



Authorized Charter School Policies

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1000 – Board Operations

TENNESSEE STATE BOARD OF EDUCATION		
ADOPTION OF POLICIES		1100
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt policies and procedures in compliance with, district, state, and federal law, rule, policy and regulation. Annually, the charter school shall create and distribute a student handbook of all applicable student policies.

Annually, each authorized charter school shall notify parents and students of the school’s policies and submit an assurance to the State Board of Education “State Board” that all required policies have been adopted and parents and students have been notified of the policies.

The Executive Director of the State Board will act as the Director of Schools. Any mention of “Director of Schools” in any policy is in reference to the Executive Director of the State Board.

TENNESSEE STATE BOARD OF EDUCATION		
CODE OF ETHICS AND CONFLICT OF INTEREST		1106
ADOPTED:	REVISED:	MONITORING:

Definitions.

(1) "School" means any charter school authorized by the State Board; and includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by each authorized charter school.

(2) "Officials or employees" means and includes any official, officer, employee or servant of, or any member of any board, agency, commission, authority, or corporation (whether compensated or not), or any officer, employee or servant thereof, of a charter school authorized by the State Board.

(3) "Personal interest" means a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

Generally. Each authorized charter school shall develop a code of ethics and conflict of interest policy and annually file it with the State Board. The policy shall include:

Disclosure Form. Each authorized charter school shall develop a disclosure form for use by an official or employee when disclosing personal interests in voting or non-voting matters.

Disclosure of Personal Interest in Voting Matters. An official or employee at each authorized charter school with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

Disclosure of Personal Interest in Non-Voting Matters. An official or employee at each authorized charter school who must exercise discretion relative to any matter other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose the interest, before the exercise of the discretion when possible. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Acceptance of Gifts and Other Things of Value. An official or employee, or an official's or employee's spouse or child living in the same household, may not accept from anyone other than the State Board or its authorized charter schools, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind that a reasonable person would understand was intended to influence the vote, official action or judgment of the official or employee in executing decision-making authority affecting the authorized charter schools. It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of school officials or by an umbrella or affiliate organization of such statewide association of school officials.

Misuse of Public Position. No public official or employee shall corruptly use or attempt to use his or her official position or any property or resource that may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit or exemption for himself, herself or others.

Use of Government Property. No public official or employee shall make use of the facilities, equipment, personnel, or supplies of the State Board or its authorized charter schools for private use or gain except to the extent that the use is incidental or minimal or is lawfully available to the general public.

Exceptions to Policy. The State Board's designated representative may make exceptions to this policy when it is determined to be in the best interest of an authorized charter school and provided that:

- (1) The exception does not violate any statutory or regulatory constraints under which the school must operate;
- (2) The request for exception is made in writing and approved prior to taking the action(s) in question;
- (3) The exception is granted in writing and for a specific instance or occurrence.

Nothing in this policy should be considered to prohibit a teacher or employee from accepting a gift made in the aggregate from a student group, parent group, or community group or organization in recognition of services rendered to the group, organization or the community in general.

Legal References

T.C.A. § 8-17-101 through 106

T.C.A. § 49-6-2003

Cross References

TSBA 1.106

MNPS policy GP-10

TENNESSEE STATE BOARD OF EDUCATION		
GRIEVANCES AND COMPLAINTS		1200
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt a policy and procedures for receiving and addressing complaints or grievance from employees, parents/guardians, or students. The governing board of each charter school shall be the first avenue for response in any complaints or grievances filed against the charter school, its employees, or its volunteers, and the policy and procedures shall be made available to students, parents/guardians, employees, and any other person who request it. If grievances persist following the actions of the governing board of the charter schools, or if the complaints are with regard to alleged violations of law, the charter agreement, or the improper discipline of a special education student (including violations of IDEA or applicable state or federal law or regulation), the State Board may investigate.

Complaints and Grievances Handled by the School

The following are examples of complaints or grievances that are at the discretion of the charter school and areas in which the State Board cannot mandate decisions:

- (1) Employment issues
- (2) Disagreement with a teacher or a student
- (3) Disagreement over a discipline decision, excluding an expulsion or the discipline of a student with special needs

Each authorized charter school shall follow its adopted policies and procedures for handling complaints and grievances.

Complaints and Grievances Handled by the State Board

In some instances, the State Board may investigate complaints or grievances regarding an authorized school. A formal complaint or grievance to the State Board may include, but is not limited to:

- (1) Alleged violations of the law;
- (2) Alleged violations of the charter agreement;
- (3) Special education violations, including discipline;
- (4) Child abuse;
- (5) Serious health, safety, and legal issues;
- (6) Compulsory education violations;
- (7) Suggesting a student transfer or enroll at a different school;

- (8) Expulsion; and
- (9) Title IX and Discrimination Claims.

A formal complaint to the State Board must:

- (1) Identify the school(s) involved in the issue;
- (2) Clearly describe the grievance or complaint and provide any corresponding documentation supporting the issue;
- (3) Provide details of how the individual attempted to resolve the issue with the school or governing board, if applicable; and
- (4) Be filed within one (1) calendar year of the alleged violation, unless the State Board determines that special circumstances exist to allow the filing of the complaint or grievance.

Within three (3) business days, the State Board will determine whether or not the grievance or complaint is properly before the State Board or if it needs to be resolved with the school, and the State Board will notify the complainant of this decision. If it is determined that the complaint or grievance is properly before the State Board, the State Board will address the complaint or grievance within 60 days, unless special circumstances exist. If special circumstances exist, all parties will be notified.

If an authorized charter school is found to have committed a violation, it may trigger interventions by the State Board in accordance with State Board Policy 6.700.

Filing a complaint under this policy shall not serve as a prerequisite to any legal or other administrative action that the complainant may choose to pursue.

Cross Reference

State Board Policy 6.700

TENNESSEE STATE BOARD OF EDUCATION		
PUBLIC RECORDS		1407
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt policies and procedures for the maintenance of school records and fulfillment of public records requests, in accordance with state and federal law.

Definitions. State law allows for personal inspection by any citizen of the state of Tennessee of “public records,” during business hours. As defined by T.C.A. § 10-7-503, “public record or records” or “state record or records” means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.

Requests. The school leader or his/her designee(s) shall be authorized to permit inspection of all school records, except information deemed confidential by law. Requests for inspection of a record shall be made to the school leader or his/her designee.

Confidential Information. Information deemed confidential and exempt from disclosure under the Tennessee Open Records Law shall be inclusive of, but not limited to:

- (1) Student records;
- (2) All records containing the results of individual teacher evaluations administered pursuant to the policies, guidelines, and criteria adopted by the State Board under T.C.A. § 49-1-302; and,
- (3) Employee records
 - (a) Home telephone and personal cell phone numbers
 - (b) Bank account information
 - (c) Social Security number
 - (d) Residential information
 - (e) Driver's license information in employee records, except where driving or operating a vehicle is part of the employee's job description, job duties, or incidental to the performance of his/her job
 - (f) Medical information, sick leave documentation, and Employee Assistance Program (EAP) files
 - (g) Same information as listed above of immediate family members, whether or not the immediate family member resides with the employee, or household members
 - (h) Emergency contact information, except for that information open to public inspection
 - (i) Personal, nongovernment issued, email address

The school shall make available for inspection any public record not specifically exempt from disclosure in accordance with time frames established by state law.

Legal References

T.C.A. § 8-4-604
T.C.A. § 10-7-501 et seq.
T.C.A. § 10-7-503
T.C.A. § 49-2-104
T.C.A. § 49-2-301(b)(1)(CC)
T.C.A. § 49-13-140
Public Acts of 2016, Chp. No. 72

Cross References

TSBA 1.407
SCS Policy 1012

TENNESSEE STATE BOARD OF EDUCATION		
SCHOOL CALENDAR		1800
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt an annual school year calendar that reflects a term of no fewer than 200 days, including:

- (1) 180 days for classroom instruction
- (2) 10 days for vacation with pay (for a 200 day term)
- (3) 5 days for in-service education
- (4) 1 day for teacher-parent conference
- (5) 4 other discretionary days as designated by the school

The length of a school day shall be, at minimum, six and one-half (6 ½) hours. The academic calendar shall be determined by the school and in accordance with state law. Annually, the school shall submit the academic calendar to the State Board by April 15th. The school shall offer in-service training in accordance with state law.

The school may close and/or dismiss early in the event of hazardous weather or an emergency which presents a threat to the safety of students, staff members, or school property. It shall be the responsibility of the school to determine a closure and to notify students, parents, the State Board, and/or the media of the closure.

