

**RUTHERFORD COUNTY SCHOOL SYSTEM
2240 Southpark Drive
Murfreesboro, TN 37128**

Special Called Board of Education Meeting

**February 18, 2021
6:00 P.M.**

AGENDA

ELECTRONIC PUBLIC MEETING NOTICE

Board Members may participate electronically in order to protect health, safety, and welfare. Public access to the meeting remains available in person. Public can also access the meeting in live time via <https://www.youtube.com/user/Rutherfordcounty/live> or through cable access at RCTV

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF CONSENT AGENDA (TAB 1)**

A. Routine Bids:

**Bid #3502 – Oakland High Football Fieldhouse Drainage
Bid #3503 – Fire Alarm and Intercom Parts
Bid #3504 – Portable Classrooms**

Recommended Approval---motion to approve the consent agenda item as presented.

- 4. EMERGENCY POLICY ADOPTION (TAB 2)**
 - 1. 1.901 Charter School Applications: Policy updated to reflect statutory deadline changes. Emergency due to pending application for Charter Schools requiring accurate policy with tight deadlines.**
 - 2. 6.3041 Title IX: Changes decisionmaker to Assistant Superintendent of Human Resources and/or designee from Staff Attorney – Active cases require legal advice that is inhibited by decisionmaker role. Emergency due to pending complaints coming due for decisions.**

Recommended Approval---motion to adopt policies 1.901 and 6.3041 on first and final reading as emergency policy changes as presented.

5. ZONING DECISION FOR PLAINVIEW ELEMENTARY SCHOOL

6. OTHER BUSINESS

7. ADJOURNMENT

Bid #3502 - Oakland High Football Fieldhouse Drainage

Bidder	Base Bid
Curl Construction and Excavating	\$ 57,050.00
Orion Building Corporation	\$ 53,000.00
Williamson Construction	\$ 36,720.00

Mailed to 18 vendors
15 vendors did not respond

Recommend: Motion to approve to Williamson Construction for overall lowest and best bid.

To be funded from Capital Projects.

Bid #3503 - Fire Alarm and Intercom Parts

Item #	Manufacturer	Part Number	Item Description	ACT Security	Building Systems Technology	Central Technologies	Graybar	Protegis Fire & Safety	Security Equipment Co.	
Intercom Parts										
1	Bogen	SPT15A	Reentrant Horn Loud Speaker	\$ 87.31			\$ 68.45	\$ 106.33	\$ 105.00	
2	Bogen	CA10A	Call-in Switch	\$ 16.51			\$ 19.55	\$ 30.35	\$ 30.00	
3	Bogen	WBS8T725	WB8 wall baffle with S86T725 Speaker/Transformer	\$ 41.29			\$ 30.21	\$ 47.20	\$ 50.00	
4	Bogen	HTA-250A	250 Watt Power Amplifier	\$ 1,034.85			\$ 979.32	\$ 1,312.67	\$ 1,250.00	
5	Bogen	S86T725PG8W	Speaker/Transformer (Ceiling Speaker)	\$ 18.99			\$ 16.41	\$ 26.12	\$ 34.00	
6	Bogen	TB-8	Tile Bridge	\$ 8.01			\$ 6.39	\$ 8.70	\$ 11.00	
7	SPECO	SO-WAT10	Single Gang Volume Control	\$ 31.85			\$ 22.41		\$ 31.00	
8	Telecor	MCC-300	Administrative Control Console	\$ 658.44	\$ 782.00				\$ 700.00	
9	Telecor	ABU-3A-MB	Audio Buffer Unit	\$ 472.00	\$ 560.00				\$ 510.00	
10	Telecor	ABU-3-MA	Audio Buffer Unit	No Bids						
11	Telecor	ATP	Audio Termination Panel		\$ 205.00				\$ 200.00	
12	Telecor	PSU-2	Power Supply Unit		\$ 776.00				\$ 835.00	
13	Telecor	CPU-4-XL	Central Processor Unit	\$ 855.50	\$ 1,015.00				\$ 930.00	
14	Telecor	CCP-300-MA	Control Console Port		\$ 415.00				\$ 385.00	
15	Telecor	SI-60	60w Amplifier	\$ 495.60					\$ 570.00	
16	Telecor	IOP-4	Intercom Station Card - Call-in and Speaker (4 wire)	\$ 402.38	\$ 479.00				\$ 475.00	
17	Telecor	XL/Basic	XL/Basic Main Control Assembly	\$ 2,891.00	\$ 3,430.00				\$ 3,350.00	
18	Telecor	CCU-XL	XL Card Cage Unit	No Bids						
19	Telecor	RCD-7-XL	Remote Clock Driver	\$ 189.98	\$ 226.00				\$ 210.00	
20	Telecor	TMS	Media Source	\$ 370.52	\$ 440.00				\$ 410.00	
21	Telecor	CS-1-PT	4 Wire Call Switch with pigtail	\$ 11.56	\$ 15.00				\$ 13.00	
22	Telecor	CID-SLCB-MA	INTERFACE CARD	\$ 652.54	\$ 775.00				\$ 715.00	
23	Telecor	CS-12/4	2 Wire Call Switch	\$ 17.82	\$ 23.00				\$ 20.00	
24	Telecor	XL-RMK	Rack Mount Kit	\$ 82.60					\$ 92.00	
25	Telecor	SI-250	250 Watt Power Amplifier	\$ 1,067.90	\$ 127.00				\$ 1,190.00	
26	Telecor	2400-R-24	Master Clock	\$ 1,222.48	\$ 1,450.00				\$ 1,340.00	
27	Telecor	2421-24	2.5" Display Clock	\$ 126.26	\$ 150.00				\$ 149.00	

