancy Intervention Plan*¹¹

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

6 **Tier I**

7 1. A conference with the student and the student's parent/guardian;

8

9 2. An attendance contract, based on the conference, signed by the student, the parent/guardian, and
10 an attendance officer. The contract shall include:

11

12 a. A specific description of the school's attendance expectations for the student;

13 b. The period for which the contract is effective. The term of the contract must not exceed
14 ninety (90) school days or continue beyond the last day of the semester, whichever comes
15 first; and

16 c. Penalties for additional absences and alleged school offenses, including additional
17 disciplinary action and potential referral to juvenile court; and

18

19 3. Regularly scheduled follow-up meetings to discuss the student's progress.

20 If the student accumulates additional unexcused absences in violation of the attendance contract, he/she
21 shall be subject to the additional intervention tiers.

22 **Tier II**

23 If a student accumulates additional unexcused absences in violation of attendance contract in tier one,
24 the student will be subject to tier two.

25 An individualized assessment by a school employee of the reasons a student has been absent from school.
26 This may result in referral to counseling, community-based services, or other services to address the
27 student's attendance problems.

28 **Tier III**

29 This tier will be implemented if the truancy interventions under tier two are unsuccessful.

30 The Director of Schools shall develop procedures for the implementation of a progressive truancy
31 intervention process under tier three.

32 **COLLEGE VISITS**

33 Any high school student wishing to participate in a postsecondary school visit during the school year
34 shall submit to the principal/designee prior notice from the his/her parent/guardian specifying the date

1 of the school visit. The parent(s)/guardian(s) of the student shall be responsible for facilitating any
2 postsecondary school visits and for ensuring the safety of the student during the visit.¹²

3 The principal/designee shall count a student present for no more than three (3) days each school year for
4 students participating in a postsecondary school visit. The student shall be counted present for the day
5 of the postsecondary school visit and shall not be counted present during any travel days.

6 In order to be counted present for the school day missed, the student shall submit to the
7 principal/designee a signed letter or form from a campus official verifying that the visit to the
8 postsecondary school occurred.

9 The student shall complete any school work missed due to the student participating in a postsecondary
10 school visit.

1 PERFECT ATTENDANCE

2 To be eligible for perfect attendance, a student must be in attendance for a length of time equal to the
3 state's minimum hourly requirement for a school day. To have perfect attendance in a particular class,
4 a student must be present every day for over half of the class period.

5 Any student who misses class or a day of school because of observance of a day set aside as sacred by
6 a religious denomination of which the student is a member or adherent, shall be deemed to have met
7 the requirements of perfect attendance if his/her only absences were related to such observance.

8 Any student who misses class or a day of school because of a scheduled visit to a college or university
9 shall be deemed to have met the requirements of perfect attendance if his/her only absences were
10 related to such visit. Any student who misses class or a day of school because of earning an exemption
11 from exams shall be deemed to have met the requirements for perfect attendance if his/her only
12 absences were related to the exemptions.

13 POSITIVE INCENTIVES FOR PERFECT ATTENDANCE

14 Grades K-8

15 Individual schools are encouraged to provide incentives for regular attendance.

16 Grades 9-12

17 Final Exam Exemptions (Other than state mandated End of Course Exams)-Eligibility for exam
18 exemptions (other than state mandated End of Course Exams) begins the first day of school. The final
19 decision regarding final exemption of any student will be determined by the principal/designee. Any
20 student who has been suspended (in-school or out-of-school) is not eligible for exemptions. The criteria
21 for final exam exemption are as follows:

22 Full Year Classes	One Semester Class
23 8 absences-A average	4 absences-A average
24 6 absences-B average	3 absences-B average
25 4 absences-C average	2 absences-C average
26 2 absences-D average	1 absence-D average

**27 ABSENCES MAY NOT BE MADE UP FOR THE PURPOSE OF QUALIFYING FOR EXAM
28 EXEMPTION.**

29 Any student in Rutherford County Schools with four (4) years perfect attendance will receive recognition
30 for this achievement.

1 TARDIES K-12

2 Being on time to school and class is essential for optimum teaching and learning. When a student is
3 tardy, he/she disrupts this process for others and loses important learning time for himself/herself. School
4 bus transportation is provided free of charge to students of Rutherford County. For this reason, tardies
5 related to car problems, traffic, oversleeping, etc. are not valid reasons for tardiness. To receive an
6 excused tardy when late to school, the student must either:

- 7
- 8 a. A doctor's statement;
- 9 b. An official court notice; or
- 10 c. A parent conference or a parent's telephone call and approval by the administration.
11 (Personal illness would be excused.)

12 STATE-MANDATED ASSESSMENT

13 Students who are absent the day of the scheduled EOC exams must present a signed doctor's excuse or
14 must have been given an excused release by the principal prior to testing to receive an excused absence.
15 Students who have excused absences will be allowed to take a make-up exam. Excused students will
16 receive an incomplete in the course until they have taken the EOC exam.

17 Students who have an unexcused absence shall receive a failing grade on the course exam which shall
18 be averaged into their final grade.

19 CREDIT/PROMOTION DENIAL

20 Credit/promotion denial determinations may include student attendance; however, student attendance
21 may not be the sole criterion.¹³ If attendance is a factor, prior to credit/promotion denial, the following
22 shall occur:

- 23 1. The student and the parent/guardian shall be advised if student is in danger of credit/promotion
24 denial due to excessive absenteeism.
- 25
- 26 2. Procedures in due process are available to the student when credit or promotion is denied.

27 DRIVER'S LICENSE REVOCATION²

28 More than ten (10) consecutive or fifteen (15) reported unexcused absences by a student during any
29 semester renders a student ineligible to retain a driver's permit or license, or to obtain such if of age.

30 In order to qualify for reclaiming a driver's permit or license, the student must make a passing grade in
31 at least three (3) full unit subjects or their equivalency at the conclusion of a subsequent grading period.

32 ATTENDANCE HEARING¹⁴

33 Students with excessive (more than 5) unexcused absences or those in danger of credit/promotion denial
34 shall have the opportunity to appeal to an attendance hearing committee appointed by the principal. If

- 1 the student chooses to appeal, the student or his/her parent(s)/guardian(s) shall be provided written or
 2 actual notice of the appeal hearing and shall be given the opportunity to address the committee. The
 3 committee will conduct a hearing to determine if any extenuating circumstances exist or to determine if
 4 the student has met attendance requirements that will allow him/her to pass the course or be promoted.
 5 Upon notification of the attendance committee decision, the principal shall send written notification to
 6 the Director of Schools/designee and the parent(s)/guardian(s) of the student of any action taken
 7 regarding the excessive unexcused absences. The notification shall advise parents/guardian(s) of their
 8 right to appeal such action within two (2) school days to the Director of Schools/designee.
- 9 The appeal shall be heard no later than ten (10) school days after the request for appeal is received.
- 10 Within five (5) school days of the Director of Schools/designee rendering a decision, the student's
 11 parent(s)/guardian(s) may request a hearing by the board, and the board shall review the record.
 12 Following the review, the board may affirm or overturn the decision of the Director of Schools/designee.
 13 The action of the board shall be final.
- 14 The Director of Schools/designee shall ensure that this policy is posted in each school building and
 15 disseminated to all students, parents, teachers, and administrative staff.