State law allows schools to request a waiver from the Department of Education for the requirement of 180 days of classroom instruction in the event of a natural disaster or serious outbreaks of illness affecting or endangering students or staff during a school year. Submission of a request for a waiver shall be the responsibility of the school.

Legal References

T.C.A. § 49-1-214
T.C.A. § 49-6-3004
TRR/MS 0520-1-3-.02(1)(a)
TRR/MS 0520-1-3-.02(1)(b)
TRR/MS 0520-1-3-.03(1)
State Board Policy 5.200

Cross References

Department of Education Guidelines for
Planning Approvable In-Service Education
Activities

TENNESSEE STATE BOARD OF EDUCATION		
AMERICANS WITH DISABILITIES ACT (ADA), SECTION 504, AND GRIEVANCE PROCEDURES		1802
ADOPTED:	REVISED:	MONITORING:

The State Board is committed to upholding equitable employment and educational practices, services, programs, and activities that are accessible and usable by individuals with disabilities, to the extent provided by law.

Definitions. As defined by Title II of the ADA, no covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

As defined by Section 504 of the Rehabilitation Act of 1973, no qualified person with a disability shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance.

School Coordination and Procedures. Each authorized charter school shall designate at least one (1) employee to coordinate its compliance efforts and carry out responsibilities under the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act ("Section 504"), including investigation of any complaint communicating alleged noncompliance or any actions that would be prohibited by the ADA and/or Section 504.

Each authorized charter school shall make available to interested individuals the name, office address, and telephone number of the designated employee(s).

Each authorized charter school shall adopt a grievance procedure and disseminate it to employees, students, and the school community.

Annually, each authorized charter school shall notify the State Board by September 1 of the designated employee(s) coordinating ADA and Section 504 compliance, provide the State Board with its grievance policies and procedures, and report alleged noncompliance and grievances to the State Board within 30 days of receipt.

Legal References

T.C.A. § 49-13-111 (b)

28 C.F.R 35.107

42 USCA § 12112(a)

34 CFR § 104.4(a)

Cross References

TSBA 1.802

TENNESSEE STATE BOARD OF EDUCATION		
SMOKE FREE ENVIRONMENT		1803
ADOPTED:	REVISED:	MONITORING:

Smoking is prohibited in all indoor facilities used to provide regular or routine K-12 education services and within all enclosed school buildings. Smoking is not allowed within 50 feet of any entrance into a school building, in any public seating area, in bleachers for sporting events, or in public restrooms.

Authorized charter schools may adopt further policy at their discretion, provided it is in accordance with federal and state law.

Legal References

T.C.A. § 39-17-1604

T.C.A. § 39-17-1803

Section 1042, Environmental Tobacco

Smoke/Pro-Children Act of 1994

Cross References

TSBA 1.803

TENNESSEE STATE BOARD OF EDUCATION		
REGISTERED SEX OFFENDERS		1808
ADOPTED:	REVISED:	MONITORING:

Individuals registered as sex offenders in Tennessee or any other state are prohibited from the premises of any authorized charter school, except for the limited circumstances stated in this policy and/or in state law. Each authorized charter school shall adopt policies and procedures, in accordance with state law, for responding to sex offenders on the school’s campus or in the nearby vicinity.

Employment. An individual listed by the state of Tennessee or any other state as a registered sex offender is ineligible for employment within any authorized charter school.

Presence on School Property. No registered sex offender, other than a student enrolled in the school in question, shall come on, about, or within 1,000 feet of a local school’s property line, except as provided by state law. Neither this policy nor state law impose any duty upon a school leader or any other employee of the school to review the sex offender registry for individuals who may come upon the property.

Parents Who Are Registered Sex Offenders. A parent or legal guardian of a child who is enrolled in the school may attend a conference with school officials with the written permission of the school’s school leader or a designated administrator. An offender may come within the 1,000 feet limit provided that the individual is dropping off or picking up a child or children enrolled in the school.

Legal References

T.C.A. § 40-39-201, et seq.

T.C.A. § 40-39-211

Cross References

TSBA 1.808

TENNESSEE STATE BOARD OF EDUCATION		
ACCOUNTABILITY AND RESPONSIBILITY OF THE STATE BOARD AND CHARTER SCHOOLS		1900
ADOPTED:	REVISED:	MONITORING:

General. The State Board’s sole connection to each authorized charter school is the leader of that school (“school leader”) or designee of the school leader or charter management organization (“designee”). All authority over and accountability of charter school staff is considered to be the responsibility of the school leader/designee.

Accordingly:

- (1) The State Board shall never give direction to persons who report directly or indirectly to the school leader/designee.
- (2) The State Board shall not formally evaluate any staff member.
- (3) Except as required by law, the State Board shall not participate in decisions or actions involving the hiring, evaluating, disciplining, or dismissal of any employee.

Compliance. The State Board shall coordinate with the school leader/designee to monitor the charter school’s compliance with applicable State Board policies.

Accordingly:

- (1) Monitoring shall determine the degree to which State Board policies are being met. Information not formally presented as monitoring data and that does not contribute directly to this purpose is not considered monitoring data.
- (2) The State Board shall prepare and provide the school leader/designee with a written policy compliance checklist. The State Board shall acquire monitoring data on the school leader/designee’s objectives and adherence to State Board policies by one or more of the following methods:
 - (a) By internal report, in which the school leader/designee discloses relevant information and certifies compliance to the State Board; and/or
 - (b) By external report, in which an unaffiliated, unbiased third party selected by the State Board assesses compliance with State Board policies; and/or
 - (c) By direct State Board inspection, in which the State Board formally assesses compliance with the appropriate policy criteria.
- (3) All policies that instruct the school leader/designee shall be monitored on a schedule and by a method chosen by the State Board. The State Board may also monitor any policy at any time by any method, but as a rule shall depend upon the Annual Monitoring Schedule.

Cross References
MNPS BD/R Policies

2000 – Fiscal Management

TENNESSEE STATE BOARD OF EDUCATION		
FISCAL MANAGEMENT OBJECTIVES		2100
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall practice sound fiscal management procedures, which guarantee maximum use of all resources provided. Each school assumes responsibility, within its financial capabilities, for providing at public expense all items of equipment, supplies, and services that may be required in the interest of education. Fiscal management of schools shall be in accordance with the Tennessee Internal School Uniform Accounting Policy Manual, as applicable.

In fiscal management, a school shall seek to achieve the following goals:

- (1) To engage in advance planning, with broad-based staff and community involvement;
- (2) To establish levels of funding that will provide quality education for students;
- (3) To use the available techniques for budget development and management;
- (4) To provide timely and appropriate information to all staff with fiscal management responsibilities; and
- (5) To establish efficient procedures for accounting, reporting, purchasing and delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.

Use of Federal Funds. The Charter School shall comply with all regulations tied to such federal funds, including 2 C.F.R. 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, ESSA, IDEA, and any other applicable federal or state laws.

Legal References

T.C.A. § 49-3-314(l)(1)

Cross References

Tennessee Internal School Uniform
Accounting Policy Manual; Section 4-23

TENNESSEE STATE BOARD OF EDUCATION		
SCHOOL OPERATING BUDGET		2200
ADOPTED:	REVISED:	MONITORING:

Each school’s budget is the legal basis for the establishment of funding. It is the legal document that describes the programs to be conducted during the fiscal year beginning July 1 and ending June 30 the following year. It is the operational plan, stated in financial terms, for the conduct of all programs with a school.

Preparation Procedures. The budget should be balanced and consistent with the approved charter application and the following contract conditions:

- (1) Programs to meet the needs of the entire student body
- (2) Staffing arrangements adequate for proposed programs
- (3) Maintenance of the school’s equipment and facilities

The budget provides the framework for both expenditures and revenues for the year and translates into financial terms the educational programs and priorities for the school. The budget shall set forth in itemized form the amount necessary to operate the school for the fiscal year.

Budget preparation shall be the responsibility of the school. The school shall establish a budget development and adoption process. The school shall establish necessary procedures for the effective and extensive involvement of school employees, including requests from department heads and/or school leaders, all of whom shall seek advice and suggestions from other staff and faculty members. It is the responsibility of the school to prepare the budget on forms furnished by the commissioner of education in accordance with applicable federal and state laws, statutes, and State Board policies.

Unless notified otherwise, the State Board assumes that the school leader shall be designated as the financial officer to oversee the daily administration of the school's budget and serve as chief point of communication regarding fiscal matters with the State Board.

Hearing and Reviews. The proposed school budget is considered a public record and, upon request, shall be available for inspection.

Adoption Procedure. The school shall adopt a budget and submit it to the State Board by May 1.

