The Lakeland School System prohibits student smoking or possession of tobacco products, lighters or matches, on school campuses, at school-sponsored activities or on school buses. All use of tobacco and tobacco products, including smokeless tobacco, **electronic cigarettes and associated paraphernalia** are prohibited in all of the school district's buildings.\(^1\)\(^2\) Smoking shall be prohibited in any public seating areas, including but not limited to, bleachers used for sporting events, or public restrooms.\(^3\)

The use of tobacco or tobacco products, including smokeless tobacco and electronic cigarettes, will be prohibited in all vehicles, owned, leased or operated by the district.

District employees and students enrolled in the district's schools will not be permitted to use tobacco or tobacco products, including smokeless tobacco, **electronic cigarettes and associated paraphernalia** while they are participants in any class or activity in which they represent the school district.

Any student who possesses tobacco products shall be issued a citation and/or a disciplinary consequence by a school administrator.\(^3\)

**Parents and students shall be notified of this citation requirement at the beginning of each school year.**

Signs will be posted throughout the district's facilities to notify students, employees and all other persons visiting the school that the use of tobacco and tobacco products is forbidden. The following notice shall be prominently posted (including at each ticket booth) for elementary or secondary school sporting events: **Smoking is prohibited by law in seating areas and in restrooms.**\(^5\)

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Legal References

1. Section 1042 of the Environmental Tobacco Smoke/Pro-Children Act of 1994
2. TCA 39-17-1604(6)
3. TCA 39-17-1604(10)
4. TCA 39-17-1505
5. TCA 39-17-1605
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1. All classrooms and learning centers shall be equipped with an evenly-proportioned, wide assortment of teaching tools, textbooks, workbooks, audio-visual equipment selected to meet the students’ needs. 
2. Textbooks and instructional materials should provide quality learning experiences for students. 
3. A list of textbooks and instructional materials used by the schools shall be revised annually by building administrators under the direction of the superintendent and shall be made available to the Board and professional staff as a reference. Textbooks, instructional materials, teaching materials, teaching aids, handouts, and tests that are developed by and graded by their child’s teacher shall be available for inspection by parents/guardians upon request.¹

Legal References

1. 20 USCA § 1232h(a); TCA 49-6-7003
Lakeland Board of Education

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1 SELECTION

The selection of textbooks shall be completed according to the laws and policies required by the State of Tennessee and the State Textbook Commission. The responsibility for textbook selection rests with the local textbook selection committees subject to approval by the Board. The textbook selection committee will be comprised of teachers and administration appointed by the superintendent. The superintendent may also appoint members of the community to serve in an advisory only role. The superintendent shall establish a procedure for providing citizens of the community with an opportunity to examine proposed textbooks prior to their final adoption, including public notice of time and location at which textbooks may be examined. Once the proposed textbooks have been approved by the Board, the superintendent shall post the list of all approved textbooks and instructional materials on the school system’s website and send a copy of the list to the commissioner of education.

2 COMPLAINTS & RECONSIDERATION

The superintendent shall develop procedures to enable citizens to file complaints regarding the selection or content of approved textbooks. Following the conclusion of this administrative process, a complainant may appeal an outcome to the Board.

3 DISTRIBUTION

The superintendent shall designate an employee to be responsible for the purchase and distribution of textbooks in each school. The principal shall be responsible for seeing that each student receives the required textbooks at no cost to the student.

4 CARE OF TEXTBOOKS

Textbooks are property of the Board and shall be returned at the end of the school year, upon completion of the course or upon withdrawal from a course or school. Parents are to sign an agreement stating they shall be responsible for the textbooks received and used by their children.

The following reimbursement schedule shall be used as a guide for collecting fines for lost or destroyed books:

<table>
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<tr>
<th>Age of Book</th>
<th>Amount Collected</th>
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<tr>
<td>1 - 2 years</td>
<td>100% of replacement cost</td>
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<tr>
<td>3 - 4 years</td>
<td>75% of replacement cost</td>
</tr>
<tr>
<td>5 or more years</td>
<td>50% of replacement cost</td>
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The Board shall approve and periodically review a schedule of fines for damaged books. In cases where the book is damaged to the extent it is no longer useable, the amount collected shall conform to the reimbursement schedule for lost books. A fine may only be assessed in cases where the pupil or parent damages, loses or defaces the textbook either through willful intent or neglect.
Following an interview with parties and an investigation, if needed, the principal may assess the appropriate fine and notify the parents in writing.