Bid #3503 - Fire Alarm and Intercom Parts

Item #	Manufacturer	Part Number	Item Description	ACT Security	Building Systems Technology	Central Technologies	Graybar	Protegis Fire & Safety	Security Equipment Co.		
28	Telecor	2431-24	4" Display Clock	\$ 162.84	\$ 194.00				\$ 179.00		
29	Telecor	STB-11	Intercom Speaker	\$ 18.56					\$ 30.00		
30	Altronix	T2428175C	Clock Power Supply	\$ 87.01	\$ 132.00		\$ 106.60	\$ 125.25	\$ 165.00		
31	Telecor	BB-2421BB	Back Box for 2.5" Digital Clock		\$ 30.00				\$ 32.00		
32	Telecor	IMP-MC	IP Interface Card		\$ 1,495.00				\$ 1,380.00		
33	Telecor	TBU-IP-MA	IP Termination Unit	\$ 2,050.84	\$ 2,445.00				\$ 2,240.00		
34	Telecor	TM-2X25	Terminal Block	\$ 82.60	\$ 99.00				\$ 100.00		
35	Telecor	TCH-15	15' Cable Assembly	\$ 55.28	\$ 66.00				\$ 75.00		
36	Telecor	C5PPL	Patch Panel	\$ 238.36					\$ 262.00		
37	Telecor	PBI-6-MA	Interface Card	\$ 735.14					\$ 800.00		
38	20/4 Cable		20/4 Stranded Shielded Wire 1000' Spool				\$ 198.54		\$ 175.00		
39	18/4 Cable		18/4 Stranded Shielded Wire 1000' Spool				\$ 171.85		\$ 335.00		
Fire Alarm Parts											
40	Fire-Lite	IPDACT 2	IP C ommunicator with upload/download capability	\$ 387.99		\$ 436.93		\$ 522.71	\$ 640.00		
41	Fire-Lite	Ipbrkt	IP Bracket	\$ 40.99		\$ 46.58		\$ 53.09	\$ 60.00		
42	Fire-Lite	IP-SPLT	IP Splitter	\$ 20.05		\$ 19.03		\$ 21.58	\$ 30.00		
43	Fire-Lite	IP-ENC	IP-Dact enclosure	\$ 71.99		\$ 81.81		\$ 93.75	\$ 110.00		
44	Fire-Lite	VisorAlarm	IP reciever	\$ 3,219.03		\$ 3,165.90		\$ 3,783.39	\$ 4,495.00		
45	Fire-Lite	D355pl	Innovairflex Duct Detector	\$ 164.02		\$ 193.17		\$ 227.33	\$ 248.00		
46	Fire-Lite	Beam 355s	Addressable Beam Detector					\$ 894.61	\$ 1,700.00		
47	Fire-Lite	Ann-80	Annunciator	\$ 280.83		\$ 307.94		\$ 388.25	\$ 340.00		
48	Fire-Lite	MS-9200UDLS	Addressable Fire Alarm Control Panel w/ Built-in Communicator					\$ 718.67			
49	Fire-Lite	MS-9600UDLS	Addressable Fire Alarm Control Panel w/ Built-in Communicator	\$ 1,483.25		\$ 1,511.35		\$ 1,841.91	\$ 1,895.00		
50	Fire-Lite	SD-365	Addressable Photoelectric Detector	**\$61.35		**\$61.35		\$ 76.26	\$ 68.00		
51	Fire-Lite	H350	Intelligent Addressable Thermal (Heat) Detector for use w/ MS-9200						\$ 68.00		
52	Fire-Lite	D350P	Intelligent Addressable Photoelectronic Duct Smoke Detector	No Bids							
53	Fire-Lite	MMF-300	Addressable Monitor Module	\$ 56.63		\$ 57.94		\$ 70.45	\$ 61.00		