Governmental Funds. Transfer of funds between governmental funds are prohibited unless the transfer to/from (Other Financing Source/Use of Funds) is included in the budget and subsequently approved by the school leader or designated financial officer. Funds for educational purposes made

available by any government, agency, or organization shall be sought by the school system only when the conditions of their availability are in harmony with the purposes and policies of the school and the laws of the state.

Legal References

T.C.A. § 49-2-203(a)(10)

T.C.A. § 49-2-301(b)(1)(Z)

T.C.A. § 49-13-111(l)

TRR/MS 0520-01-02-.13(2)(a)

Cross References

Tennessee Internal School Uniform Accounting
Policy Manual; Section 4-19

TENNESSEE STATE BOARD OF EDUCATION		
LINE ITEM TRANSFER AUTHORITY		2201
ADOPTED:	REVISED:	MONITORING:

After a school budget has been officially adopted, transfers between state major function expenditure categories (i.e., instructional, operational, and other service accounts) shall be made upon the recommendation of the school leader or designated financial officer. Line-item transfers within major function expenditure categories shall be made upon the recommendation of the school leader or designated financial officer, provided there is sufficient justification for the transfer including but not limited to the nature of the transfer, rationale for the transfer, impact if the transfer is not made, and how the transfer aligns with the school’s strategic plan for which the proposed expenditure is directly related. The school leader or designated financial officer shall notify the Board of any transfer between major budget categories.

Transfers between major budget categories can be made within state-supervised grant and program budgets provided the state supervising authority over grant management has approved the transfers. The school leader or designated financial officer shall notify the State Board of any state-approved transfers between major budget categories within grant budgets.

Legal References

OP Tenn. Atty. Gen. 83-464 (Oct 26, 1983)

TENNESSEE STATE BOARD OF EDUCATION		
REVENUE		2400
ADOPTED:	REVISED:	MONITORING:

A school may receive funds collected from activities and for events held at or in connection with the school, including contracts with other schools for interschool events. To be included in this accounting are all monies collected from athletics, entertainments, school clubs, fees, concessions, stores, gifts, vending machines and all fund-raising activities. All funds collected by a school shall be properly receipted and documented in accordance with the Tennessee Internal School Uniform Accounting Policy Manual.

The purchase of items intended for resale for profit through the school shall be subject to sales tax based on the purchase price of the vendor providing the service or item. Resale activities not intended to generate a profit shall be conducted at the discretion of the school leader or designated financial officer.

School funds are not considered to include those of organizations composed of parents and teachers or parents and students working in coordination, including, but not limited to, appropriately organized and approved school support organizations.

Fees. In keeping with the establishment of free public schools in our state, all necessary elements of any school activity, which constitutes an internal fundamental part of elementary and secondary education, shall be provided free of charge to students. In the event that it becomes necessary to collect fees from pupils enrolled in certain academic subjects or engaged in certain enrichment activities to maintain the desired instructional and activities program in each school center, school fees may be collected and then expended only for the purposes for which they were collected. No fees or tuition shall be required of any student as a condition to attend the school or use its equipment. No student shall be penalized for nonpayment of any materials fee.

Fee Waivers. Each authorized charter school shall adopt a specific policy and procedure by which to waive school fees for verified students that comply with all state laws and regulations.

Fines. Each authorized charter school shall determine guidelines and policies for implementation and collection of fines in accordance with state law.

Grants. As defined: a “grant” refers to financial resources that are awarded to a school, department, or individual (“grantee”), based upon a request or application for funding. Grant awards are usually designated for specific purposes and are generally accompanied by a statement of terms and conditions that guide the grantee in the use of these funds.

Grants for educational purposes made available by the state and/or federal government may be sought by the school when the conditions of their availability are in harmony with the purposes and policies of the school and the laws of the state and county. Schools are encouraged to apply for federal funds appropriated specifically for the support of public charter schools.

Each school shall adopt a policy detailing its grant management procedures, regarding applications, specific types of grants, and the receipt of grant awards. It is the responsibility of the school to apply for and thusly receive desired grants. The school shall incur all obligations and responsibilities to expend the grant funds in accordance to the stated purposes and conditions of the award. Legally restricted donations or allocations to individual schools must be used in accordance with the stipulations placed on their use by the contributor. Any grant received by a school shall become property of that school and the State Board shall have no title to the award.

Receipt of any grants shall be reported to the State Board semi-annually as outlined in the adopted charter school reporting calendar.

Legal References

T.C.A. § 37-10-101
T.C.A. § 37-10-102
T.C.A. § 49-2-110(a)
T.C.A. § 49-2-110(b)
T.C.A. § 49-2-114
T.C.A. § 49-2-203(b)(15)
T.C.A. § 49-6-3001(a)
T.C.A. § 49-6-3003
T.C.A. § 49-13-111(k)
T.C.A. § 49-13-112
T.C.A. § 67-6-102 (77)(A)
TRR/MS 0520-01-03-.03 (14)
TRR/MS 0520-01-03-.03 (15)

Cross References

Tennessee Internal School Uniform
Accounting Policy Manual, Section 4-40
Tennessee Internal School Uniform
Accounting Policy Manual, Section 4-31
State Board Policy 2.404

TENNESSEE STATE BOARD OF EDUCATION		
GIFTS AND BEQUESTS		2401
ADOPTED:	REVISED:	MONITORING:

Gifts Received by the School. The school leader or otherwise designated financial officer is authorized to accept gifts to the school and may designate others to accept gifts for the school. A school may receive donations of money, property, or securities from any source for the benefit of the school which shall be disbursed, in good faith, in accordance with the conditions of such gifts. Gifts which may serve to enhance and extend the work of the school may be accepted. In instances where the school leader or designated financial officer doubts the appropriateness or usefulness of an offered gift, the gift may be declined or the matter referred to the governing board of the authorized charter school. In accepting gifts and donations, a school shall recognize the following:

- (1) Any gift or donation accepted by a school shall become property of that school and the State Board shall have no title to that contribution.
- (2) Unless otherwise expressly specified in writing, all property contributed, given, or otherwise placed on school premises shall become property of the school and subject to the same controls and regulations that govern the use of other school-owned property.
- (3) Contributions of equipment or services that may involve major costs for installation, maintenance, or initial or continuing financial commitments from school funds may be accepted with the understanding that the contributions and corresponding costs are the sole responsibility of the school.

Receipt of any such gifts, donations, or bequests shall be reported to the State Board semi-annually as outlined in the adopted charter school reporting calendar.

Purchasing Gifts. No school funds may be used to purchase gifts, including but not limited to, presents, donations, memorials, and flowers. Funds collected from teachers or derived by sales to teachers may be used for these purposes.

The solicitation and/or collection of funds for the purpose of providing gifts for school personnel is not permitted. Extreme discretion will be exercised by teachers in accepting student gifts.

Legal References
T.C.A. § 49-6-2006(a)
T.C.A. § 49-13-112

TENNESSEE STATE BOARD OF EDUCATION		
INVESTMENT OF FUNDS		2402
ADOPTED:	REVISED:	MONITORING:

The school leader or designated financial officer may invest excess funds in interest-bearing accounts in accordance with the Tennessee Internal School Uniform Accounting Policy Manual. Excess funds are defined as those which are not anticipated to be needed in the immediate future.

All investment of funds shall be reported to the State Board semi-annually as outlined in the adopted charter school reporting calendar.

Cross References

Tennessee Internal School Uniform
Accounting Policy Manual, Section 6-1

TENNESSEE STATE BOARD OF EDUCATION		
PROPERTY SALES		2403
ADOPTED:	REVISED:	MONITORING:

If an authorized charter school intends to dispose of any property it owns but no longer needs for public school purposes, then the school leader or designated financial officer shall do so in accordance with state law and appropriate property transaction procedures. The school shall adopt policies and procedures for property disposal in the event it is deemed necessary to sell, trade-in, or exchange any property.

Disposition of Equipment Purchased with Federal Dollars. When equipment that was purchased with federal dollars is no longer needed for the original project or program or for other activities currently or previously supported by a federal agency, disposition of the equipment shall be made as follows:

- (1) Items of equipment with current per unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
- (2) Items of equipment with current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

Legal References

T.C.A. § 6-36-115

T.C.A. § 49-2-206(3)

T.C.A. § 49-6-2007

EDGAR Title 34, Part 80.32(e)(1)-(2)

TENNESSEE STATE BOARD OF EDUCATION		
SCHOOL SUPPORT ORGANIZATIONS		2404
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt a policy and create procedures to oversee the relationship between it and any school support organizations. The school shall define “school support organizations” and determine the privileges of school support organizations. All school support organizations shall abide by all applicable federal, state, and local laws, ordinances, and regulations in its activities. It is the responsibility of the school to approve, manage, and document the relationships between the school and school support organizations.