The principal may include with the notice a provision stating that failure to pay the fine imposed within a reasonable time may result in the imposition of one of the following sanctions:

1. Refusal to issue any additional textbooks until restitution is made;
2. Withholding of all grade cards, diplomas, certificates of progress, or transcripts until restitution is made;
3. Not allowing the pupil to take interim or final examinations or to earn course credit in the course for which the textbook is prescribed until restitution is made; or
4. Reducing the pupil's grade in the course for which the textbook is prescribed by one (1) letter grade or ten (10) percentage points until restitution is made.

The principal may waive the assessment of fines when in his/her judgment the student is the victim of uncontrollable circumstances and not responsible for the damages.

INSPECTION

A list of textbooks used by the schools shall be revised annually by building administrators under the direction of the superintendent. Textbooks shall be available for inspection by parents/guardians upon request, and the superintendent shall develop procedures for the inspection of materials and distribute these procedures to each principal."
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The Board shall provide for a system-wide testing program which shall be periodically reviewed and evaluated. The purposes of the program shall be to:

1. Assist in promoting accountability;
2. Determine the progress of students;
3. Assess the effectiveness of the instructional program and student learning;
4. Aid in counseling and guiding students in planning future education and other endeavors;
5. Analyze the improvements needed in a given instructional area;
6. Assist in the screening of students with learning difficulties;\(^1\),\(^2\)
7. Assist in placing students in remedial programs;
8. Provide information for college entrance and placement; and
9. The superintendent shall be responsible for planning and implementing the program, which includes:
   1. Determining specific purposes for each test;
   2. Selecting the appropriate test to be given;
   3. Establishing procedures for administering the tests;
   4. Making provision for interpreting and disseminating the results;
   5. Maintaining testing information in a consistent and confidential manner; and
10. Ensuring that results are obtained as quickly as possible, especially when placement in a special learning program might be necessary.

State-mandated student testing programs shall be undertaken in accordance with procedures published by the State Department of Education.\(^3\)

Student scores on the Tennessee Comprehensive Assessment Program’s grades three through eight (3-8) shall comprise fifteen (15%) percent of the student’s final grade in the spring semester in the subject areas of mathematics, reading/language arts, science and social studies.\(^4\)

Any test directly concerned with measuring student ability or achievement through individual or group psychological or socio-metric tests shall not be administered by or with the knowledge of any employee of the system without first obtaining written consent of the parents or guardians.\(^2\)
Results of all group tests shall be recorded on the students’ permanent records and shall be made available to appropriate personnel in accordance with established procedures.5

No later than July 31 of each year, the Board shall publish on its website information related to state and board mandated tests that will be administered during the school year. The information shall include:6

1. The name of the test;

2. The purpose and use of the test;

3. The grade or class in which the test will be administered;

4. The tentative date or dates that the test will be administered; and

5. The time and manner in which parents and students will be notified of the results of the test.

Beginning with the 2015-2016 school year and for school years thereafter, the testing information shall also be placed in student handbooks or other school publications that are provided to parents on an annual basis.

__________________________________________________________________________

Legal References

2. 20 USCA 1232 g
3. TRR/MS 0520.1-3-03(9)
4. Tenn. Code Ann. § 49-1-617
5. Tenn. Code Ann. § 10-7-504
6. Tenn. Code Ann. § 49-6-6007

__________________________________________________________________________

Cross References

Student Psychological Services 6.406
Student Records 6.600
Schools may allow students to form clubs or groups that meet before, during, and/or after the school day. Requests to form such clubs or groups shall not be denied based upon the religious nature or beliefs of proposed club or group. If permitted, school administrators shall ensure that all clubs and groups have the same abilities to access facilities and advertise their meetings.

No funds shall be expended by the school for any such meeting beyond the incidental costs associated with providing meeting space. Groups meeting under this policy may be required to pay a reasonable fee for compensating school personnel in the supervision of the activity.

No student may be compelled to attend or participate in a meeting under this policy.

A student or a group of students who wish to conduct a meeting under this policy must file an application with the principal at least three days prior to the proposed date.

The principal shall approve the meeting if he/she determines that:

1. The meeting is voluntary and student-initiated;
2. There is no sponsorship of the meeting or its content by the school, the Board, or its employees;
3. The meeting will not materially and substantially interfere with the orderly conduct of the school’s educational activities or conflict with other previously scheduled meetings;
4. Employees of the district are to be present in a non-participatory monitoring capacity; however, no employee shall be required to attend in this capacity if the content of the meeting is contrary to the beliefs of the employee; and
5. Non-school persons will not direct, control or regularly attend.