 Legal References

1. TRR/MS 0520-01-03-.08(1)(a); TCA § 49-6-3006
2. TCA 49-6-3017(c)
3. TCA 10-7-504; 20 USCA § 1232g
4. TRR/MS 0520-01-02-.17(1)(c)
5. TCA 49-6-2904(b)(5)
6. TCA 49-6-3019
7. TN Department of Education, *Student Membership and Attendance Procedures Manual* (2018)
8. TN Department of Education, *Student Membership and Attendance Procedures Manual* (2018); TCA 49-6-3007
9. TN Department of Education, *Student Membership and Attendance Procedures Manual* (2018)
10. TCA 49-6-3021
11. TCA 49-6-3007; TCA 49-6-3009
12. State Board of Education Policy 4.100
13. TCA 49-2-203(b)(7)
14. TRR/MS 0520-01-02-.17

 Cross References

- Extracurricular Activities 4.300
- Interscholastic Athletics 4.301
- Field Trips/Excursions/Competitions 4.302
- Reporting Student Progress 4.601
- Promotion and Retention 4.603
- Recognition of Religious Beliefs, Customs & Holidays 4.803
- Voluntary Pre-K Attendance 6.2011
- Students in Foster Care 6.505
- Student Records 6.600

Rutherford County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: School Admissions	Descriptor Code: 6.203	Issued Date: 01/15/09
		Rescinds: 5-5/5-67	Issued:

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

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

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

12 **When enrolling students, all families must complete the Student Residency Questionnaire prior to being**
13 **provided with an affidavit and/or prior to being denied enrollment for any other requirements for proof**
14 **of residency to ensure compliance with Board Policy 6.502.**

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

17 Parents, guardians, or legal custodians of students who enter school who have been judged delinquent
18 for an offense involving murder, rape, robbery, kidnapping, aggravated assault or reckless endangerment
19 shall notify the principal by providing the abstract of record required by law or other similar written
20 information. This information shall be shared only with school employees who have responsibility for
21 classroom instruction of the student. Such information is otherwise confidential and shall not be released
22 to others except as required by law. The written notification shall not become a part of the student's
23 record.⁴

Legal References:

1. TCA 49-6-3008(b)
2. TRR/MS 0520-1-3-.08(2)(a); TCA 49-6-5004(a)
3. TCA 49-6-5001(c)
4. TCA 49-6-3051

Rutherford County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Student Discrimination, Harassment, Bullying, Cyber-bullying, and Intimidation	Descriptor Code: 6.304	Issued Date: 06/07/18
		Rescinds: 6.304	Issued: 08/16/17

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

5 This policy shall be disseminated annually to all school staff, students, and parent(s)/guardian(s).² This
6 policy shall cover employees, employees' behaviors, students, and students' behaviors while on school
7 property, at any school-sponsored activity, on school-provided equipment or transportation, or at any
8 official school bus stop. If the act takes place off of school property or outside of a school-sponsored
9 activity, this policy is in effect if the conduct is directed specifically at a student and has the effect of
10 creating a hostile educational environment or otherwise creating a substantial disruption to the education
11 environment or learning process.

12 The principal/designee is responsible for educating and training respective staff and students as to the
13 definition and recognition of discrimination/harassment.³

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

16 **DEFINITIONS⁴**

17 "Bullying/Intimidation/Harassment" is an act that substantially interferes with a student's educational
18 benefits, opportunities, or performance, and the act has the effect of:

- 19 1. Physically harming a student or damaging a student's property;
- 20
- 21 2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to
22 the student's property;
- 23
- 24 3. Causing emotional distress to a student; or
- 25
- 26 4. Creating a hostile educational environment.

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

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

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

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

12 **COMPLAINTS AND INVESTIGATIONS**

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

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

20 The principal/designee at each school shall be responsible for investigating and resolving complaints.
21 Once a report is received, the principal/designee shall initiate an investigation within forty-eight (48)
22 hours of receipt of the report. If an investigation is not initiated within forty-eight (48) hours, the
23 principal/designee shall provide the Director of Schools with appropriate documentation detailing the
24 reasons why the investigation was not initiated within the required timeframe.⁷ The principal/designee
25 shall immediately notify the parent(s)/guardian(s) when a student is involved in an act of discrimination,
26 harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall provide information
27 on district counseling and support services. Students involved in an act of discrimination, harassment,
28 intimidation, bullying, or cyber-bullying shall be referred to the appropriate school counselor by the
29 principal/designee when deemed necessary.⁸

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

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

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

9 **RESPONSE AND PREVENTION**¹⁰

10 The principal/designee shall consider the nature and circumstances of the incident, the age of the
11 individual, the degree of harm, previous incidences or patterns of behavior, or any other factors, as
12 appropriate, to properly respond to each situation.

13 A substantiated charge against an employee shall result in disciplinary action up to and including
14 termination. The employee may appeal this decision by contacting the Staff Attorney.

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

18 **REPORTS**

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

23 By July 1st of each year, the Director of Schools/designee shall prepare a report of all of the bullying
24 cases brought to the attention of school officials during the prior academic year. The report shall also
25 indicate how the cases were resolved and/or the reasons they are still pending. This report shall be
26 presented to the Board at its regular July meeting, and it shall be submitted to the state department of
27 education by August 1st.¹²

28 **RETALIATION AND FALSE ACCUSATIONS**

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

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

Legal References

1. TCA 49-6-4503(a), (b)(3)
2. TCA 49-6-4503(b)(11)
3. TCA 49-6-4503(b)(12)
4. TCA 49-5-503(b)(2), (13)
5. TCA 49-2-120
6. TCA 49-6-4503(b)(5)
7. TCA 49-6-4503(b)(6)
8. TCA 49-6-4503(b)(14)
9. 20 USCA § 1232g
10. TCA 49-6-4503(b)(4), (7)-(8)
11. TCA 49-6-4503(d)(3)
12. TCA 49-6-4503(c)(2)(B)
13. TCA 49-6-4503(b)(9)
14. TCA 49-6-4503(b)(10)
15. 20 USCA §§ 1681 to 1686

Cross References

Appeals to and Appearances Before the Board 1.404
Section 504 and ADA Grievance Procedures 1.802
Staff-Student Relations 5.610
Student Goals 6.100
Title IX & Sexual Harassment 6.3041
Student Complaints and Grievances 6.305
Code of Conduct 6.300
Child Abuse and Neglect 6.409
Student Suicide Prevention 6.415

Rutherford County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Alternative Education	Descriptor Code: 6.319	Issued Date: 06/01/18
		Rescinds: 6.319	Issued: 01/15/09

1 *General*¹

2 The Board shall operate an alternative school and/or program for students in grades seven through
3 twelve (7-12) who have been suspended or expelled from the regular school program. Additional
4 grades may also be served at the election of the Board.