Legal References

T.C.A. § 49-2-601, et seq.

TENNESSEE STATE BOARD OF EDUCATION		
DEPOSIT OF FUNDS		2500
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt a policy and create procedures for depositing funds collected at the school-level.

Cross References

Tennessee Internal School Uniform Accounting Policy Manual; Section 4-2, Section 4-22, Section 6-1, Section 6-2

TENNESSEE STATE BOARD OF EDUCATION		
BONDED EMPLOYEES		2600
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall require any member of the governing body, employee, officer or other authorized person who receives funds, has access to funds, or has authority to make expenditures from funds, to give a surety bond in the form prescribed by T.C.A. § 8-19-101. The cost of the surety bond shall be paid by the charter school and shall be in an amount determined by the governing body. The school shall determine the amount of the bond, giving consideration to the total amount of money and/or property that it handles.

Legal References

T.C.A. § 8-19-101 through 103

T.C.A. § 49-2-110(a)(1)

T.C.A. § 49-13-111(n)

Cross References

Tennessee Internal School Uniform Accounting
Policy Manual; Section 4-16

TENNESSEE STATE BOARD OF EDUCATION		
ACCOUNTING SYSTEM		2700
ADOPTED:	REVISED:	MONITORING:

The school shall maintain a system of accounting arranged according to the regulations prescribed by the commissioner of education that provides a detailed and accurate account of all receipts and disbursements of the school. The school leader or designated financial officer shall be responsible for the management of all internal accounts under his/her jurisdiction. Each authorized charter school shall maintain its accounts and record in accordance with generally accepted accounting principles and in conformance with the uniform chart of accounts and accounting requirements prescribed by the comptroller of the treasury.

Legal References

T.C.A. § 49-2-110(d)

T.C.A. § 49-2-301(b)(1)(D)

T.C.A. § 49-3-316(a)(1)

T.C.A. § 49-13-111(m)

TRR/MS 0520-01-02-.13

TENNESSEE STATE BOARD OF EDUCATION		
FINANCIAL RECORDS		2701
ADOPTED:	REVISED:	MONITORING:

The school shall maintain financial records as required by regulation and applicable state and federal law. Any records or papers that may be destroyed according to the law shall be disposed of in such a manner as to ensure complete destruction.

The governing body of each charter school shall make an annual progress report to the sponsor of the school, the State Board, and the commissioner of education. The report shall include financial records of the school, including revenues and expenditures and shall be public information. Pursuant to the Department of Education’s annual report guidance, each school’s report shall provide a detailed accounting, including the amounts and sources, of funds other than those funds received as state and local per student allocations and federal funding such as Title I and ESSA. The funds shall include, but not be limited to, any funds received from federal grants; grants, gifts, devises or donations from any private sources; and, state funds appropriated for the support of the public charter school.

Legal References

T.C.A. § 49-2-206(5)

T.C.A. § 49-13-111(m)

T.C.A. § 49-13-112

TENNESSEE STATE BOARD OF EDUCATION		
INVENTORY		2702
ADOPTED:	REVISED:	MONITORING:

Each school shall establish accurate inventory procedures for all school real and personal property, in compliance with the Tennessee Internal School Uniform Accounting Policy Manual. The school shall comply with all regulations tied to such federal funds, including 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, ESSA, IDEA, and any other applicable federal or state laws.

Legal References

2 CFR 200
EDGAR 34 Subtitle A Part 80.32 (34 CFR 80.3-52)

Cross References

Tennessee Internal School Uniform Accounting Policy Manual; Section 4-23, section 4-25

TENNESSEE STATE BOARD OF EDUCATION		
AUDITS		2703
ADOPTED:	REVISED:	MONITORING:

The governing body of the authorized charter school shall cause an annual audit to be made of the accounts and records, including internal school activity and cafeteria funds, of their school. The audits may be prepared by certified public accountants. The audit shall be completed as soon as practical after June 30 of each year and a copy of the audit shall be furnished to the State Board, the commissioner of education, and the comptroller of the treasury.

The school leader or designated financial officer shall furnish or make copies of the audit available to the proper authorities as prescribed by law. The comptroller of the treasury is authorized to audit any books and records, including internal school activity and cafeteria funds, of any charter school created under this chapter and by virtue of the statutes of this state when the audit is deemed necessary or appropriate by the comptroller of the treasury. The comptroller of the treasury shall have the full cooperation of officials of the charter school in the performance of the audit or audits. In the event the governing body fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant to prepare the audit. The cost of the audit shall be paid by the governing body.

When an administrative change occurs during the fiscal year and the position is responsible for the expenditure of funds, a special audit of accounts involved may be conducted. The special audit shall be as extensive as the State Board determines.

A charter management organization (CMO) may comply with T.C.A. § 49-13-127 by submitting one (1) audit for all the charter schools operated in Tennessee by the CMO; provided, that such audit includes all information required for each school.

Legal References

T.C.A. § 49-2-110(a)

T.C.A § 49-13- 111(j)

T.C.A. § 49-2-112(a)(1)(c)(1)

T.C.A. § 49-13-127

TRR/MS 0520-1-2-.13(3)(d)

TRR/MS 0520-1-2-.13(4)

TENNESSEE STATE BOARD OF EDUCATION		
EXPENDITURE OF FUNDS		2800
ADOPTED:	REVISED:	MONITORING:

The school shall adopt a policy and create procedures for expenditures of funds. The school shall comply with all regulations tied to such federal funds, including 2 C.F.R. 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, ESSA, IDEA, and any other applicable federal or state laws. The policy shall be in accordance with the Tennessee Internal School Uniform Accounting Policy Manual, and, at minimum, address:

- (1) Approval and authorization of expenditures;
- (2) Use of purchase orders and/or contracts;
- (3) Creation of deficits or expenditures in excess of fund balance;
- (4) Permissible/unlawful actions and disciplinary consequences; and
- (5) Responsibilities of administration and staff.

Legal References

T.C.A. § 49-2-110
2 C.F.R. § 200.403; Cash Management
Improvement Act, 31 C.F.R. Part 205

Cross References

Tennessee Internal School Uniform Accounting
Policy Manual, Section 5-17, Section 5-20,
Section 5-22

TENNESSEE STATE BOARD OF EDUCATION		
PETTY CASH ACCOUNTS		2801
ADOPTED:	REVISED:	MONITORING:

In order to facilitate refunds and minor purchases, each authorized charter school may maintain petty cash funds. Each school that opts to use petty cash accounts shall adopt a policy and create procedures for maintenance of petty cash accounts and, at minimum, address:

- (1) Appropriate transactional amounts;
- (2) Permissible uses of funds; and
- (3) Documentation and/or itemization of expenditures and transactions.

Cross References

Tennessee Internal School Uniform
Accounting Policy Manual, Section 5-16
through 19

TENNESSEE STATE BOARD OF EDUCATION		
PAYROLL PROCEDURES		2802
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt and implement policy and create procedures for paying salaried and hourly personnel and, at minimum, address:

- (1) Length of pay periods and payday schedule;
- (2) Payroll deductions;
- (3) Method(s) of payment; and
- (4) Permissibility of advanced payments.

Legal References

T.C.A. § 49-3-306

26 C.F.R. Parts 1, 31, 54 and 602

TENNESSEE STATE BOARD OF EDUCATION		
EXPENSES AND REIMBURSEMENTS		2804
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt and implement a policy and create procedures for expenses and reimbursements and, at minimum, address:

- (1) Responsibilities of school employees (with regard to expenses/reimbursements);
- (2) Guidelines and forms for school employees (with regard to expenses/reimbursements);
- (3) Submission of reimbursement requests;
- (4) Approval and authorization of travel; and
- (5) Other staff expenses.

Legal References
T.C.A. § 8-26-109
T.C.A. § 49-2-2001(c)

Cross References
Tennessee Internal School Uniform
Accounting Policy Manual; Section 5-18,
Section 5-20

TENNESSEE STATE BOARD OF EDUCATION		
PURCHASING AND CONTRACTS		2805
ADOPTED:	REVISED:	MONITORING:

Purchasing. Each authorized charter school shall purchase competitively and seek maximum educational value for every dollar expended. The State Board shall not, under any circumstances, be responsible for payment for any materials, supplies, or services purchased by unauthorized individuals or in an unprescribed manner. All purchases shall be made in accordance with state law and in compliance with the Tennessee Internal School Uniform Accounting Policy Manual.