**SCHOOL SPONSORED EVENTS**

If the Board or a school principal authorizes an event at which a student is to speak, a limited public forum shall be established for such student speakers. The appropriate administrators shall ensure that:

1. The forum is provided in a manner that does not discriminate against a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
2. There is an appropriate method of selecting student speakers which is based on neutral criteria;
3. Student speakers do not engage in speech that is obscene, vulgar, offensively lewd, indecent or promotes illegal drug use.
To the extent possible and practical, prior to events in which students will speak, notice shall be provided orally and/or in writing that the student’s speech does not reflect the endorsement, sponsorship, position, or expression of the Board and its employees.

Beginning with the 2015-2016 school year, notice of this policy shall be provided in student handbooks and staff handbooks.

Legal References

1. 20 U.S.C.A § 4071
3. TCA 49-6-2904
4. TCA 49-6-1803
5. TCA 49-6-1805

Cross References

Recognition of Religious Beliefs 4.803
Prayer and Period of Silence 4.805
No religious belief or nonbelief shall be promoted or belittled by the school system or its employees. All students and staff members shall be tolerant of the views of others and not discriminate against anyone for a religious viewpoint or lack of a religious viewpoint. Students and staff members shall be excused from participating in practices which are contrary to their religious beliefs.2

STUDENTS’ EXPRESSIONS OF RELIGIOUS VIEWPOINTS

A student’s voluntary expression of religious viewpoint on an otherwise permissible subject shall be treated in the same manner as a student’s voluntary expression of a secular viewpoint.

Students may express religious beliefs in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. These assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate academic concerns. A student shall not be penalized or rewarded on account of the religious content of the student’s work.1

RELIGIOUS HOLIDAYS

Observance of religious holidays shall be as follows:3

1. The several holidays throughout the year which have both a religious and a secular basis may be observed in the public schools;1

2. The historical and contemporary values and the origin of religious holidays may be explained in an unbiased and objective manner without sectarian indoctrination;

3. Music, art, literature and drama having religious themes or basis are permitted as part of the curriculum for school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday;

4. The use of religious symbols that are part of a religious holiday are permitted as a teaching aid or resource, provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature; and

5. The school district’s calendar shall be prepared so as to attempt to minimize conflicts with religious holidays of all faiths. All students and staff members shall be tolerant of the views of others. Students and staff members shall be excused from participating in practices which are contrary to their religious beliefs.2

Legal References

1. TCA 49-6-1804

Cross References

Student Equal Access 4.802
2. TCA 49-6-2901-2906; State Board of Education Guidelines-Recitation of the Pledge of Allegiance
   Staff Rights and Responsibilities 5.600
3. Florey v. Sioux Falls, 619 F. 2d 1311 (1980);
   Attendance 6.200
4. TCA 49-6-3016
1  **SUSPENSION PENDING AN INVESTIGATION** ¹

The director of schools may suspend a teacher at any time that may seem necessary, pending investigation or final disposition of a case before the board or an appeal. If the matter under investigation is not the subject of an ongoing criminal investigation or a department of children’s services investigation, and if no charges for dismissal have been made, a suspension pending investigation shall not exceed ninety (90) calendar days in duration. Under no circumstances shall the director of schools suspend a teacher with pay. If vindicated or reinstated, the teacher shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

2  **SUSPENSION OF THREE DAYS OR LESS** ²³⁴

A director of schools/designee may suspend a teacher for incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination. Before an employee is suspended he/she shall be: (1) provided with written notice, including the reasons for the suspension along with an explanation of the evidence; (2) given an opportunity to respond to the director at a conference, if requested within five (5) days; and (3) given a written decision of the suspension within ten (10) days. Both parties may be represented by counsel at the conference, which shall be recorded.

Under no circumstances shall a director of schools suspend a tenured teacher with pay. If reinstated, the tenured teacher shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

3  **DISMISSAL OR SUSPENSIONS GREATER THAN THREE DAYS** ⁵

The Board shall maintain a list of qualified individuals who have indicated a willingness to act as impartial hearing officers, as defined under Tennessee law.

When charges are made against a tenured teacher, charging the teacher with offenses which may justify dismissal or a suspension greater than three days, the charges shall be made in writing, specifically stating the offenses which are charged and shall be signed by the party or parties making the charges.