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

8 An alternative program is a short-term intervention program designed to provide educational services
9 outside the regular school program for students who have been suspended or expelled. Alternative
10 programs may be located within the regular school or be a self-contained program within a school.
11 Alternative programs shall include, but are not limited to, the following: in-school suspension, night
12 school, Saturday school, school-specific programs, etc.

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

19 **ASSIGNMENT**

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

- 24 1. Level of supervision available;
- 25
- 26 2. Safety considerations; and
- 27
- 28 3. Type of infraction.

29 Students who have committed zero tolerance offenses are not required to be assigned to alternative
30 schools or programs.⁴

1 Prior to the assignment of the student to the alternative school or program, the Director of
 2 Schools/designee shall provide written notice to the student's parent/guardian stating the reason for the
 3 student's placement.⁵

4 Placement in an alternative education setting shall be reserved for students who significantly disrupt
 5 the educational process. If a student has an active Individualized Education Plan, a 504 plan, or is
 6 suspected of having a disability, all state and federal laws and rules and regulations related to special
 7 education shall be followed. The Director of Schools/designee shall develop procedures regarding
 8 placement of students in the program, taking into consideration the impact of exclusionary discipline
 9 practices.⁶

10 The Director of Schools/designee shall monitor and regularly evaluate the academic progress of each
 11 student enrolled in the alternative school.

12 **REMOVAL⁷**

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

14 1. He/she violates the rules of the alternative school or program; or

15

16 2. He/she is not benefitting from the assignment and all interventions have been exhausted
 17 unsuccessfully.

18 **ADDITIONAL OFFENSES⁸**

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

22 **TRANSITION PLAN⁹**

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

Legal References

1. TCA 49-6-3402(a); Public Acts of 2020, Chapter No. 603; TRR/MS 0520-01-02-.09
2. TRR/MS 0520-01-02-.09(9)(a)
3. Public Acts of 2020, Chapter No. 603
4. Public Acts of 2020, Chapter No. 603; TRR/MS 0520-01-02-.09(6)(a)
5. TRR/MS 0520-01-02-.09(9)(i)
6. TRR/MS 0520-01-02-.09(9)(h)
7. Public Acts of 2020, Chapter No. 603
8. TRR/MS 0520-01-02-.09(9)(g)(2)
9. TRR/MS 0520-01-02-.09(m)

Cross References

- Special Education 4.202
- Suspension 6.316
- Student Disciplinary Hearing Authority 6.317
- Special Education Students 6.500

Rutherford County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Reporting Child Abuse	Descriptor Code: 6.409	Issued Date: 06/05/19
		Rescinds: 6.409	Issued: 12/03/09

1 *General*

2 The Director of Schools shall:¹

- 3 1. Designate one employee as the Child Abuse Coordinator (the Coordinator) and an additional
4 employee to serve as the Alternate Child Abuse Coordinator (the Alternate) for each school;
5
6 2. Require that the Coordinator and the Alternate receive appropriate training;
7
8 3. Supply the Coordinator with all necessary resources;
9
10 4. Ensure that all school personnel annually complete the child abuse training program required
11 by state law.²

12 The Coordinator shall assist any employee with appropriately reporting and responding to instances of
13 child abuse or child sexual abuse.

14 **REPORTING**

15 All personnel shall be alert for any evidence of child abuse, sexual abuse, or neglect.³ If personnel
16 know or have reasonable cause to suspect child abuse, sexual abuse, or neglect, a report shall be filed
17 immediately with the Coordinator, the Department of Children's Services (DCS), and law
18 enforcement.⁴

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

- 20 1. The name, address, telephone number, and age of the child;
21
22 2. The name, telephone number, and address of the parents or persons having custody of the child;
23
24 3. The nature and extent of the abuse or neglect; and
25
26 4. Any evidence to the cause or any other information that may relate to the cause or extent of the
27 abuse or neglect.

28 The Director of Schools/designee shall develop reporting procedures, including sample indicators of
29 abuse and neglect, and shall disseminate the procedures to all school personnel.

1 **CONFIDENTIALITY**

2 District employees shall keep all information regarding any child abuse confidential in accordance
3 with state law.

4 **INVESTIGATIONS**

5 School administrators and employees have a duty to cooperate, provide assistance, and information in
6 child abuse investigations⁶ including permitting DCS teams to conduct interviews while the child is at
7 school. The principal may control the time, place, and circumstances of the interview but may not
8 insist that a school employee be present even if the suspected abuser is a school employee or another
9 student. The principal is not in violation of any laws by failing to inform parent(s)/guardian(s) that the
10 child is to be interviewed even if the suspected abuser is not a member of the child's household.⁷

Legal References

1. H.B. 2461, 111th Tenn. Gen. Assembly (2020)
2. TCA 37-1-408
3. TCA 37-1-403(a)(1); TCA 37-1-412; TCA 37-1-602; TCA 37-1-605(a)(4)
4. TCA 37-1-403(a)(2); H.B. 2461, 111th Tenn. Gen. Assembly (2020)
5. TCA 37-1-403(b)
6. TCA 37-1-611(b)
7. Tenn. Op. Atty. Gen. No. 87-101 (June 9, 1987)

Cross References

Recommendations and File Transfers 5.203
Staff-Student Relations 5.610
Interrogations and Searches 6.303
Student Discrimination, Harassment, Bullying, Cyberbullying, and Intimidation 6.304
Title IX & Sexual Harassment 6.3041

Rutherford County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Homeless Students	Descriptor Code: 6.503	Issued Date: 08/16/17
		Rescinds: 6.502	Issued: 08/13/15

1 Under federal law, homeless children must have access to an appropriate public education, including
2 preschool, and be given a full opportunity to meet state and local achievement standards. They must be
3 included in state and district-wide assessments and accountability systems.¹

4 Information regarding this policy will be included in the Rutherford County Student Handbook **which**
5 **will be distributed and/or available online to all students annually and upon enrollment.** Information
6 about the rights of homeless children and youth will be posted in every school in the system as well as
7 other places where homeless children and families receive services.

8 **A. Definitions**

9 Homeless children and youth means children and youth who are otherwise legally entitled to or eligible
10 for a free public education, including preschool, and who lack a fixed, regular, and adequate nighttime
11 residence, including:

- 12 • Children and youth who are sharing the housing of other persons due to loss of housing,
13 economic hardship, or a similar reason; are living in motels, hotels, campgrounds, or trailer parks
14 due to lack of alternative adequate accommodations; are living in emergency or transitional
15 shelters; or are abandoned in hospitals; or awaiting foster care placement.
- 16 • Children and youth who have a primary nighttime residence that is a private or public place not
17 designed for or ordinarily used as regular sleeping accommodation for human beings.
- 18 • Children and youth who are living in a car, public space, abandoned building, substandard
19 housing, bus or train station, or similar setting.
- 20 • Migratory children and youth who are living in a situation described above.