Bid #3503 - Fire Alarm and Intercom Parts

Item #	Manufacturer	Part Number	Item Description	ACT Security	Building Systems Technology	Central Technologies	Graybar	Protegis Fire & Safety	Security Equipment Co.
54	Fire-Lite	MMF-301	Miniature Addressable Monitor Module	\$ 46.01		\$ 47.72		\$ 64.77	\$ 51.00
55	Fire-Lite	CRF-300	Addressable Relay Module	\$ 75.51		\$ 76.13		\$ 88.97	\$ 75.00
56	Fire-Lite	CMF-300	Addressable Control Module	\$ 75.51		\$ 76.70		\$ 82.85	\$ 75.00
57	Fire-Lite	BG-12LX	Addressable Manual Pull Station	\$ 92.03		\$ 88.63		\$ 108.49	\$ 90.00
58	Fire-Lite	FCPS-24FS6	24 volt 6 amp Remote Power Supply	\$ 359.89		\$ 370.44		\$ 444.71	\$ 490.00
59	Fire-Lite	SLC-2LS	2 Loop Expander	\$ 435.99		\$ 522.72		\$ 547.43	\$ 605.00
60	Fire-Lite	ECC 50/100	Voice Evac Panel	\$ 2,088.59		\$ 2,136.35		\$ 2,555.45	\$ 2,235.00
61	Fire-Lite	ECC 50DA	Distributed (remote) Audio Amplifier Panel	\$ 873.19		\$ 902.26		\$ 973.11	\$ 1,170.00
62	Fire-Lite	ECC-125DA	Distributed (remote) Audio Amplifier Panel	\$ 1,808.93		\$ 1,806.81		\$ 1,818.66	\$ 2,360.00
63	Fire-Lite	ECC-CE6	Circuit Expander Module	\$ 342.19		\$ 360.22		\$ 381.71	\$ 425.00
64	Fire-Lite	DST-3	4 FT. Sampling Tube	\$ 12.99		\$ 12.49		\$ 15.21	\$ 13.00
65	Fire-Lite	CELL3DB50KT	WA7626-CA,CELL-ANT3DB,7626-50H	\$ 184.07		\$ 70.80		\$ 168.99	\$ 210.00
66	Fire-Lite	CELL-ANT3DB	Antenna Accessory Kit	\$ 88.49		\$ 92.03		\$ 107.02	\$ 97.00
67		NP7-12	12V 7AH Sealed Battery	\$ 23.59		\$ 17.03		\$ 17.64	\$ 28.00
68	FireRay	50R	Non-Addressable beam detector					\$ 227.94	\$ 730.00
69	System Sensor	2W-B	2-wire, photoelectric i3 smoke detector	\$ 37.75		\$ 37.49		\$ 46.69	\$ 41.00
70	System Sensor	P2R	SpectrAlert Horn-Strobe	\$ 40.99		\$ 47.16		\$ 55.67	\$ 51.00
71	System Sensor	S2R	SpectrAlert Strobe Only	\$ 31.99				\$ 66.19	\$ 40.00
72	System Sensor	SPSR	SpectrAlert Speaker-Strobe	\$ 54.99		\$ 62.49		\$ 57.61	\$ 71.00
73	System Sensor	PC2W	SpectrAlert Ceiling Mount Horn-Strobe	\$ 42.89		\$ 47.72		\$ 52.81	\$ 53.00
74	Wheelock	WHE-STR	Strobe				\$ 34.95	\$ 33.76	\$ 42.00
75	Wheelock	WHE-HSR	Horn-Strobe				\$ 46.58	\$ 46.22	\$ 54.00
76	Wheelock	WHE-E7024MCWFR	Speaker-Strobe (wall mount)				\$ 62.49	\$ 62.71	\$ 70.00
77	Altronix	RB5	Relay Module 12V DC	\$ 10.99		\$ 12.49	\$ 10.20	\$ 12.95	\$ 16.00
78	Altronix	RB5-24	Relay Module 24V DC	\$ 10.99		\$ 12.49	\$ 10.20	\$ 12.46	\$ 16.00
79	Edwards Signaling	1504AQ	24VDC Magnetics for Fire Doors			\$ 51.13			\$ 73.00
80	GS BLDG SYS	1501-AGN5	24VAC/120VAC DOOR HOLDER			\$ 68.17		\$ 62.65	\$ 84.00
81	GS BLDG SYS	1502-AQN5	Dual Door Holder	\$ 69.61		\$ 102.26	\$ 41.98	\$ 62.65	\$ 122.00