If, in the opinion of the Board, the charges are of such nature as to warrant the release or a suspension greater than three days of the teacher, the director of schools shall give the teacher a written notice of this decision, a copy of the charges against the teacher, and a copy of a form provided by the Commissioner of Education advising the teacher of his/her legal duties, rights and recourse.

A tenured teacher who has been given notice of charges against him/her may within thirty (30) days after receipt of notice give written notice to the director of schools of his/her request for a hearing.

The director of schools shall, within five (5) days after receipt of request, assign a hearing officer from the list maintained by the Board.

The hearing officer shall notify the parties, or their attorney, of the officer’s assignment and direct the parties or the attorneys for the parties, or both, to appear before the hearing officer for simplification of issues and the scheduling of the hearing. That hearing shall be set no later than thirty (30) days following receipt of the initial request for a hearing. In the discretion of the hearing officer, all or part of any prehearing conference may be
conducted by telephone if each participant has an opportunity to participate, be heard, and to address proof and evidentiary concerns. The hearing officer is empowered to issue appropriate orders and to regulate the conduct of the proceedings.

Either party may appeal to the Board of Education an adverse ruling by giving written notice of appeal within ten (10) working days of the hearing officer’s delivery of the hearing officer’s written findings and conclusions. The director of schools shall prepare a copy of the proceedings, including all transcripts and evidence, documentary or otherwise, and transmit the same to the Board within twenty (20) days of the receipt of the notice of appeal.

The Board shall hear the appeal on the record, and no new evidence may be submitted by either party. The appealing party may appear before the Board to argue why the adverse ruling should be over-turned. In no event should such argument last more than fifteen (15) minutes, unless the Board should vote to extend additional time. At the conclusion of the hearing, any member of the Board may vote to sustain the decision of the Hearing officer, send the record back for additional evidence, revise the penalty or reverse the decision. The Board shall render its decision within ten (10) working days after the conclusion of the hearing. In the event that the decision of the Board is appealed to the Chancery court, the Board shall transmit the entire record prepared by the director and reviewed by the Board to the Chancery court for its review.

RESIGNATION

A teacher shall give the director of schools notice of resignation at least thirty (30) days before the effective date of the resignation. A teacher who fails to give such notice, in the absence of justifiable extenuating circumstances, shall forfeit all tenure status. The Board may waive the thirty (30) days notice requirement and permit a teacher to resign in good standing.

The conditions under which it is permissible to break a contract with the Board are as follows:

1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified statement of a physician approved by the Board;

2. The release by the Board of the teacher from the contract which the teacher has entered into with the Board.

Any teacher on leave shall notify the director of schools in writing at least thirty (30) days prior to the date of return if the teacher does not intend to return to the position from which he/she has taken leave. Failure to render such notice may be considered a breach of contract.

Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with the Commissioner and request the suspension of a teacher’s certificate. After the Commissioner has provided the teacher an opportunity for defense during a hearing, the Commissioner may suspend the certificate for no less than thirty (30) and no more than three hundred sixty-five (365) days.

RETIREMENT

Retirement shall mean a termination of services under conditions which will allow the employee to draw benefits from retirement plans and/or social security benefits. Employees eligible for retirement benefits may elect to retire at any age according to the provisions of the retirement system.

Central office personnel shall assist employees in securing retirement benefits; however, it shall be the responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to the central office. It shall be the responsibility of the retiring employee to file for benefits.

Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year without loss of retirement benefits. Retired teachers may substitute teach for an additional ninety (90) days if the director of schools certifies in writing to the Board that no other qualified personnel are available to substitute teach.
The director of schools may employ teachers retired for at least one year for full-time employment as a kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost or suspended under certain conditions, which include but are not limited to the following:

1. The director of schools of the employing system must certify in writing that no other qualified individuals are available to fill the position;

2. The Commissioner of Education must certify that the employing school system serves an area that lacks qualified teachers to serve in the position to be filled;

3. The retired teacher must hold a valid license and shall not be entitled to tenure status;

4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave or receive medical insurance coverage; and

5. The salary paid to the retired member shall not be less than the rate of compensation set by the Board for teachers with no experience filling similar positions, nor more than eighty-five percent (85%) of the rate of compensation set by Board for teachers with comparable training and years of experience filling similar positions.