21 A child or youth shall be considered to be homeless for as long as he or she is in living situation described
22 that is not fixed, regular, and adequate. Eligibility for McKinney-Vento services will be evaluated at the
23 beginning of every school year.

24 *Unaccompanied youth* means a youth not in the physical custody of a parent or guardian, who is also
25 living in a homeless situation as defined above.

26 *Enroll and enrollment* mean attending school and participating fully in school activities.

27 *Parent* means a person having legal or physical custody of a child or youth.

1 *School of origin* means the school the child or youth attended when permanently housed, or the last
2 school attended. This includes the designated receiving school at the next grade level for all feeder
3 schools when a student completes the final grade level served by the school of origin. Preschools are
4 also considered school of origin when they establish a feeder school pattern.

5 *Liaison* is the staff person designated by the Rutherford County School System as the person responsible
6 for carrying out the duties assigned to the liaison by the McKinney-Vento Act. The liaison is to assist
7 homeless children and youth to enroll and succeed in school and ensure that homeless children and
8 families receive educational services for which they are eligible, including Head Start and Even Start
9 programs, preschool programs (if offered to other), and referrals to health care, dental, mental health and
10 other appropriate services. Each school shall also designate a person to serve as the homeless contact
11 person who shall assist in carrying out this policy within the school.

12 **B. Identification**

13 In collaboration with school personnel and community organizations, the liaison designated for the
14 school system will identify homeless children in the district, both in and out of school. The liaison will
15 train school personnel on possible indicators of homelessness, sensitivity in identifying homeless
16 families and youth, and procedures for forwarding information indicating homelessness to the liaison.
17 The liaison will also instruct school registrars and secretaries to inquire about possible homelessness
18 upon the enrollment in school. Community partners in identification may include the following: family
19 and youth shelters, soup kitchens, motels, campgrounds, drop-in centers, welfare departments and other
20 social service agencies, street outreach teams, faith-based organizations, truancy and attendance officers,
21 local homeless coalitions, and legal services.

22 When enrolling students, all families must complete the Student Residency Questionnaire prior to being
23 provided with an affidavit and/or prior to being denied enrollment for any other requirements for proof
24 of residency.

25 **C. School Selection**

26 Each homeless child has the right to remain at his or her school of origin or to attend the school for which
27 the child is zoned based upon where the child is actually living. Maintaining a student in his or her school
28 of origin is important for both the student and our district. Therefore, in determining the school that is in
29 the child's or youth's best interest to attend, school personnel must presume that staying in the school of
30 origin is in the child's or youth's best interest unless it is against the wishes of the parent, guardian, or
31 unaccompanied homeless youth. Student-centered factors must be considered, including factors related
32 to the impact of mobility on the achievement, education, health, and safety of the student. Students may
33 remain at their schools of origin the entire time they are homeless and until the end of any academic year
34 in which they acquire stable housing. The same applies if a child or youth loses his or her housing
35 between academic years.

36 In determining what is in the child's best interest, the school system will within parameters set forth by
37 the McKinney-Vento Act comply with the request made by a parent or guardian or unaccompanied youth
38 regarding school selection. If a school decides not to allow the child to enroll at the school selected by
39 the parent, guardian, or unaccompanied youth, the school will provide a written explanation of the
40 school's decision to the parent, guardian, or unaccompanied youth. The written explanation must also

1 inform the parent or guardian of his/her right to appeal the decision. The parent or guardian, or
2 unaccompanied youth shall be referred to the liaison who shall carry out the dispute resolution process.

3 **D. Enrollment**

4 Consistent, uninterrupted education is vital for academic achievement. Due to the realities of
5 homelessness and mobility, homeless students may not have school enrollment documents readily
6 available. Nonetheless, the school selected for enrollment must immediately enroll any homeless child.
7 Enrollment may not be denied or delayed due to the lack of any document normally required for
8 enrollment, including:

- 9 • Proof of residency, including residency affidavit
- 10
- 11 • Transcripts/school records (The enrolling school must contact the student's previous school
12 to obtain school records. Initial placement of students whose records are not immediately
13 available can be made based on the student's age and information gathered from the student,
14 parent, and previous schools or teachers.)
- 15
- 16 • Immunizations or immunization/health/medical/physical records. Health records may often
17 be obtained from previous schools or state registries, and school- or community-based clinics
18 can initiate immunizations when needed. Students coming from areas where natural disasters
19 have occurred may never be able to provide immunization records, but it should be assumed
20 that they had the immunizations necessary to attend public school in their state.
- 21
- 22 • Proof of custody or guardianship
- 23
- 24 • Birth certificate
- 25
- 26 • Any other document requirements
- 27
- 28 • Unpaid school fees
- 29
- 30 • Lack of uniforms or clothing that conforms to dress codes
- 31
- 32 • Missing application or enrollment deadlines during any period of homelessness
- 33
- 34 • Any factor related to the student's living situation

35 Homeless unaccompanied youth must also be immediately enrolled in school. They must either enroll
36 themselves or be enrolled by a parent, non-parent caretaker, older sibling, or liaison.

37 The school at which the homeless student enrolls shall immediately contact the last school attended to
38 obtain academic or relevant records. If the child needs immunizations or medical records, the school
39 shall contact the liaison. The liaison shall assist in obtaining immunizations or medical records, as
40 necessary.

41 **E. Transportation**

1 Without appropriate transportation, a student may not be able to continue attending his or her school of
2 origin. To avoid such forced school transfers, at a parent's, guardian's or unaccompanied youth's request,
3 transportation shall be provided to and from the school of origin for a homeless child. Transportation
4 shall be provided for the entire time the child or youth has a right to attend that school, as defined above,
5 including during pending disputes. The liaison shall request transportation to and from the school of
6 origin for unaccompanied youth.

7 Schools contacts and the liaison shall assist in arranging transportation requests. If a homeless student is
8 living and attending school in this district, the Rutherford County School System shall arrange
9 transportation. If the homeless student is living in this district but attending school in another, or
10 attending school in this district but living in another, the Rutherford County School System will seek a
11 shared reimbursement of transportation expenses from the other school district or, if applicable, be
12 financially responsible for a portion of the other school district's expenses in transporting the homeless
13 student. Inter-district disputes shall not result in a student in transition missing school. If such a dispute
14 arises, this district will arrange transportation and immediately bring the matter to the attention of the
15 State Coordinator for the Education of Homeless Children and Youth.

16 Homeless students shall also be provided with other transportation services comparable to those offered
17 to housed students.

