

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

**Special Called Board Meeting  
July 28, 2020, 6:30 P.M.**

**AGENDA**

- 1. CALL TO ORDER**
- 2. RE-OPENING PLAN FOR SCHOOLS**
- 3. REVIEW SCHOOL CALENDAR**
- 4. EMERGENCY POLICY ADOPTION (TAB 1)**

**In order to provide authority and clarity to support the recent necessary actions of this Board, the following new policies are recommended to the Board for adoption as emergency policies.**

**1. Policy 6.200 Attendance**

**Added in attendance expectations for virtual/distance learners.**

**2. Policy 6.409: Reporting Child Abuse**

**Extensive rewrite of former 6.409 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.**

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

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

**4. 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.**

## **5. 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.**

**Recommended Approval---motion to** approve and adopt Policy 6.200, Policy 6.409, Policy 3.2041, Policy 6.3001 and Policy 6.3041 as emergency policies, waiving the requirement of a second reading pursuant to Board Policy 1.600. The policies shall be effective immediately.

## **5. BUDGET AMENDMENT**

### **1. Fund 141 – General Purpose School Transfer of Funds**

**This budget amendment authorizes transfer of up to \$1,500,000 of unassigned fund balance from the General-Purpose School Fund to the Centralized School Cafeteria Fund to maintain adequate cash flow until operating revenue is stabilized under distance learning school student feeding operations, as well as until adequate school nutrition staffing levels for distance learning school student feeding operations can be determined. This transfer will also maintain traditional school staffing levels for the month of August 2020, to allow for a smooth school nutrition department opening, in all Rutherford County Schools, should Covid-19 infection numbers drop to acceptable levels in Rutherford County to allow for a transition back to a traditional school setting in early September 2020.**

**Recommended Approval---motion to** approve the transfer of up to \$1,500,000 of unassigned fund balance from the General-Purpose School Fund to the Centralized School Cafeteria Fund as presented for the continued operation of the Rutherford County School Nutrition Department as detailed above.

## **6. ADJOURNMENT**

# Rutherford County Board of Education

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

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:<sup>1</sup>

- 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.<sup>2</sup>

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.<sup>3</sup>

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:<sup>4</sup>

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 observances<sup>5</sup>
- 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.<sup>6</sup>
- 30 7. Pregnancy
- 31 8. School sponsored or school endorsed activities<sup>7</sup>
- 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:<sup>8</sup>

- 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.<sup>9</sup>

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.<sup>10</sup>

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.<sup>8</sup>

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

3 *Progressive Truancy Intervention Plan*<sup>11</sup>

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.<sup>12</sup>

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.<sup>13</sup> 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 REVOCATION<sup>2</sup>**

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 HEARING<sup>14</sup>**

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.

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 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

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

1 *General*

2 The Director of Schools shall:<sup>1</sup>

- 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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

19 The report shall include, to the extent known by the reporter:<sup>5</sup>

- 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 investigations<sup>6</sup> 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.<sup>7</sup>

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### Legal References

1. H.B. 2461, 111<sup>th</sup> 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, 111<sup>th</sup> 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)

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### 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: <b>Review: Annually, in April</b>	Descriptor Term: <b>Pandemic/Epidemic Face Covering/Mask Requirement</b>	Descriptor Code: <b>3.2041</b>	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: <b>Review: Annually, in December</b>	Descriptor Term: <b>Pandemic/Epidemic Code of Conduct Supplement</b>	Descriptor Code: <b>6.3001</b>	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.

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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

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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: <b>Review: Annually, in March</b>	Descriptor Term: <b>Title IX &amp; Sexual Harassment</b>	Descriptor Code: <b>6.3041</b>	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.<sup>1</sup> 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).<sup>2</sup> 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.<sup>3</sup> These  
9 individuals shall receive training as to how to promptly and equitably resolve student and employee  
10 complaints.<sup>3</sup>

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

12 **TITLE IX COORDINATOR<sup>5</sup>**

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<sup>4</sup>**

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:<sup>3</sup>

- 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,<sup>6</sup> dating violence,<sup>7</sup> domestic violence,<sup>8</sup> or stalking<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> If the respondent is an employee, he/she may be placed on  
19 administrative leave during the pendency of the grievance process.<sup>12</sup> 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.<sup>13</sup>

## 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:<sup>14</sup>

- 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.<sup>15</sup>

### 3 **Investigations**<sup>16</sup>

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;<sup>17</sup>  
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,<sup>18</sup> 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**<sup>19</sup>

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.<sup>20</sup> The preponderance of the evidence  
11 standard shall be used in making this determination.<sup>21</sup>

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**<sup>22</sup>

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 RETALIATION<sup>23</sup>

- 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.

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### 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

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### 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