Bid #3503 - Fire Alarm and Intercom Parts

Item #	Manufacturer	Part Number	Item Description	ACT Security	Building Systems Technology	Central Technologies	Graybar	Protegis Fire & Safety	Security Equipment Co.
82	DITEK	DTK-120HM	120 volt Surge Suppressor	\$ 41.81		\$ 45.44	\$ 32.18	\$ 52.81	\$ 62.00
83	DITEK	DTK-1LVLP-LV	Voice/Data Surge Suppressor	\$ 35.99		\$ 42.03	\$ 75.13	\$ 40.50	\$ 52.00
84	18/2 Fire Cable		18/2 Red Fire Alarm Cable 1000' spool	\$ 115.64		\$ 105.67	\$ 96.00		\$ 135.00
85	16/2 Fire Cable		16/2 Red Fire Alarm Cable 500'	\$ 73.16		\$ 81.81	\$ 195.93		\$ 105.00
86	16/4 Fire Cable		16/4 Red Fire Alarm Cable 500'	\$ 169.92		\$ 147.72	*\$136.30		\$ 180.00
87	14/2 Fire Cable		14/2 Red Fire Alarm Cable 500'	\$ 119.77		\$ 134.08	\$ 282.43		\$ 167.00
88	14/4 Fire Cable		14/4 Red Fire Alarm Cable 500'			\$ 232.94			\$ 290.00
89	Silent Knight	IFP-2000VIP	NETWORK FACP w/VOICE EVAC, DACT,127 PTS					\$ 3,593.18	
90	Silent Knight	RA-2000	REMOTE ANNUNCIATOR					\$ 546.95	
91	Silent Knight	5815XL	SLC EXPANDER 127 PTS.	\$ 471.99		\$ 386.35		\$ 405.78	\$ 510.00
92	Silent Knight	VIP-50	4-ZONE VOICE EVAC PANEL 50 WATT					\$ 986.35	
93	Silent Knight	VIP-125	4-ZONE VOICE EVAC PANEL 125 WATTS					\$ 1,931.00	
94	Silent Knight	VIP-CE4	4-ZONE EXPANDER					\$ 248.90	
95	Silent Knight	VIP-RM2000	REMOTE MICROPHONE/ANNUNCIATOR					\$ 1,103.50	
96	Silent Knight	RPS-2000	NETWORK POWER MODULE					\$ 1,473.59	
97	Silent Knight	IFP-RPT-UTP	NETWORK INTERFACE MODULE,UTP					\$ 675.21	
98	Silent Knight	RPS-1000	INTELLIGENT POWER MODULE					\$ 699.04	
99	Silent Knight	5496	AUXILIARY POWER SUPPLY	\$ 428.99		\$ 426.13		\$ 476.88	\$ 550.00
100	Silent Knight	SD500-PS	ADDRESSABLE PULLSTATION	\$ 98.99		\$ 96.58		\$ 111.20	\$ 127.00