Legal References

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301 (b)(1)(EE), TCA 49-5-512(d)
3. TCA 49-5-511(a)(2)
4. TCA 49-5-511 through 513
5. TCA 49-5-512, 513
6. TCA 49-5-508
7. TCA 49-5-706
8. TCA 49-5-411
9. TCA 8-36-805
10. TCA 8-36-821
**Lakeland Board of Education**

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1 **SUSPENSION PENDING AN INVESTIGATION**

The director of schools may suspend a teacher at any time that may seem necessary, pending investigation or final disposition of a case before the board or an appeal. If the matter under investigation is not the subject of an ongoing criminal investigation or a department of children’s services investigation, and if no charges for dismissal have been made, a suspension pending investigation shall not exceed ninety (90) calendar days in duration. Under no circumstances shall the director of schools suspend a non-tenured teacher with pay. If vindicated or reinstated, the non-tenured teacher shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

2 **SUSPENSION OF THREE DAYS OR LESS**

A director of schools/designee may suspend a teacher for incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination. Before an employee is suspended he/she shall be: (1) provided with written notice, including the reasons for the suspension along with an explanation of the evidence; (2) given an opportunity to respond to the director at a recorded conference, if requested within five (5) days; and (3) given a written decision of the suspension within ten (10) days. Both parties may be represented by counsel at the conference, which shall be recorded.

3 **DISMISSAL OR SUSPENSION GREATER THAN THREE DAYS**

The director of schools may dismiss or suspend for more than three days any non-tenured teacher during the contract year for incompetence, inefficiency, insubordination, improper conduct or neglect of duty after giving the non-tenured teacher, in writing, due notice of the charges.

The director of schools shall give the non-tenured teacher an opportunity for a full and complete hearing before an impartial hearing officer. The Board will appoint an impartial hearing officer to conduct such hearings. The hearing officer will hear the case and the employee shall have the right to:

1. be represented by counsel;
2. call and subpoena witnesses;
3. examine all witnesses; and
4. require that all testimony be given under oath.

Factual findings and decisions in all dismissal cases shall be reduced to written form and delivered to the affected employee within ten (10) working days following the close of the hearing. The employee may appeal the decision to the Board within ten (10) working days of the hearing officer rendering the written decision to the employee. Written notice of appeal to the Board shall be given to the director of schools. Within twenty (20) days’ of receipt of notice, the director shall prepare a copy of the proceedings, transcript, documentary and other evidence presented and provide the Board a copy of the same.

The Board shall hear the appeal. No new evidence shall be introduced. The non-tenured teacher may appear in person or be represented by counsel and argue why the decision should be modified or reversed. The Board shall take one of the following actions:
1. sustain the decision;
2. send the record back if additional evidence is necessary; or
3. revise the penalty or reverse the decision.

Before any decision to dismiss is made, a majority of the membership of the Board shall concur in sustaining the charges. The Board shall render a decision on the appeal within ten (10) working days after the conclusion of the hearing.

The director of schools shall also have the right to appeal any adverse ruling by the Hearing Officer in same manner as the non-tenured teacher.

Within twenty (20) days after receipt of notice of the decision of the Board, either party may appeal to the chancery court in the county where the school system is located. The Board shall provide the entire record of the hearing to the court.

NONRENEWAL

Non-tenured teachers are subject to the same rules and regulations and are entitled to the privileges of employment enjoyed by tenured teachers except that they have no claim upon continuing employment or tenure protections.

The principal is responsible for discussing deficiencies as part of the evaluation process with the non-tenured teacher and providing assistance for overcoming these deficiencies.

The director of schools is under no obligation to re-employ non-tenured teachers at the end of their contract period. If the director of schools determines not to renew the contract of a non-tenured teacher, the following action shall be taken:

1. The Board shall be notified at the next regular board meeting; and
2. Written notice of non-renewal shall be hand delivered or sent to the employee by registered mail so that it will be received by the employee prior to June 15.

RESIGNATION

A teacher shall give the director of schools notice of resignation at least thirty (30) days before the effective date of the resignation. The Board may waive the thirty (30) days-notice requirement and permit a teacher to resign in good standing.

The conditions under which it is permissible to break a contract with the Board are as follows:

1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified statement of a physician approved by the Board;
2. The release by the Board of the teacher from the contract which the teacher has entered into with the Board.

Any teacher on leave shall notify the director of schools in writing at least thirty (30) days' prior to the date of return if the teacher does not intend to return to the position from which he/she has taken leave. Failure to render such notice may be considered a breach of contract.

Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with the Commissioner and request the suspension of a teacher’s certificate. After the Commissioner has provided the teacher an opportunity for defense during a hearing, the Commissioner may suspend the certificate for no less than thirty (30) and no more than three hundred sixty-five (365) days.