18 **F. Services**

19 All homeless children and youth in Rutherford County schools will be enrolled and receive instruction
20 in the same schools and classrooms as all other students enrolled. They will not be isolated or stigmatized
21 by any activities of the school system. Homeless children shall be provided appropriate services
22 comparable to services offered to other students in the school, including:

- 23 • Transportation
- 24
- 25 • Title I
- 26
- 27 • Educational services for which the student meets eligibility criteria, including special
- 28 education and related services and programs for English language learners.
- 29
- 30 • Vocational and technical education programs
- 31
- 32 • Gifted and talented programs
- 33
- 34 • School nutrition programs
- 35
- 36 • Before and after school care (if offered and available to others)

37 The Rutherford County School System will follow state procedures to ensure that homeless children and
38 youth who are out of school are identified and accorded equal access to appropriate secondary education
39 and support services. School personnel shall refer homeless children to appropriate health care services,
40 including dental and mental health services. The liaison will assist the school in making such referrals,
41 as necessary.

1 The liaison and school personnel must inform unaccompanied homeless youth of their status as
2 independent students for college financial aid and that they may obtain assistance to receive verification
3 for the FASFA.

4 School personnel must also inform parents of all educational and related opportunities available to their
5 children and provide parents with meaningful opportunities to participate in their children's education.
6 All parent information required by any provision of this policy must be provided in a form, manner, and
7 language understandable to each parent.

8 **G. Disputes**

9 If a dispute arises over any issue covered in this policy, including eligibility, the homeless student shall
10 be immediately admitted to the school in which enrollment is sought, pending final resolution of the
11 dispute. The student shall also have the right to all appropriate educational services, transportation, and
12 school nutrition programs.

13 The school where the dispute arises shall provide the parent, guardian, or unaccompanied youth with a
14 written explanation of its decision and the right to appeal and shall immediately refer the parent or youth
15 to the liaison. The liaison shall ensure the student is enrolled in the school of his or her choice, within
16 the parameters of the McKinney-Vento Act, and receiving other services to which he or she is entitled
17 and shall resolve the dispute as expeditiously as possible. The parent, guardian, or unaccompanied youth
18 shall be given every opportunity to participate meaningfully in the resolution of the dispute. The liaison
19 shall keep records of all disputes in order to determine whether particular issues or schools are repeatedly
20 delaying or denying the enrollment of children and youth in transition.

21 The parent, guardian or unaccompanied youth, or school district may appeal the liaison's decision as
22 provided in the state's dispute resolution process.

23 **H. Free Meals**

24 To help ensure that children and youth in transition are available for learning, the U.S. Department of
25 Agriculture has determined that all homeless children are automatically eligible for free meals. On the
26 day a homeless child enrolls in school, the enrolling school must submit the student's name to the food
27 services office.

28 **I. Title I**

29 Homeless children are automatically eligible for comparable Title I services, regardless of what school
30 they attend. The Rutherford County School System shall reserve such funds as are necessary to provide
31 services comparable to those provided to Title I student to homeless children attending non-participating
32 schools. The amount reserved shall be determined by a formula based upon the per-pupil Title I
33 expenditure and developed jointly with the liaison and the Title I director. Reserved funds will be used
34 to provide education-related support services to homeless children.

35 Our district's Title I plan will be coordinated with our McKinney-Vento services, through collaboration
36 between the Title I director and the liaison. Homeless children shall be assessed, reported on, and
37 included in accountability systems, as required by federal law and U.S. Department of Education
38 regulations and guidance.

1 **J. Training**

2 The school system liaison will conduct training and awareness activities for the appropriate school
3 system employees. The training and activities will be designed to increase staff awareness of
4 homelessness, facilitate identification and immediate enrollment, ensure compliance with this policy,
5 and increase sensitivity to homeless children and youth. The liaison shall also obtain from every school
6 the name and contact information of a building contact person for homeless education. The building-
7 level contact will lead and coordinate their schools' compliance with this policy and the McKinney-
8 Vento Act, and will receive training from the district liaison at least annually.

9 **K Coordination**

10 The Rutherford County School System and its liaison shall coordinate with and seek support from the
11 State Coordinator for the Education of Homeless Children, local social service agencies and other
12 agencies or programs providing services to homeless children and families in order to eliminate barriers
13 to the identification, enrollment, attendance and academic success of homeless children and youth.

14 **L Pre-school**

15 Homeless children between the ages three (3) and five (5) before August 15 who also have disabilities
16 will be referred for pre-school services under the Individuals with Disabilities Education Act (IDEA).
17 Homeless children with disabilities under age three (3) will be referred for at-risk services under Part C
18 of IDEA and screened to determine if referrals for additional Part C services are appropriate. The liaison
19 will collaborate with Head Start and Even Start programs and other pre-school programs within the
20 district to ensure that children in transition can access those programs.

21 **M. Privacy**

22 Schools must treat information about a homeless child's or youth's living situation as a student education
23 record, subject to all the protections of the Family Educational Rights and Privacy Act (FERPA).

Legal References

1. McKinney-Vento Education Assistance
Improvements Act of 2001, Part C, § 721

Cross References

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

Rutherford County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Threat Assessment Team	Descriptor Code: 3.204	Issued Date:
		Rescinds:	Issued:

1 *General*¹

2 A District-level threat assessment team shall be created within the school district to develop District-
3 wide intervention-based approaches to prevent violence, manage reports of potential threats, and create
4 a system that fosters a safe, supportive, and effective school environment. The Director of Schools
5 shall appoint the members of the threat assessment team.

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

8 **TEAM MEETINGS**

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

10 **RECORDKEEPING**³

11 The team shall document all substantive behaviors and incidents deemed to pose a risk to school
12 safety, or that resulted in intervention, and shall provide the information to the Director of Schools as
13 needed but no less than on a quarterly basis.

14 A report of the activities of the threat assessment team will be compiled and shared with the Board on
15 a quarterly basis.

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

Legal References

1. TCA 49-6-2701 *et seq.*
2. TCA 49-6-2701(f)
3. TCA 49-6-2702(g); TCA 49-6-2702

Cross References

School District Records 1.407
Safety 3.201
Security 3.205
Student Records 6.600

Rutherford County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Pandemic/Epidemic Face Covering/Mask Requirement	Descriptor Code: 3.2041	Issued Date: Click here to enter a date.
		Rescinds:	Issued:

1
2 During active periods of a declared pandemic/epidemic related to COVID-19, the below provisions shall
3 apply:
4

5 **General:**

- 6 1. All persons on Rutherford County Board of Education property unable to practice social
7 distancing of at least six feet in all direction must wear a face covering or a mask.
- 8 2. Individuals medically unable to comply must speak with the supervisor of the property to discuss
9 possible alternatives.
- 10 3. Face coverings/masks must comply with building-specific dress codes.
- 11 4. No children under the age of two will be required to wear a face covering or mask.
- 12 5. This policy shall automatically expire on the last day of the 2020-2021 school year.
- 13 6. The Director of Schools may create procedures that allow accommodations and alternatives for
14 the mask requirement when necessary for instruction and/or safety.
15

16 **Faculty/Staff/Contractors:** All faculty, staff, and contractors are required to wear cloth face coverings
17 or masks when social distancing of a minimum of six feet in all directions in not possible. Faculty, staff,
18 and contractors who have a legitimate medical condition related to this requirement should contact their
19 supervisor to discuss alternatives.
20