Each school shall adopt and implement a policy and create procedures for purchasing and, at minimum, address:

- (1) Purchasing authority and responsibilities of school employees;
- (2) Authorization and approval of purchases;
- (3) Types of purchases, including but not limited to routine purchases, special purchases, emergency purchases, online purchases, and purchases with federal grant funds;
- (4) Competitive bidding process;
- (5) Contracts for services and/or with suppliers;
- (6) Requisitions;
- (7) Purchase orders;
- (8) Vendor relations;
- (9) Conflicts of interest;
- (10) Appropriate documentation and/or invoicing of purchases; and
- (11) Approval and signing of a contract.

Contracts. All contracts for goods in excess of \$10,000 shall be bid and must be approved by the governing body of each authorized charter school. All contracts shall also meet all requirements of state and federal laws, rules, and regulations.

Legal References

T.C.A. § 6-36-115
T.C.A. § 12-4-101
T.C.A. § 12-4-106
T.C.A. § 49-1-304
T.C.A. § 49-2-113
T.C.A. § 49-2-203

T.C.A. § 49-2-206
T.C.A. § 49-6-2003
T.C.A. § 49-13-111(e)
2 C.F.R. § 200.112
2 C.F.R. § 200.403

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT ACTIVITY FUNDS MANAGEMENT		2900
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school may receive and disburse activity and other internal funds in accordance with the Tennessee Internal School Uniform Accounting Policy Manual. The school leader or designated financial officer shall be accountable for the safekeeping and handling of all funds of every character raised by student activities and school events, regardless of the sources of such funds or the purpose for which they were raised. Funds should benefit the students that raised the funds and should be expended as expeditiously as possible.

The school shall adopt a policy and create procedures to manage student activity funds and, at minimum, address:

- (1) Types of funds (i.e., general, restricted);
- (2) Method, if any, for separating accounts;
- (3) Permissible and prohibited uses of funds;
- (4) Appropriate documentation and/or recordkeeping; and
- (5) Permissible/prohibited actions and disciplinary consequences.

Legal References

T.C.A. § 49-2-110

T.C.A. § 49-2-112(a)

3000 – Support Services

TENNESSEE STATE BOARD OF EDUCATION		
SCHOOL SAFETY		3201
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt procedures for keeping school facilities safe and free from hazards to the life and safety of children and teachers. Each school is responsible for ensuring that safety is a part of the instructional program of the school and that it is appropriately geared to students at different grade levels. The necessary precautions shall be taken to minimize the possibilities of fire, explosion, and comparable dangerous incidents from occurring. All staff members shall report current and potential hazards to their immediate supervisor(s). All staff members shall be periodically reminded of the necessity of their responsibility for promptly reporting both current and potential hazards to their supervisors. Supervisors are expected to promptly and effectively follow up on these reports.

The safety program shall include:

- (1) Fire prevention;
- (2) Accident prevention;
- (3) Warning systems;
- (4) Emergency drills (fire, severe weather, earthquake, and intruder);
- (5) Traffic safety;
- (6) Traffic and parking controls;
- (7) Safety inspections;
- (8) First aid;
- (9) Disaster preparation; and
- (10) A disaster preparedness plan for a nuclear or other major emergency.

SAVE Act. Schools shall utilize the template created by the state-level safety team and thus prepare a safety and building-level emergency response plan, outlining responsibilities and compliance with this part.

This shall address, at minimum, crisis intervention, emergency response, and emergency management.

Any meeting concerning school security or school safety plans shall not be subject to the open meetings laws defined in state law. Though closed to the general public, reasonable notice shall be provided to the general public prior to such a meeting. The school shall not discuss or deliberate on any other issues or subjects during such a meeting.

Each school shall provide to the local law enforcement agency with jurisdiction the school's plans regarding security and school safety plans, as well as information, records, and plans that are related to school security.

Each building-level school safety team shall be appointed by the building school leader, in accordance with regulations or guidelines prescribed by the State Board. Such building-level teams shall include, but not be limited to, representatives of teacher, administrator and parent organizations, and school personnel including school safety personnel, as well as community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the school deems appropriate. Each safety plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed.

Each school shall make their safety plan available for public comment at least 30 days prior to its adoption; provided, that only a summary of each emergency response plan shall be made available for public comment. The plans may be adopted by the school only after at least one (1) public hearing that provides for the participation of school personnel, parents, students, and any other interested parties.

Each school shall file a copy of its comprehensive safety plan with the commissioner and all amendments to the plan shall be filed with the commissioner no later than 30 days after their adoption. A copy of each safety plan and any amendments to the plan shall be filed with the appropriate local law enforcement agency and with the department of safety within 30 days of its adoption.

School-level emergency response plans shall be confidential and shall not be subject to any open or public records requirements.

If the school fails to file the plan as required by subsection (b), the commissioner of education may withhold state funds, in an amount determined by the commissioner, from the school until it is in compliance.

A school may seek grant funding from the school safety center to assist with compliance in this part according to T.C.A. § 49-6-4302. Each school shall ensure that all safety and emergency response plans required by this part are developed in such a manner as to be consistent with harassment and bullying policies developed pursuant to T.C.A. § 49-6-4503.

Each authorized charter school shall adopt a policy addressing who can possess a firearm on school property compliant with all state and federal rules and regulations.

No school or law enforcement agency is required to assign or provide funding for a school resource officer as defined in T.C.A. § 49-6-4202 to any school on the basis of attendance. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to T.C.A. § 49-3-315.

School Safety Zones. Each authorized charter school may develop a method of marking school safety zones, including the use of signs. Signs or other markings shall be located in a visible manner on or near each school indicating that such area is a school safety zone, that such zone extends 1,000 feet from school property and that the delivery or sale of a controlled substance or controlled substance analogue to a minor in the school safety zone will subject the offender to an enhanced punishment. The State Board shall assist the school in complying with the preceding provisions, as needed.

As defined for this section:

- (1) School property means all property used for school purposes, including, but not limited to, school playgrounds.
- (2) A school safety zone is the territory located within 1,000 feet of school property.

Safety Instruction. Whenever any state funds are used in any of the public schools of the state, it is the duty of the school leader of the school or schools, including all subschool leaders and teachers, to instruct pupils in the art of safety against injury on the public thoroughfares, highways and streets of the state, and other places where the students may come in contact with, or be in danger of, bodily injury, for at least 15 minutes in each week during the time the school is in session.

Each authorized charter school shall comply with all state laws with regard to laboratory safety and toxic art supplies.

Legal References

T.C.A. § 39-11-106
T.C.A. § 39-17-1351
T.C.A. § 49-2-116
T.C.A. § 49-3-315
T.C.A. § 49-6-801 thru 815
T.C.A. § 49-6-1001
T.C.A. § 49-6-4202
T.C.A. § 49-6-4217
T.C.A. § 49-6-4302
T.C.A. § 49-6-4503
T.C.A. § 49-50-501
T.C.A. § 49-50-1201 thru 1204
State Board Policy 2.300

Cross References

TSBA 3.201

TENNESSEE STATE BOARD OF EDUCATION		
EMERGENCY PREPAREDNESS AND PROCEDURES		3202
ADOPTED:	REVISED:	MONITORING:

Emergency Preparedness Plan. Each authorized charter school shall have a disaster preparedness plan to include, but not be limited to, fire, tornado, earthquake, flood, bomb threat, and armed intrusion. Each school shall practice emergency safety procedures. Each school that lies entirely or partially within 100 miles of the New Madrid Fault Line shall implement earthquake preparedness drills. Section – 4: Earthquake Drills of the Guidebook for Developing A School Earthquake Safety Program published by the Federal Emergency Management Agency shall serve as the model plan for schools to consider when adopting plans for earthquake preparedness drills. Affected schools shall review and consider the entire guidebook to assure that they provide the optimal safety conditions for their students. Each school that lies entirely or partially within 100 miles of the New Madrid Fault Line shall conduct at least two (2) earthquake preparedness drills every school year. A record of the earthquake preparedness drills, including the time and date, shall be kept in the school and shall be made available upon request by the Department of Education.

Any school with an AED shall conduct a CPR and AED drill to ensure students are aware of the steps that must be taken in the event of a medical emergency. The school leader shall be responsible for ensuring the drill occurs.

Fire and Emergency Procedures. There shall be one (1) fire drill per month with an additional one (1) during the first 30 days of operation as required by State Law. Three (3) additional safety drills shall be conducted each year that do not require evacuation of the building, which may include inclement weather, earthquake, intruder, or other emergency drills not requiring full evacuation. A record of all fire and safety drills, including the time and date, shall be kept in the respective school or institutional offices, and shall be made available upon request to the state fire marshal, or the state fire marshal's deputies or assistants, for inspection and review.

In educational occupancies, fire drills shall include complete evacuation of all persons from the building. Complete evacuation of occupants from the building at the time of the fire drill shall be required only where it is practicable and does not involve moving or disturbing persons under medical care.