101	Silent Knight	SD505-APS	ADDRESSABLE SMOKE DETECTOR	\$ 65.56				\$ 73.85	
102	Silent Knight	SD505-AHS	ADDRESSABLE HEAT DET, 135 DEGREE, FT	\$ 62.99				\$ 70.52	\$ 125.00
103	Silent Knight	SD505-6AB	DETECTOR BASE	\$ 9.50				\$ 10.11	\$ 13.00
104	Silent Knight	SD500-MIM	MINI MONITOR MODULE	\$ 63.08				\$ 68.04	\$ 78.00
105	Silent Knight	SD505-DUCT	ADDRESSABLE DUCT DETECTOR	\$ 191.99		\$ 187.49		\$ 224.02	\$ 245.00
106	Silent Knight	SD505-T2	DUCT DETECTOR SAMPLING TUBE	\$ 12.99				\$ 14.36	\$ 17.00
107	Silent Knight	SD500-AIM	SINGLE INPUT MONITOR MODULE	\$ 66.99		\$ 63.92		\$ 73.01	\$ 86.00
108	Silent Knight	SD500-ARM	CONTROL RELAY MODULE	\$ 82.99		\$ 79.53		\$ 89.30	\$ 93.00

Bid #3503 - Fire Alarm and Intercom Parts

Item #	Manufacturer	Part Number	Item Description	ACT Security	Building Systems Technology	Central Technologies	Graybar	Protegis Fire & Safety	Security Equipment Co.
109	Silent Knight	SK-PHOTO-W	ADDRESSABLE SMOKE DETECTOR	\$ 65.42		\$ 61.08		\$ 73.01	\$ 80.00
110	Silent Knight	6820-EVS	ADDRESSABLE FIRE PANEL WITH VOICE	\$ 3,192.67		\$ 2,977.26		\$ 3,446.50	\$ 3,645.00
111	Silent Knight	SK-PULL-DA	ADDRESSABLE PULLSTATION DUAL ACTION	\$ 92.99		\$ 90.90		\$ 106.20	\$ 97.00
112	Silent Knight	SK-CONTROL	ADDRESSABLE CONTROL	**\$74.99		**\$74.99		\$ 87.95	\$ 97.00
113	Silent Knight	SK-MINIMON	ADDRESSABLE MINI MODULE	\$ 51.99		\$ 48.85		\$ 58.08	\$ 57.00
114	Silent Knight	SK-MONITOR-2	ADDRESSABLE DUAL MONITOR MODULE	\$ 109.99		\$ 102.26		\$ 106.12	\$ 141.00
115	Silent Knight	SK-MONITOR	ADDRESSABLE MONITOR MODULE	\$ 60.99		\$ 59.08		\$ 54.57	\$ 78.00
116	Silent Knight	SK-RELAY	ADDRESSABLE RELAY MODULE	\$ 81.99		\$ 76.13		\$ 68.64	\$ 105.00

Mailed to 28 vendors
22 vendors did not respond

*1,000 ft. spool
**Tie Bids

Recommend: Motion to award to lowest and best bid as shown.