RETIREMENT
Retirement shall mean a termination of services under conditions which will allow the employee to draw benefits from retirement plans and/or social security benefits.

Employees eligible for retirement benefits may elect to retire at any age according to the provisions of the retirement system. Central office personnel shall assist employees in securing retirement benefits; however, it shall be the responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to the central office. It shall be the responsibility of the retiring employee to file for benefits.

Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year without loss of retirement benefits. Retired teachers may substitute teach for an additional ninety (90) days if the director of schools certifies in writing to the Board that no other qualified personnel are available to substitute teach.  

The director of schools may employ teachers retired for at least one year for full-time employment as a kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost or suspended under certain conditions, which include but are not limited to the following:

1. The director of schools of the employing system must certify in writing that no other qualified individuals are available to fill the position;
2. The Commissioner of Education must certify that the employing school system serves an area that lacks qualified teachers to serve in the position to be filled;
3. The retired teacher must hold a valid license and shall not be entitled to tenure status;
4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave or receive medical insurance coverage; and
5. The salary paid to the retired member shall not be less than the rate of compensation set by the Board for teachers with no experience filling similar positions, nor more than eighty-five percent (85%) of the rate of compensation set by Board for teachers with comparable training and years of experience filling similar positions.

(Note: Nonrenewal of non-tenured teachers after the contract year is not suspension or dismissal and does NOT follow the suspension/dismissal procedures outlined in this policy. Rather, nonrenewal of non-tenured teachers after the contract year follows the nonrenewal procedures outlined in this policy.)

Legal References

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301 (b)(1)(GG), TCA 49-5-512(d)
3. TCA 49-5-409
4. TCA 49-5-508
5. TCA 49-5-706
6. TCA 49-5-411
7. TCA 8-36-805
8. TCA 8-36-821
Attendance

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

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

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

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

Absences shall be classified as either excused or unexcused as determined by the principal or his/her designee. Excused absences shall include:

1. Personal illness;
2. Illness of immediate family member;
3. Death in the family;
4. Extreme weather conditions;
5. Religious observances;
6. College visits;
7. Pregnancy;
8. School sponsored or school endorsed activities;
9. Summons, subpoena, or court order; or
10. Circumstances which in the judgment of the principal create emergencies over which the student has no control.

The principal shall be responsible for ensuring that:

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

Truancy is defined as an absence for an entire school day, a major portion of the school day or the major portion of any class, study hall or activity during the school day for which the student is scheduled.

Students who are absent five (5) days without adequate excuse shall be reported to the superintendent who will, in turn, provide written notice to the parents/guardians of the student's absence. The superintendent shall also comply with state law regarding the reporting of truant students to the proper authorities. In addition, the principal/designee shall initiate meaningful communications with the student and parent(s)/guardian(s) in order to determine the underlying cause(s) of the unexcused absences. The principal/designee shall then develop an attendance plan and coordinate additional services designed to improve the student’s attendance.

Upon notification that a student has been absent ten (10) days without adequate excuse, the principal/designee shall attempt to meet in person with the student and parent(s)/guardian(s) to determine the appropriate services needed to improve the student attendance. The principal/designee shall document all communication attempts and refine the attendance plan as needed.

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

The Board shall determine annually and include in the school calendar a plan for using three (3) abbreviated school days and the procedures for making up missed instructional days. In addition, the Board shall determine annually whether to use flexible scheduling for kindergarten students.

MILITARY SERVICE OF PARENT/GUARDIAN

School principals shall provide students with a one-day excused absence prior to the deployment of and a one-day excused absence upon the return of a parent or custodian serving active military service.

Principals shall also allow up to ten (10) excused cumulative absences per year for students to visit a parent or guardian during a deployment cycle. The student shall provide documentation to the school as proof of his/her parent's/guardian's deployment. Students shall be permitted to make up schoolwork missed during the these absences.

MAKE-UP WORK

[Insert local practices concerning make-up work]

STATE-MANDATED TESTS/END OF COURSE EXAMS

Students who are absent the day of the scheduled End of Course Exams must present a signed doctor’s excuse or must have been given an excused release by the principal prior to testing to receive an excused absence. Excused students will receive an incomplete in the course until they have taken the End of Course Exam.

Students who have an unexcused absence shall receive a failing grade on the course exam which shall be averaged into their final grade.
CREDIT/PROMOTION DENIAL

Credit/promotion denial determinations may include student attendance, however, student attendance may not be the sole criterion. However, if attendance is a factor, prior to credit/promotion denial, the following shall occur:

1. Parents and students shall be advised if a student is in danger of credit/promotion denial due to excessive absenteeism.