All doors serving as an exit shall be kept unlocked during the periods that a building is occupied. It is unlawful for any teacher to keep the doors or windows of the school building locked while the pupils are assembled in the school or to permit any screens to be fastened in windows of the building that would prevent the egress of pupils in case of fire or other emergency.

Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal’s Office. Each school shall have at least one (1) fire safety inspection annually. The fire safety inspections will be based on the fire safety inspection checklist developed by the Tennessee Fire Marshal’s Office. Copies of the inspection reports, including findings of non-compliance and actions taken to comply, will be maintained in the office of the school and will be available for review.

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

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

Legal References

T.C.A. § 49-5-201
T.C.A. § 68-102-137
TRR/MS 0520-01-03-.03 (18)
TRR/MS 0520-01-04-.01(2)(a), (b)
TRR/MS 0520-01-04-.01(1)
Public Acts of 2016, Chp. No. 677
State Board Policy 2.300

Cross References

TSBA 3.202

TENNESSEE STATE BOARD OF EDUCATION		
CRISIS MANAGEMENT		3203
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt a Crisis Management plan for use in times of crisis, including suicides, shootings, and death of a student, parent, or faculty member. If determined to be necessary, the school leader shall contact the appropriate emergency services (police, fire, ambulance, etc.).

Cross References

TSBA 3.203

TENNESSEE STATE BOARD OF EDUCATION		
ASBESTOS MANAGEMENT		3208
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall perform an initial inspection of all buildings that the charter school leases, owns, or otherwise uses as school buildings to determine whether asbestos-containing materials are present and shall re-inspect asbestos-containing material in each school every three (3) years.

Each school shall develop an asbestos management plan for all buildings that the school leases, owns, or otherwise uses as school buildings and shall update this plan to reflect current operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. Schools shall submit the asbestos management plan to the State Board and shall maintain a copy of the plan within the school.

Schools shall perform periodic surveillance every six (6) months of known or suspected asbestos-containing building material and shall ensure that trained and licensed professionals perform inspections and take response actions.

Schools shall designate a coordinator to ensure school compliance of asbestos management responsibilities.

At least once each school year, schools shall notify parents, teachers, and employee organizations of the availability of the management plan and of any asbestos-related actions taken or planned within the school.

All members of the custodial staff who may work in a building with asbestos-containing building materials shall have awareness training. All new custodial staff shall be trained within 60 days of hire.

Legal References

40 C.F.R 763.93
40 C.F.R 763.92

Cross References

TSBA 3.208

TENNESSEE STATE BOARD OF EDUCATION		
SERVICE ANIMALS IN DISTRICT FACILITIES		3218
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school is required to adopt a policy for service animals in the charter school’s facilities that complies with the Americans with Disabilities Act.

Legal References

28 CFR § 35.104

28 CFR § 35.136

28 CFR § 35.130

TENNESSEE STATE BOARD OF EDUCATION		
TRANSPORTATION		3400
ADOPTED:	REVISED:	MONITORING:

If an authorized charter school elects to provide transportation for its pupils, the transportation shall be provided by the school or by agreement with the district in which the school is located in accordance with T.C.A. § 49-6-21. If a charter school elects to provide transportation other than through an agreement with the district in which the school is located, the school shall receive all funds that would have been spent by the district to provide such transportation. If a charter school elects not to provide transportation for its pupils, the school shall not receive the funds that would otherwise have been spent to do so.

For pupils who reside outside the school district in which the charter school is located and who have been approved by the governing board of a charter school to attend that charter school, the school is not required to provide or pay for transportation. At the time a pupil enrolls in a charter school, the school shall provide the child's parent or guardian with information regarding transportation.

Both the school and the district in which the school is located shall include in their annual reports what transportation plans are in effect for charter schools.

FOR CHARTER SCHOOLS ELECTING TO PROVIDE TRANSPORTATION

Bus Regulations. The authorized charter school shall adopt policies and procedures regarding the transportation of students to ensure compliance with the statutory and regulatory requirements for a transportation program.

The allocation of minimum program funds for pupil transportation shall be based on a formula for the distribution of available funds. Schools that receive aid under T.C.A. § 49-10-113 shall operate in accordance with the Tennessee Children with Disabilities Transportation Act. The school shall keep records of transportation costs and the number of pupils transported on a monthly basis, and make such reports as required by the commissioner of education.

No school bus shall be operated to transport pupils to and from school unless the school bus is insured for liability and property damage according to rules and regulations of the State Board. Schools shall safely operate buses and transport students in accordance with state law.

School bus accidents shall be reported to the Department of Education, in the following manner:

- (1) Pupil injury and/or fatality accidents: By telephone within 24 hours of the accident; by written report within 10 days on the department's provided School Bus Accident Report Form.

- (2) Property damage accidents: At the end of the school year on the Annual Pupil Transportation Report.

Schools shall only operate buses that are approved in TRR/MS 0520-1-5-.01(8). All school buses purchased by a school or private contractor shall meet the Tennessee Minimum School Bus Standards approved by the State Board and all applicable federal motor vehicle safety standards. Vehicles constructed for transporting children with disabilities shall comply generally with the Tennessee Minimum School Bus Standards approved by the State Board but, because of special equipment, appropriate modifications shall be made for children with disabilities. All school buses shall be inspected, maintained, serviced, and operated in accordance with state law and State Board rules and regulations.

Bus Drivers. Schools shall select and hire school bus drivers in accordance with state law. Schools shall submit annual reports, on forms prescribed by the State Board, verifying physical and mental examinations of school bus drivers, in accordance with state law.

No person shall be authorized to drive a school bus unless the person possesses a certificate issued by the county board of education where the authorized charter school is located.

Transportation of Students. Schools, prior to the beginning of each school year or upon hire of a school bus driver during the school year, shall assure that every school bus driver knows and understands the school's policies and procedures concerning transportation, including, but not limited to, bus drivers' responsibilities and duties with regard to a student exiting a bus at a point other than the student's destination for the trip, in accordance with state law.

In accordance with state law, schools shall adopt policies and procedures for transportation of students, including the exiting of a school bus by a student at a point other than the student's destination for the trip. The policies and procedures shall at least require that a student whom a parent or guardian desires to exit a school bus at a destination other than the student's regular bus stop on the student's return bus route after dismissal of school shall provide the bus driver with a signed note from the parent or guardian informing the driver of the change in the student's bus stop for that day. The driver shall be required to turn the signed note over to the student's school principal or other school authority as soon as practicable after completion of the route. A school may adopt more stringent policies and procedures than the above requirements, [with respect to a student's exiting the bus at a point other than the student's regular bus stop] including a policy that does not permit a student to exit at a point other than the student's regular bus stop.

In accordance with state law, no school bus driver shall require or permit a student to exit a bus in violation of the school's policies and procedures. However, nothing shall prevent a school from adopting policies and procedures for management of unruly students on school buses, including the ejection of a student when necessary for the safety of other student passengers or the bus driver; provided, that the driver secures the safety of that student for the uncompleted trip. The school shall immediately review the fitness to drive of a school bus driver who permits or requires a student to exit a bus in violation of the school's policies and procedures.

In accordance with state law, a driver shall report to school authorities as soon as possible, but no later than the end of the route, any student refusing to obey the driver and exiting the bus without the driver's permission at a point other than the student's destination for that trip.

No pupil shall be allowed to remain in transit to or from school on a school bus more than one and one half (1 ½) hours in the morning or one and one half (1 ½) hours in the afternoon, in accordance with state law.

A school bus shall at no time transport more pupils than the manufacturer's rated capacity for the bus, allowing no less than 13 linear inches of seat space for each pupil. The commissioner of education may, under rules and regulations prepared by the commissioner and approved by the State Board, issue permits to a local board of education allowing the number of pupils transported on a school bus to exceed this limit, up to, but not to exceed, 20% of the manufacturer's rated capacity. In no event shall a permit be issued authorizing the loading of a school bus beyond the limits of safety.

A school bus transporting pupils to and from school or on school-sponsored activity trips shall not exceed posted speed limits or a maximum speed of 35 miles per hour on unpaved roadways.

Legal References

T.C.A. § 49-6-2105
T.C.A. § 49-6-2107
T.C.A. § 49-6-2108
T.C.A. § 49-6-2109
T.C.A. § 49-6-2110
T.C.A. § 49-6-2111
T.C.A. § 49-6-2114
T.C.A. § 49-6-2118
TRR/MS 0520-1-5-.01(8)
T.C.A. § 55-8-192
T.C.A. § 55-8-10

Cross References

TSBA 3.400
TSBA 3.401

TENNESSEE STATE BOARD OF EDUCATION		
INSURANCE		3600
ADOPTED:	REVISED:	MONITORING:

Authorized charter schools may offer group life, hospitalization, disability or medical insurance to teachers, school leaders, and other employees.