21 **Visitors:** All visitors, with the exception of children under the age of two, are required to wear a cloth
22 face covering or mask when social distancing of a minimum of six feet in all directions is not possible.
23 Visitors with a legitimate medical limitation should contact the supervisor of the building they seek to
24 visit to discuss alternatives.
25

26 **Students:** All students are required to wear cloth face coverings or masks when social distancing of a
27 minimum of six feet in all directions in not possible. Students with a legitimate medical condition that
28 impacts this requirement may be afforded alternatives. The parents/guardians of the student should
29 contact his/her school's Section 504 Coordinator and/or Special Education Case Manager for further
30 assistance.
31

Legal Reference:

1. TCA 49-6-4215; TCA 49-1-302(2)(j)
2. TCA 49-2-203(a)(2)

Cross References:

Discipline Procedures 6.313
Suspension/Expulsion/Remand 6.316
Crisis Management 3.203
Role of the Board of Education 1.101

Rutherford County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Enrollment in College Level Courses	Descriptor Code: 4.205	Issued Date:
		Rescinds:	Issued:

1 *General*

2 Students who successfully complete college level courses aligned to a graduation requirement course
3 shall receive high school credit.¹

4 These courses may be offered at the high school,² postsecondary institution, or online. If not offered on
5 the high school campus, the Board shall not be responsible for transportation. Any tuition or fees due to
6 enrollment in college level courses are the responsibility of the parent(s)/guardian(s).

7 Grades earned in such college level courses shall be used to determine class rank, grade point average,
8 and class valedictorian or salutatorian.

9 **DUAL ENROLLMENT**

10 Students may earn credit by enrolling in a postsecondary institution and taking college level courses.
11 Students who take and pass dual enrollment courses at a postsecondary institution shall have their
12 postsecondary credits accepted for high school credit as a substitution for an aligned graduation
13 requirement course.³

Legal References

1. TRR/MS 0520-01-03-.03(8)
2. TRR/MS 0520-01-03-.03(8)(b)
3. TRR/MS 0520-01-03-.03(8)(a)

Rutherford County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Staff Gifts and Solicitations	Descriptor Code: 5.605	Issued Date:
		Rescinds:	Issued:

1 **GIFTS**

2 Employees shall not accept gifts from students unless the gifts are of token value only.

3 Individual employees shall not give gifts to staff members who exercise administrative or supervisory
4 jurisdiction over them unless it is of token value only.

5 Employees may collect money for group gifts, subject to the approval of the principal.

6 Employees are prohibited from accepting things of material value from individuals, companies, or
7 organizations doing business with the school district. Exceptions to this policy are the acceptance of
8 minor items which are generally distributed to all by the companies through public relations programs.

9 **SOLICITATIONS**

10 No organization shall solicit funds from employees within the schools. Flyers or other materials related
11 to fundraisers shall not be distributed through the schools without the written approval of the Director of
12 Schools.

13 Employees shall not be responsible for the collection of any money or the distribution of any fundraising
14 materials within the schools unless such activity has the Director of Schools' written approval.

Cross References

Advertising and Distribution of Materials in Schools
1.806
Gifts and Bequests 2.401
Fundraising Activities 2.601
Vendor Relations 2.809
Staff Conflicts of Interest 5.601
Gifts 6.710

Rutherford County Board of Education

Monitoring: Review: Annually, in December	Descriptor Term: Pandemic/Epidemic Code of Conduct Supplement	Descriptor Code: 6.3001	Issued Date:
		Rescinds:	Issued:

1 This policy shall control over any and all other disciplinary policies and procedures to the extent this
2 policy creates a conflict. All due process and appeal rights remain applicable.

3 **BUS/TRANSPORTATION EXPECTATIONS AND DISCIPLINARY OPTIONS**

4 The safe and orderly provision of transportation is even more essential during a period of
5 pandemic/epidemic. As a result, violations of the below provisions shall be considered single-strike
6 offenses. Students will receive one warning per semester. It is essential that bus drivers and
7 administrators communicate on issues related to these safety requirements, and that administrators take
8 immediate action. **If students repeat a below-referenced offense after being warned, the student
9 shall be suspended from district-provided transportation by his/her principal for a minimum of
10 three days. The student will be denied access to transportation during the suspension period.
11 Continued violations after a suspension may result in a permanent revocation of transportation
12 for that student.**

13 **Assigned Seats**

14 In order to ensure students are sitting with their own households, to limit movement, and to assist in
15 possible contact tracing, all buses and all routes shall have assigned seats. Students must abide by the
16 direction of the driver as it relates to seating.

17 **Face Covering/Mask Requirement**

18 For the safety of the driver and fellow passengers, appropriate face coverings/masks are required by all
19 passengers on district-provided transportation. Parents/guardians must provide the face
20 coverings/masks. Accommodations for medical-related issued can be made through the school
21 administrator.

22 Students are required to arrive on time with an appropriate cloth face coverings/mask. Students who
23 forget or refuse to bring a face covering/mask will be offered a disposable mask, if available, one time.
24 Students must keep the face coverings on for the duration of the route. Face coverings/masks must
25 abide by applicable dress codes.

26 If a student attempts to board a bus without a face covering/mask when being loaded at a school, the
27 student will be turned away and sent to the closest administrator to either obtain a mask or for
28 parents/guardians to be contacted to pick the student up.

29 If a student arrives at their home stop without a face covering/mask the first time, and a disposable
30 mask is not available, the student shall still be transported to his/her school. The driver should attempt
31 to isolate the student or place the student at least six feet from other students if possible. The driver

1 will notify the building administration upon arrival. The administration will contact the
2 parents/guardians and inform them of the violation and remind them that a second occurrence will
3 result in the student's suspension from transportation.

4 **Window Directions**

5 In order to increase circulation, bus windows are required to be lowered when weather/conditions
6 permit. Students must follow the driver's directions as it relates to windows. Buses with air
7 conditioning units may utilize the unit in lieu of opening windows, at the discretion of the driver.

8 **SCHOOL EXPECTATIONS AND DISCIPLINARY OPTIONS**

9 **Face Coverings/Masks**

10 Face coverings/masks must be worn by students as directed. Parents/guardians must provide the face
11 coverings/masks. Accommodations for medical-related issues can be made through the school
12 administrator. Face coverings/masks must abide by applicable dress codes. Failure to comply with face
13 covering/mask requirements shall be considered a Level 1 Misbehavior under the Code of Conduct,
14 Policy 6.300. Repeated violations may result in discipline up to and including assignment to an
15 alternative school or expulsion.

16 **Social Distancing Requirements**

17 All students are expected to abide by six-foot social distancing requirements when available.
18 Expectations for distancing will be established by each school based on the environment. Willful
19 and/or knowing violations of these requirements shall be considered Level 1 Misbehaviors under the
20 Code of Conduct, Policy 6.300. Repeated violations may result in discipline up to and including
21 assignment to an alternative school or expulsion.