2. Procedures in due process are available to the student when credit or promotion is denied.

DRIVER'S LICENSE REVOCATION

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

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

ATTENDANCE HEARING

An attendance committee appointed by the principal will conduct a hearing to determine if any extenuating circumstances exist or to determine if the student has met attendance requirements that will allow him/her to pass the course or be promoted. Upon notification of the attendance committee decision, the principal shall send written notification to the superintendent/designee and the parent(s)/guardian(s) of the student of any action taken regarding the excessive unexcused absences. The notification shall advise parent(s)/guardian(s) of their right to appeal such action within two (2) school days to the superintendent/designee.

The appeal shall be heard no later than ten (10) school days after the request for appeal is received.

Within five (5) school days of the director of schools/designee rendering a decision, the student’s parent(s)/guardian(s) may request by the Board, and the Board shall review the record. Following the review, the Board may affirm or over turn the decision of the superintendent/designee. The action of the Board shall be final.

The superintendent/designee shall ensure that this policy is posted in each school building and disseminated to all students, parents, teachers and administrative staff.

Legal References

1. TRR/MS 0520-1-3-0.08(1)(a); TCA 49-6-3006
2. TCA 49-6-3017
3. TCA 10-7-504; 20 U.S.C. § 1232g
4. TRR/MS 0520-1-3-.03(16); TCA 49-6-2904
5. TCA 49-6-3007
6. TCA 49-6-3021(c)
8. TCA 49-6-3019
9. TRR/MS 0520-1-3-.06(1)(d)(2)

Cross References

Extracurricular Activities 4.300
Reporting Student Progress 4.601
Promotion and Retention 4.603
Recognition of Religious Beliefs 4.803
Student Records 6.600
10. TCA 49-2-203(b)(7)
11. TRR/MS 0520-01-02-.17
Students may possess personal communication devices and personal electronic devices. Such devices include, but are not limited to, wearable technology such as eye glasses, rings, or watches that have the capability to record, live stream, or interact with wireless technology; cell phones, laptops, tablets, mp3 players, and electronic readers at school. The personal communication devices must be in the off mode and must be out of sight unless used for instructional purposes with the permission of the principal or designee. Students may not use personal communication devices during the instructional day but may be allowed to use the personal communication devices before school starts and after school dismisses. The principal or designee may also grant a student permission to use a personal communication device at the principal’s or designee’s discretion.

A person who discovers a student in possession of a personal communication device outside the parameters of this policy shall report the violation to the principal. The device will be confiscated and will be returned only to the parent/guardian of the student through procedures developed by the principal.

Students who possess a personal communication device in violation of this policy and school rules are subject to disciplinary action.

A “personal communication device” is a device that emits an audible signal, vibrates, displays a message or picture or otherwise summons or delivers a communication to the possessor.
A Disciplinary Hearing Authority (DHA) shall conduct appeals for students who have been suspended for more than ten (10) school days. The Board shall appoint members to the DHA which shall consist of three (3) members, (maximum number must not exceed total membership of Board) at least one (1) of whom shall be a licensed employee of the board, and such appointments are for one (1) year terms and subject to reappointment. Board members shall not serve on the DHA.

The director of schools shall appoint a chairman of the DHA from the members appointed by the Board. The chairman shall perform the following duties:

1. Set the time, place and date for each hearing;
2. Maintain order and structure during each hearing; and
3. Prepare, sign, and disseminate the minutes of each meeting.

Upon receiving notification of the request to appeal the suspension decision, the DHA shall provide written notification to the parent or guardian of the student, the student, and any other appropriate person of the time, place and date of the hearing. The hearing must be held no later than ten (10) days after the beginning of the suspension.