In accordance with T.C.A. § 49-13-119, teachers and other full-time permanent employees of a public charter school shall participate in the group insurance plans selected by the governing body of the public charter school.

Schools sponsoring group health plans must implement reasonable and appropriate policies and procedures to comply with HIPAA's security standards and implementation specifications for electronic protected health information (e-PHI), including but not limited to administrative, physical, and technical safeguards, and organizational requirements. All employees must be made aware of the law and the consequences of it.

Legal References

T.C.A. § 49-2-208

T.C.A. § 49-2-209

T.C.A. § 49-5-906

Health Insurance Portability and
Accountability Act (HIPAA)

42 U.S.C. 1320s-1

Health Information Technology for
Economic and Clinical Health Act (HITECH)

Cross References

TSBA 3.600

4000 – Instructional Programs

TENNESSEE STATE BOARD OF EDUCATION		
ENGLISH LEARNERS		4207
ADOPTED:	REVISED:	MONITORING:

If the inability to speak and understand the English language excludes a student from effective participation in the educational programs offered by the authorized charter school, the authorized charter school shall take reasonable actions to provide the student equal access to its programs. Students who are English learners (“EL”) shall be identified, assessed, and provided appropriate services. No child shall be admitted to or excluded from any program or extra-curricular activity based on the student’s surname or EL status.

The school leader or designee shall evaluate the effectiveness of the school’s language assistance program to ensure EL students will acquire English proficiency and the ability to participate in the standard instructional program within a reasonable period of time.

English Language Instruction Program. Each authorized charter school shall develop and implement language instruction programs that:

- (1) Appropriately identify EL students in a timely, valid, and reliable manner.
- (2) Determine the appropriate instructional environment for EL students.
- (3) Provide EL students with a language assistance program that is educationally sound and proven successful.
- (4) Annually assess the English proficiency of EL students and monitor for progress of students in order to determine their readiness for standard instructional program.
- (5) Monitor the progress of students that have exited the EL program.

Parental Notification. Parents of EL students shall be given notice of, and information regarding, the instructional program within the first thirty (30) days of the school year, or within the first two weeks of a student being placed in a language instruction educational program (LIEP). At a minimum, the notice will include the following:

- (1) The reason for identifying the child as an EL student;
- (2) The child’s level of English language proficiency, including how the level was assessed, and the status of the child’s academic achievement;
- (3) Methods of instruction used in the program, methods of instruction in other available programs, and how they differ;
- (4) How the program meets the educational strengths and needs of the students, and how the program will help the student reach English language proficiency and meet academic standards;

- (5) Program exit requirements, rate of transition to standard instructional program classroom, and expected rate of high school graduation;
- (6) How the program meets the goals of an EL students with an IEP; and
- (7) Information on the parents' right to withdraw the student from the program or choose another program or method of instruction if available.

The authorized charter school shall encourage parental involvement and regularly apprise parents of their child's progress.

Legal References

Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), §
1112(e)(3)(D)

Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), §
3113(b)(3)(B)

Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), §
1112(e)(3)(A)

Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), §
1112(e)(3)(C)

TENNESSEE STATE BOARD OF EDUCATION		
CREDIT RECOVERY		4210
ADOPTED:	REVISED:	MONITORING:

General. Each authorized charter school shall adopt procedures for credit recovery and ensure that all credit recovery teachers comply with all State Board certification requirements.

Admission and Removal. The charter school’s procedures shall ensure that no student shall be admitted to or otherwise enrolled in credit recovery courses unless:

- (1) The student’s parent/guardian must provide written consent for the student to enroll in the proposed credit recovery course. Parents/guardians should be informed that not all postsecondary institutions will accept credit recovery courses for credit and that the NCAA Clearinghouse will not accept credit recovery courses for credit;
- (2) The student has previously taken an initial, non-credit recovery section of the proposed course. Credit recovery is designed to be a remediation options for students, and a credit recovery course shall not be the first time a student is exposed to the course content; and
- (3) The student mastered at least fifty percent (50%) of the course standards as evidenced by the course grade in a non-credit recovery section of the course or a diagnostic assessment. Students who mastered below fifty percent (50%) of the course standards as evidenced by the course grade in a non-credit recovery section of the course or a diagnostic assessment, must retake the course.

If a student is seeking to recover credit for the first semester of a two-semester course, the student may not receive the full credit for the course until he/she has enrolled in and passed the second semester of the course and taken any applicable End of Course examinations.

Each authorized charter school shall track students enrolled in credit recovery courses as directed by the Tennessee Department of Education.

Instruction and Content. The school leader shall ensure that all credit recovery courses align with Tennessee’s current academic standards for the relevant course content areas, as approved by the State Board.

Students in credit recovery programs shall:

- (1) Complete a course standard-specific diagnostic to determine standard-specific goals;
- (2) Meet individual standard-specific goals in a flexible time frame as established by identified student need; and

- (3) Master all individualized standard-specific goals and assignments as established by diagnostic process and the credit recovery teacher of record, in order to earn credit.

Grades. The school leader shall establish a grading formula for credit recovery courses in compliance with State Board Policy 2.103.

Grades awarded in credit recovery courses shall adhere to the State Board’s Uniform Grading Policy.

Legal References
State Board Policy 2.103

Cross References
4.210

TENNESSEE STATE BOARD OF EDUCATION		
WORK-BASED LEARNING PROGRAM		4211
ADOPTED:	REVISED:	MONITORING:

Students shall have access to a system of structured work-based learning (WBL) experiences that allow them to apply classroom theories to practical problems as well as explore career options.

Each authorized charter school shall adopt procedures to govern the efficient administration of the WBL program. Such procedures shall include, among other things, a process for evaluation and assessment of the program to ensure that it is of high quality and meets the needs of students.

Legal References

State Board Policy 2.103

Cross References

TSBA 4.211

TENNESSEE STATE BOARD OF EDUCATION		
HAZING		4301
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt, at minimum, a written policy prohibiting hazing by any student or organization operating under the sanction of the school or surrounding district. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the school and/or State Board. Each school is encouraged to adopt additional policy establishing procedures and disciplinary actions in response to hazing and related behaviors.

As defined by T.C.A. § 49-2-120 and unless the context otherwise requires: "hazing" means any intentional or reckless act in this state, on or off school property, by one (1) student acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

Legal References
T.C.A. § 49-2-120

Cross References
TSBA 4.301

TENNESSEE STATE BOARD OF EDUCATION		
INSTRUCTIONAL MATERIALS		4400
ADOPTED:	REVISED:	MONITORING:

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

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

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

Legal References
T.C.A. § 49-6-7003

Cross References
TSBA 4.400

TENNESSEE STATE BOARD OF EDUCATION		
INTERNET SAFETY AND USE OF TECHNOLOGICAL RESOURCES		4406
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt a policy and implement procedures to promote Internet safety and the appropriate use of technology by staff and students. This policy shall address and/or include:

- (1) An acceptable use policy and internal rules/ethics for the use of school technological resources
- (2) Guidelines for appropriate instruction and oversight of student Internet use
- (3) A plan for Internet safety instruction to educate students on appropriate online behavior
- (4) Usage and monitoring of electronic mail by and within the school
- (5) Prohibited/unlawful activities (with regard to Internet safety and use of technology) and corresponding disciplinary actions
- (6) Procedures for responding to violations of school policy (with regard to Internet safety and use of technology)

In accordance with federal law, each authorized charter school using E-Rate discounts shall also adopt technology protection measures in the form of a written Internet safety policy. This policy shall:

- (1) Prevent Internet access by both adults and minors to visual depictions that are obscene, child pornography, or otherwise harmful to minors (if seen by minors)
- (2) Include monitoring of the online activities of minors
- (3) Provide for the education of minors on appropriate online behavior, including interactions with others on social networking sites and chat rooms as well as cyberbullying awareness and response
- (4) Address access by minors to inappropriate matter on the internet
- (5) Address the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications
- (6) Address unauthorized access, including so-called "hacking," and other unlawful activities by minors online
- (7) Address unauthorized disclosure, use, and dissemination of personal information regarding minors
- (8) Address measures restricting minors' access to materials harmful to them

An authorized charter school participating in the E-Rate program is not required to have separate and/or redundant policies to fulfill requirements of both the State Board and federal law. Rather, these requirements may be combined to form one cohesive school policy.