22 **Bullying, Harassment and Threats Related to Infection**

23 Any bullying/harassment targeting individuals based on perceived stigma, behavior, or diagnosis
24 related to the epidemic/pandemic will not be tolerated. Policy 6.304 shall control, and appropriate
25 discipline will be applied to any student found to be targeting others based on any characteristics
26 related to the epidemic/pandemic.

27 Students who threaten to spread an infectious disease, specifically COVID-19, through verbal or
28 physical acts towards other students or District staff will be disciplined as a Level 3 Misbehavior,
29 Threats to Others under the Code of Conduct, Policy 6.300.

30 **Misbehavior/Discipline in a Virtual or Distance Setting**

31 The Code of Conduct applies during the school day, during any school-related activity (on or off
32 campus), including during virtual or distance learning. Administrators may issue due process virtually
33 or via telephone.

34 Disruptive classroom behavior during live remote instruction, online cyberbullying, fraudulent online
35 attendance, and academic dishonesty using an electronic device will be subject to disciplinary action.

- 1 Potential disciplinary consequences may be expanded from those listed in the Code of Conduct subject
2 to administrator discretion and may include limiting a student's ability to participate using video or
3 audio during live remote instruction. Additionally, a teacher may temporarily limit a student's ability
4 to participate in live remote instruction using audio or video capabilities if the student's behavior is
5 disruptive to the online classroom environment.
- 6 Rutherford County Schools encourages students and families to thoroughly review the District's
7 Acceptable Use Policy, as violation of this policy using District technology may be grounds for
8 disciplinary consequences.

Legal References

1. TCA 49-6-4005; TCA 49-6-3024
2. TCA 49-6-4002 to 4005; 20 USCA § 7114, 7118
3. Public Acts of 2019, Chapter No. 421
4. TCA 49-6-4009
5. TCA 49-6-4008

Cross References

Procedural Due Process 6.302
Student Discrimination, Harassment, Bullying, Cyberbullying, and Intimidation 6.304
Bus Safety and Conduct 6.308
Zero Tolerance Offenses 6.309
Dress Code 6.310
Detention 6.315
Suspension 6.316
Safe Relocation of Students 6.4081

Rutherford County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Title IX & Sexual Harassment	Descriptor Code: 6.3041	Issued Date:
		Rescinds:	Issued:

1 *General*

2 In order to maintain a safe, civil, and supportive learning environment, all forms of sexual harassment
3 and discrimination on the basis of sex are prohibited.¹ This policy shall cover employees, employees'
4 behaviors, students, and students' behaviors while on school property, at any school-sponsored activity,
5 on school-provided equipment or transportation, or at any official school bus stop in accordance with
6 federal law. This policy shall be disseminated annually to all school staff, students, and
7 parent(s)/guardian(s).² The Title IX Coordinator as well as any personnel chosen to facilitate the
8 grievance process shall not have a conflict of interest against any party of the complaint.³ These
9 individuals shall receive training as to how to promptly and equitably resolve student and employee
10 complaints.³

11 All employees shall receive training on complying with this policy and federal law.⁴

12 **TITLE IX COORDINATOR**⁵

13 The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of
14 sexual harassment. He/she shall be kept informed by school-level personnel of all investigations and
15 shall provide input on an ongoing basis as appropriate.

16 Any individual may contact the Title IX Coordinator at any time using the information below:

17 **Title:** Pierrecia Lyons

18 **Mailing address:** 2240 Southpark Drive, Murfreesboro, Tennessee 37128

19 **Phone number:** 615-893-5812

20 **Email:** lyonsp@rcschools.net

21 **DEFINITIONS**⁴

22 “Complainant” is an individual who is alleged to be the victim of conduct that could constitute sexual
23 harassment.

24 “Respondent” is an individual who is reported to be the perpetrator of conduct that could constitute
25 sexual harassment.

26 “Sexual harassment” is conduct on the basis of sex that satisfies one or more of the following:³

- 1 1. A school district employee conditioning an aid, benefit, or service of an education program or
2 activity on an individual's participation in unwelcome sexual conduct;
- 3
- 4 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and
5 objectively offensive that it effectively denies a person equal access to the education program
6 or activity; or
- 7 3. Sexual assault,⁶ dating violence,⁷ domestic violence,⁸ or stalking⁹ as defined in state and federal
8 law.

9 Behaviors that constitute sexual harassment may include, but are not limited to:

- 10 1. Sexually suggestive remarks;
- 11
- 12 2. Verbal harassment or abuse;
- 13
- 14 3. Sexually suggestive pictures;
- 15
- 16 4. Sexually suggestive gesturing;
- 17
- 18 5. Harassing or sexually suggestive or offensive messages that are written or electronic;
- 19
- 20 6. Subtle or direct propositions for sexual favors; and
- 21
- 22 7. Touching of a sexual nature.

23 Sexual harassment may be directed against a particular person or persons, or a group, whether of the
24 opposite sex or the same sex.

25 "Supportive measures" are non-disciplinary, non-punitive, individualized services and shall be offered
26 to the complainant and the respondent, as appropriate. These measures may include, but are not limited
27 to, the following:

- 28 1. Counseling;
- 29
- 30 2. Course modifications;
- 31
- 32 3. Schedule changes; and
- 33
- 34 4. Increased monitoring or supervision.

35 The measures offered to the complainant and the respondent shall remain confidential to the extent that
36 maintaining such confidentiality would not impair the ability of the school district to provide the
37 supportive measures.

1 **GRIEVANCE PROCESS**

2 Upon learning of an instance of alleged sexual harassment, even if no formal complaint is filed, the
3 Title IX Coordinator shall:

- 4 1. Promptly contact the complainant to discuss the availability of supportive measures;
- 5
- 6 2. Consider the complainant's wishes with respect to supportive measures;
- 7
- 8 3. Inform the complainant of the availability of supportive measures; and
- 9
- 10 4. Explain the process for filing a formal complaint.¹⁰

11 While the school district will respect the confidentiality of the complainant and the respondent as much
12 as possible, some information may need to be disclosed to appropriate individuals. All disclosures shall
13 be consistent with the school district's legal obligations and the necessity to investigate allegations of
14 harassment and take disciplinary action.

15 Disciplinary consequences or sanctions shall not be initiated against the respondent until the grievance
16 process has been completed. Unless there is an immediate threat to the physical health or safety of any
17 student arising from the allegation of sexual harassment that justifies removal, the respondent's
18 placement shall not be changed.¹¹ If the respondent is an employee, he/she may be placed on
19 administrative leave during the pendency of the grievance process.¹² The Title IX Coordinator shall
20 keep the Director of Schools informed of any employee respondents so that he/she can make any
21 necessary reports to the State Board of Education in compliance with state law.¹³

22 **Complaints**

23 Any individual who has knowledge of behaviors that may constitute a violation of this policy shall
24 immediately report such information to the Title IX Coordinator, however, nothing in this policy requires
25 a complainant to either report or file a formal complaint within a certain timeframe. If the complaint
26 involves the Title IX Coordinator, the complaint shall be filed with the Director of Schools.