The DHA may take the following disciplinary actions:

1. Affirm the decision of the school principal;
2. Order removal of the suspension unconditionally;
3. Order removal of the suspension upon such terms and conditions as it deems reasonable;
4. Assign the student to alternative program; or
5. Suspend the student for a specified period of time.*

Within five (5) days of the DHA rendering a decision, the student, principal, principal-teacher or assistant principal may request a review by the Board, and the Board shall review the record. Following the review, the Board may grant or deny the request for a hearing or affirm or overturn the decision of the DHA with or without a hearing. The Board shall not impose a more severe penalty than that imposed by the DHA without first providing an opportunity for a hearing before the Board.³

The notice of the hearing shall include a statement that, unless the student’s parent or guardian requests an open hearing in writing within five (5) days of receipt of the notice, the hearing shall be closed to the public.³

*Note: Zero-tolerance offenses as set forth in statute require mandatory calendar year expulsion or assignment to alternative placement for a calendar year unless modified by the director of schools.
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<td>1. TCA 49-6-3401 (c)(4)(A)(D)(10)</td>
<td>Procedural Due Process 6.302</td>
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<td>2. TCA 49-6-3401 (c) (5)</td>
<td>Suspension/Expulsion/Remand 6.316</td>
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<td>3. TCA 49-6-3401 (c)(6)</td>
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Surveys, analysis, and evaluations for research purposes shall be allowed by the Board when the project is viewed as contributory to a greater understanding of the teaching-learning process, the project does not violate the goals of the Board, and the disruption of the regular school program is minimal. The director of schools shall develop administrative procedures for approving requests for conducting surveys, analyses, or evaluations by agencies, organizations or individuals. The requests shall outline what is to be done, who is to be involved and how the results will be used and distributed.

Prior to the dissemination of a survey, analysis, or evaluation to students, parents/guardians shall be notified of their ability to review the materials. Such notification shall include information indicating the purpose of the survey, analysis, or evaluation as well as who will have access to the results. Following such notification and prior to the administration of the survey, analysis, or evaluation, parents/guardians may opt their child out of participation. The superintendent shall develop procedures for granting such parental requests and to implement the other provisions of this policy.

No student shall be required, as part of any program, to submit to a survey, analysis or evaluation that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sexual behavior or attitudes;
4. illegal, anti-social, self-incriminating, or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally privileged relationships;
7. religious practices, affiliations or beliefs of the student or the student's parent; and
8. income

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior consent of the parent.

COLLECTING, DISCLOSING OR USING INFORMATION FOR MARKETING

In general, the district will not collect, disclose or use personal student information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

If any collected information is to be marketed or sold, parents will be directly notified at least annually at the beginning of the school year of the specific or approximate dates when such information will be collected. Parents, upon request, may inspect any instrument used to collect personal information for the purpose of marketing or selling that information before the instrument is administered or distributed to the student. All parents and students of appropriate age may decline to provide the information requested. This portion of the policy does not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or
providing educational products or services for or to students or educational institutions to the extent allowed by law, such as the following:

1. College or other postsecondary education recruitment or military recruitment.

2. Book clubs, magazines and programs providing access to low-cost literary products.

3. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.

4. The sale by students of products or services to raise funds for school-related or education-related activities.

5. Student recognition programs.

Legal References

1. TCA 49-2-211
2. 20 USCA § 1232h
3. No Child Left Behind, Part F § 1061 (1)(E) & (F) & (2)
4. No Child Left Behind, Part F § 1061 (4)(A)
5. TCA 49-2-211

Cross References

Testing Programs 4.700
A cumulative record shall be kept for each student enrolled in school. The folder shall contain a health record, attendance record, and scholarship record; shall be kept current; and shall accompany the student through his/her school career.¹

The name used on the record of the student entering the school system must be the same as that shown on the birth certificate, unless evidence is presented that such name has been legally changed. If the parent does not have, or cannot obtain a birth certificate, then the name used on the records of such student shall be as shown on documents which are acceptable as proof of date of birth.

The name used on the records of a student entering the system from another school must be the same as that shown on records from the school previously attended unless evidence is presented that such name has been legally changed as prescribed by law.

When a student transfers to another school within the system, copies of the student’s records, including the student’s disciplinary records, shall be sent to the transfer school. ²

When a student transfers to a school outside the system, copies of the student’s records, including the student’s disciplinary records, shall be sent to the transfer school. ³

All records shall be remitted in accordance with the Family Education Rights and Privacy Act (FERPA).

Attendance records kept on each student become permanent property of the school system.

Student records shall be confidential. Only authorized school officials shall have access to student information for legitimate educational purposes without the consent of the student or parent/guardian.⁴

Legal References

1. USCA 20-1232g; TCA 10-7-503; TCA 10-7-504
2. TCA 10-7-504(a)(4); 20 USC 1232g
3. TCA 49-6-3001©(1)

Cross References

School Board Records 1.407
Promotion and Retention 4.603
Attendance 6.200
Child Custody/Parental Access 6.209
Disciplinary Hearing Authority 6.317
AIDS 6.404