To be funded through the Technology Department.

Bid #3504
Portable Classrooms

Item #	Description	Mobile Modular Management Corp.	Modular Solutions, Inc.	Vanguard Modular
1	24'x60' Double	*\$80,488.00	\$ 83,000.00	\$ 108,828.00
2	24'x36' Single	*\$56,908.00	\$ 65,000.00	\$ 77,463.00

Mailed to 16 vendors
13 vendors did not respond

*Option 1 - Vinyl Skirting: 24x60 - \$2,291.00 and 24x36 - \$1,636.00
*Option 2 - Poured footers in lieu of ABS Pads: Both sizes - \$3,529.00
*Option 3 - Surface bond piers if required: \$50.00 per pier

Recommend: Motion to approve Mobile Modular Management Corp. for overall lowest and best bid.

To be funded through GPS and Capital Projects

Rutherford County Board of Education

Monitoring: Review: Annually, in August	Descriptor Term: Charter School Applications	Descriptor Code: 1.901	Issued Date: Click here to enter a date.
		Rescinds: 1.704	Issued: 03/07/18

1 *General*

2 This policy shall apply to sponsors and potential sponsors of charter schools. It shall not apply to
3 charter schools converting from existing public schools. Proposals from existing charter school
4 operators or replicators and applicants proposing to contract with educational service providers shall be
5 in accordance with state law.¹

6 **APPLICATION PROCESS²**

7 A prospective charter school sponsor shall send notice to the Director of Schools of its intent sixty (60)
8 calendar days prior to February 1st of the year preceding the year in which the proposed charter school
9 plans to begin operation as a charter school.

10 A sponsor seeking board approval of an initial charter school application shall complete the forms
11 provided by the Department of Education. The application shall provide all the information required by
12 state law. The sponsor shall demonstrate that the proposed charter school meets the purpose prescribed
13 by state law for the formation of a charter school, and the proposed charter school will be able to
14 implement a viable program of quality education for its students.³

15 Applications shall be submitted to the Board and Department of Education on or before 4:30 p.m. on
16 February 1st of the year preceding the year in which the proposed charter school plans to begin
17 operation as a charter school. If the 1st of February falls on a Saturday, Sunday, or holiday on which
18 the school district offices are closed, applications will be accepted on the next business day on or
19 before 4:30 p.m. Late applications will not be accepted, without exception. The sponsor shall pay an
20 application fee of \$2,500.00.²

21 **REVIEW TEAM¹**

22 If necessary, the Board shall appoint a review team to assist in reviewing and evaluating charter school
23 applications. The team shall be comprised of members of the administrative staff for the district,
24 community members, and a member of the Board with relevant educational, organizational, financial,
25 and legal experience. At the board meeting in December of each year, the Director of Schools shall
26 make a recommendation to the Board on which members of his/her administrative staff should be
27 appointed to the team. The Board shall name the members of the team at its meeting in January of each
28 year. The Board shall designate a Chair of the review team as the contact person for answering
29 questions about the application process and receiving applications. The Director of Schools shall
30 develop an orientation for the team to ensure consistent evaluation standards and the elimination of
31 real or perceived conflicts of interest.

1 The Board shall require the Director of Schools to develop a procedure for receiving, reviewing, and
2 ruling on applications for the establishment of charter schools by the review team. The procedure shall
3 include a timeline for the application and review process. A copy of the procedure, including the
4 review criteria, shall be available to any interested party upon request.