27 If a complaint involves allegations of child abuse, including child abuse on school grounds, appropriate
28 notification shall be made per the board policy on reporting child abuse.

29 Upon receipt of a formal complaint, the Title IX Coordinator shall promptly:¹⁴

- 30 1. Provide written notice of the allegations, and the grievance process to all known parties to give
31 the respondent time to prepare a response before an initial interview;
- 32
- 33 2. Inform the parties of the prohibition against making false statement or knowingly submitting
34 false information;
- 35
- 36 3. Inform the parties that they may have an advisor present during any subsequent meetings; and
- 37
- 38 4. Offer supportive measures in an equitable manner to both parties.

1 If the Title IX Coordinator dismisses a complaint, written notice, including the reasons for dismissal,
2 shall be provided to both parties simultaneously.¹⁵

3 **Investigations**¹⁶

4 The Title IX Coordinator, and as needed, principals, shall serve as the investigator/s and be responsible
5 for investigating complaints in an equitable manner that involves an objective evaluation of all relevant
6 evidence. The burden for obtaining evidence sufficient to reach a determination regarding responsibility
7 rests on the school district and not the complainant or respondent.

8 Once a complaint is received, the Investigator shall initiate an investigation within forty-eight (48) hours
9 of receipt of the complaint. If an investigation is not initiated within forty-eight (48) hours, the
10 investigator shall provide the Title IX Coordinator, or, if the Title IX Coordinator is the investigator, the
11 Director of Schools, with appropriate documentation detailing the reasons why the investigation was not
12 initiated within the required timeframe.

13 All investigations shall be completed within twenty (20) calendar days from the receipt of the initial
14 complaint. If the investigation is not complete within twenty (20) calendar days, the investigator shall
15 provide the Title IX Coordinator with appropriate documentation detailing the reasons why the
16 investigation has not been completed.

17 All investigations shall:

- 18 1. Provide an equal opportunity for the parties to present witnesses and evidence;
- 19
- 20 2. Not restrict the ability of either party to discuss the allegations under investigation or gather
21 and present relevant evidence;
- 22
- 23 3. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that
24 seek disclosure of information protected under a legally recognized privilege unless such
25 privilege has been waived;¹⁷
- 26
- 27 4. Provide the parties with the same opportunities to have others present during any grievance
28 proceeding;
- 29
- 30 5. Provide to parties whose participation is requested written notice of the date, time, location,
31 participants, and purpose of all investigative interviews, or other meetings, with sufficient time
32 for the party to prepare to participate;
- 33
- 34 6. Provide both parties an equal opportunity to inspect and review any evidence directly related to
35 the allegations in the formal complaint; and
- 36
- 37 7. Result in the creation of an investigative report that fairly summarizes relevant evidence.
38
- 39 a. Prior to the completion of the investigative report, the investigator shall send to each
40 party the evidence subject to inspection and review. All parties shall have at least ten

1 (10) days to submit a written response which shall be taken into consideration in
2 creating the final report.

3 Within the parameters of the federal Family Educational Rights and Privacy Act,¹⁸ the Title IX
4 Coordinator shall keep the complainant and the respondent informed of the status of the investigation
5 process. At the close of the investigation, a written final report on the investigation will be delivered to
6 the parent(s)/guardian(s) of the complainant, parent(s)/guardian(s) of the respondent, and to the
7 Director of Schools.

8 **Determination of Responsibility**¹⁹

9 The respondent is presumed not responsible for the alleged conduct until a determination regarding
10 responsibility is made at the conclusion of the grievance process.²⁰ The preponderance of the evidence
11 standard shall be used in making this determination.²¹

12 The Staff Attorney shall act as the decision-maker. He/she shall receive the final report of the
13 investigation and allow each party the opportunity to submit written questions that he/she wants asked
14 of any party or witness prior to the determining responsibility.

15 The decision-maker shall make a determination regarding responsibility and provide the written
16 determination to the parties simultaneously along with information about how to file an appeal.

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

20 After a determination of responsibility is made, the Title IX Coordinator shall work with the complainant
21 to determine if further supportive measures are necessary. The Title IX Coordinator shall also determine
22 whether any other actions are necessary to prevent reoccurrence of the harassment.

23 **APPEALS**²²

24 Either party may appeal from a determination of responsibility based on a procedural irregularity that
25 affected the outcome, new evidence that was not reasonably available at the time of the determination
26 that could affect the outcome, or an alleged conflict of interest on the part of the Title IX Coordinator or
27 any personnel chosen to facilitate the grievance process. Appeals shall be submitted to the Title IX
28 Coordinator within ten (10) days of a determination of responsibility.

29 Upon receipt of an appeal, the Title IX Coordinator shall:

- 30 1. Assign an impartial hearing officer within five (5) days of receipt of the appeal; and
- 31 31
- 32 2. Notify the parties in writing.

33 During the appeal process, the parties shall have a reasonable, equal opportunity to submit written
34 statements. Within ten (10) calendar days, the hearing officer shall issue a written decision describing
35 the result of the appeal and the rationale for the result. The written decision shall be provided
36 simultaneously to both parties.

1 RETALIATION²³

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

Legal References

1. 34 CFR § 106.1
2. 34 CFR § 106.8(b),(c)
3. 34 CFR § 106.45(b)(1)(iii); 34 CFR § 106.45(b)(10)(D)
4. 34 CFR § 106.30(a)
5. 34 CFR § 106.8(a)
6. 20 USCA 1092(f)(6)(A)(v); TCA 36-3-601(10); TCA 71-6-302
7. 34 USCA 12291(a)(10)
8. 34 USCA 12291(a)(8); TCA 40-14-109
9. 34 USCA 12291(a)(30); TCA 39-17-315; TCA 36-3-601(11)
10. 34 CFR § 106.44(a)
11. 34 CFR § 106.44(c)
12. 34 CFR § 106.44(d)
13. TRR/MS 0520-02-03-.09(2); TCA 49-5-417(c)
14. 34 CFR § 106.45(b)(2)
15. 34 CFR § 106.45(b)(3)
16. 34 CFR § 106.45(b)(5); 34 CFR § 106.45(b)(1)(v)
17. 34 CFR § 106.45(b)(1)(x)
18. 20 USCA § 1232g
19. 34 CFR § 106.45(b)(7)
20. 34 CFR § 106.45(b)(1)(iv)
21. 34 CFR § 106.45(b)(1)(vii)
22. 34 CFR § 106.45(b)(8)
23. 34 CFR § 106.71

Cross References

- Section 504 and ADA Grievance Procedures 1.802
 Discrimination/Harassment of Employees (Sexual, Racial,
 Ethnic, Religious) 5.500
 Staff-Student Relations 5.610
 Code of Conduct 6.300
 Student Discrimination, Harassment, Bullying, Cyber-
 bullying, and Intimidation 6.304
 Child Abuse and Neglect 6.409