5 The review team shall:

- 6 1. Evaluate all charter school applications based on the review criteria adopted by the Board;
7
- 8 2. Recommend one of the following options to the Board for each application: approve, reject, or
9 reject with stipulations for reconsideration; and
10
- 11 3. Make recommendations for revocation, renewal, or non-renewal of charter school contracts.

12 **APPROVAL/DENIAL OF APPLICATION⁴**

13 The Board shall rule by resolution on the approval or denial of a charter school application within
14 ninety (90) calendar days of receipt of the completed application, or the application shall be deemed
15 approved by state law. The Director of Schools shall report the action taken by the Board to the
16 Department of Education.

17 *Approval*

18 The sponsor of a charter school that is approved by the Board shall enter into a written agreement with
19 the Board which shall be binding on the charter school's governing body. The charter school agreement
20 shall be in writing and signed by the sponsor and the Board.

21 The Board will receive an annual authorizer fee of three percent (3%) of the annual per student state
22 and local allocations or thirty-five thousand dollars (\$35,000), whichever is less.⁵

23 Charter schools approved by the Board are expected to implement the application as submitted and
24 approved. Material variations in operations from the approved application require amendment pursuant
25 to state law and the charter school agreement.⁶

26 The Board shall not provide services to charter schools that are not requested during the application
27 process except for those services that are required under state or federal law. Services agreed to be
28 provided to the charter school by the Board shall be provided at board actual cost. The Board and
29 charter school shall execute a service contract for any additional services.

30 New charter school agreements are approved for a ten (10) year period.⁷ The Board may revoke or
31 deny renewal of a charter school agreement for any of the reasons enumerated in state law.⁸

32 *Denial*

33 Upon written receipt of the grounds for denial, the sponsor shall have thirty (30) calendar days within
34 which to submit an amended application to correct the deficiencies. The Board shall have sixty (60)
35 calendar days either to deny or to approve the amended application, or the application shall be deemed
36 approved by state law.⁴

- 1 Within ten (10) calendar days of final denial, an appeal may be filed with the Tennessee Charter
- 2 School Commission.⁹

Legal References

1. TCA 49-13-106; State Board of Education Policy 6.111
2. TCA 49-13-107; TCA 1-3-102; TCA 49-13-108; TRR/MS 0520-14-01
3. TCA 49-13-110
4. TCA 49-13-108; TRR/MSS 0520-14-01
5. TCA 49-13-128
6. TRR/MS 0520-14-01-06; TCA 49-13-110
7. TCA 49-13-110
8. TCA 49-13-122
9. TCA 49-13-108(b)(5)

Rutherford County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Title IX & Sexual Harassment	Descriptor Code: 6.3041	Issued Date: 07/28/20
		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 COORDINATOR⁵**

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 **DEFINITIONS⁴**

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.

38 **GRIEVANCE PROCESS**

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

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

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

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

21 **Complaints**

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

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

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

- 29 1. Provide written notice of the allegations, and the grievance process to all known parties to give
30 the respondent time to prepare a response before an initial interview;
- 31
- 32 2. Inform the parties of the prohibition against making false statement or knowingly submitting
33 false information;
- 34
- 35 3. Inform the parties that they may have an advisor present during any subsequent meetings; and
- 36
- 37 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 Assistant Superintendent of Human Resources and Support Services and/or his/her designee shall
13 act as the decision-maker. He/she shall receive the final report of the investigation and allow each party
14 the opportunity to submit written questions that he/she wants asked of any party or witness prior to the
15 determining responsibility.

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

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

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

24 **APPEALS**²²

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

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

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

34 During the appeal process, the parties shall have a reasonable, equal opportunity to submit written
35 statements. Within ten (10) calendar days, the hearing officer shall issue a written decision describing

1 the result of the appeal and the rationale for the result. The written decision shall be provided
 2 simultaneously to both parties.

3 **RETALIATION**²³

4 Retaliation against any person who makes a report or complaint or assists, participates, or refuses to
 5 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