Legal References

Children's Internet Protection Act (CIPA)
47 U.S.C 254(h)(5)(B)-(C), 254(l)
Enhancing Education through Technology
Act of 2001, 20 U.S.C. 6777

Cross References

TSBA 1.805
TSBA 4.406

TENNESSEE STATE BOARD OF EDUCATION		
PARENT INVOLVEMENT AND ENGAGEMENT		4502
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt a policy that addresses ways for parents and families to be involved and engage with the school and their child’s education.

Legal References

T.C.A. § 49-2-305(b)(6)
T.C.A. § 49-6-7001 to 7003

Cross References

TSBA 4.502
SCS Policy 7002

TENNESSEE STATE BOARD OF EDUCATION		
AP/IB COURSES, HONORS/TECHNICAL COURSES, AND GRADING		4603
ADOPTED:	REVISED:	MONITORING:

AP/IB Courses. (If applicable) Each authorized charter school shall adopt policies in accordance with current State Board policy for the approved Advanced Placement (AP) courses and International Baccalaureate (IB) courses.

Honors/Technical Courses. (If applicable) Each authorized charter school shall adopt policies for honors courses and technical courses in accordance with current State Board policy.

Grading. Each authorized charter school shall adopt grading, promotion, and retention policies. For the purposes of application for postsecondary financial assistance administered by the Tennessee Student Assistance Corporation, schools shall report the grades for students in grade 9-12 using the uniform grading system in State Board Policy 3.301. These policies shall be communicated annually to students and parents.

Legal References

TRR/MS 0520-01-03-.05(e)(1)
TRR/MS 0520-01-03-.05(3)
TRR/MS 0520-01-03-.05(3)(e)(2)
State Board Policy 3.301

Cross References

TSBA 4.603

TENNESSEE STATE BOARD OF EDUCATION		
COURSE CREDITS AND GRADUATION		4605
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall require students to meet or exceed all course graduation requirements as outlined in State Board Policy 2.103 and State Board Rules.

Legal References

TRR/MS 0520-01-03-.05
TRR/MS 0520-01-03-.06(2)(c)(2)
TRR/MS 0520-01-03-.06(2)(f)
State Board Policy 2.103

Cross References

TSBA 4.605
TSBA 4.606

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT EQUAL ACCESS		4802
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt a policy, in accordance with state law, to establish guidelines for the provision of student equal access in a limited public forum. It is the responsibility of the school to implement this policy and establish and monitor limited public forums as appropriate.

As defined by T.C.A. § 49-6-1801:

“Limited public forum” means public property that is provided for students as a place for expressive activity which may impose reasonable, content-neutral time, place, and manner restrictions on certain groups or topics of speech; provided, that the restriction is necessary and narrowly tailored to serve a compelling state interest.

This policy shall ensure that the school does not discriminate against a student’s publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the school of a student’s expression of a religious viewpoint, if any.

This policy shall also include and/or address:

- (1) Rights of students and/or groups of students to organize meetings and express viewpoints
- (2) Procedures for request and approval of student meetings
- (3) Requirements for approval of student meetings
- (4) Parameters for time, place/facilities, and manner of student meetings
- (5) Role and responsibilities of the school and its administrators and staff
- (6) Permissible and prohibited content of student expression

Legal References

T.C.A. § 49-6-1801 thru 1805

Cross References

TSBA 4.802

TENNESSEE STATE BOARD OF EDUCATION		
RELIGION IN THE CURRICULUM		4804
ADOPTED:	REVISED:	MONITORING:

The State Board recognizes the significant role that religious events, beliefs, and figures have played in world history, including the founding of the United States and the state of Tennessee. The State Board is committed to providing appropriate, accurate, and comprehensive instruction in the social studies and affirms that educational content consisting of religious themes shall be presented in a factual, objective, and respectful manner. Each authorized charter school shall approach religion in the curriculum with the understanding that:

- (1) Religious themes shall be permitted in the curriculum provided they are essential to the learning experience in the various fields of study.
- (2) These fields of study may include history, music, art, literature, or drama.
- (3) Inclusion of religion in academic standards, curriculum, instructional materials, teaching materials, textbooks, and teaching aids shall be for educational purposes only.
- (4) An emphasis on religious themes shall be only as extensive as necessary for a comprehensive study of the curriculum.
- (5) Teachers and school personnel are prohibited from using religion to proselytize, promote, or show bias toward one particular religion or attempt to indoctrinate or establish any religion or religious belief over another.
- (6) Teachers and school personnel are prohibited from using studies of religion to demean any religion or religious beliefs.

Legal References

Public Acts of 2016, Chp. No. 660

Cross References

TSBA 4.804

5000 – Personnel

TENNESSEE STATE BOARD OF EDUCATION		
EMPLOYEE RIGHTS		5104
ADOPTED:	REVISED:	MONITORING:

Equal Opportunity Employment. Each authorized charter school shall adopt policies that promote equal opportunities for employment, as well as continuation and advancement in employment, equally to members of all races, creeds, colors, genders, religions, ages, national origins, and individuals with disabilities or veteran status with regard only for qualifications for the positions involved.

Alcohol and Drug Use (Employees). Each authorized charter school shall adopt a policy for employees in sensitive positions to be tested for drugs and alcohol. Testing for bus drivers is required if the charter school provides transportation, pursuant to Omnibus Transportation Employee Testing Act. Additionally, if an authorized charter school contracts with a transportation vendor that provides drivers, that vendor shall have an alcohol and drug testing policy compliant with the Omnibus Transportation Employee Testing Act.

Employee-Related Complaint and Grievances. Employees of authorized charter schools are not employees of the State Board or the State of Tennessee. All employee-related complaints and grievances shall be handled by each authorized charter school. Each authorized charter school shall adopt a policy to handle employee-related complaints and grievances and a plan to regularly notify employees of their rights.

Harassment of Employees. Each authorized charter school shall adopt a policy to provide its employees a work environment free from sexual, racial, ethnic, and religious discrimination/harassment. At a minimum, the policy shall prohibit any employee or any student from discrimination against or harassment of an employee through disparaging conduct or communication that is sexual, racial, ethnic, or religious in nature.

Employee Whistleblower Protection. Employees who report improper governmental activity involving any authorized charter school or the State Board are protected against retaliation, interference, intimidation, threats, or similar acts. No employee of any authorized charter school shall be discharged, terminated, or otherwise discriminated against with respect to compensation, terms, conditions, or privileges of employment solely for refusing to remain silent about illegal activities. Illegal activities means activities that are in violation of criminal or civil laws, either state or federal, or any regulation intended to protect the public health, safety, or welfare. If an employee believes he/she is the subject of actual or attempted retaliation, interference, intimidation, threats, or similar acts for reporting improper governmental activity, he/she may file a written complaint in state court. A complaint must be filed within 12 months of the alleged act or threat of retaliation or similar acts.

Any employee terminated or discriminated against in violation of T.C.A. §50-1-304 shall have a cause of action against the employer and any other damages to which the employee may be entitled.

Legal References

Title VII, Civil Rights Act of 1964
29 CFR § 1604.11
Title IX Education Amendments of 1972
Age Discrimination Act of 1967
Section 504 of the Rehabilitation Act of 1973
42 USC 12101-12213
Omnibus Transportation Employee Testing Act, 49 USC 5331, 31306
T.C.A. § 49-6-4503
T.C.A. § 50-1-304
T.C.A. § 49-50-1409

Cross References

TSBA 5.403
TSBA 5.500
TSBA 5.104

TENNESSEE STATE BOARD OF EDUCATION		
APPLICATION AND EMPLOYMENT		5106
ADOPTED:	REVISED:	MONITORING:

Application. An individual desiring a position with an authorized charter school shall apply to the school leader or designee on forms developed by the school. To ensure the safety and welfare of students and staff, the charter school shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other positions that require proximity to children.

Knowingly falsifying information shall be sufficient grounds for termination of employment and shall also constitute a Class A misdemeanor which must be reported to the District Attorney General for prosecution.

Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant.

Professional Employees. The application to an authorized charter school must include a transcript of credits earned at the colleges or universities attended. Other information shall include whether such applicant has been dismissed for cause from a school system. If previously employed by a local board of education, the applicant shall provide evidence of acceptable resignation.

No person shall be employed by an authorized charter school:

- (1) Who does not hold a valid license to teach from the State Board of Education;
- (2) Who does not present a physician's certificate showing a satisfactory health record or has any contagious or communicable disease in such form that might endanger the health of school children;
- (3) Who refuses to take and subscribe to an oath to support the Constitution of the State of Tennessee and of the United States of America;
- (4) Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
- (5) Who does not receive a satisfactory background check.

Support Employees. No person shall be employed by an authorized charter school:

- (1) Who has any contagious or communicable disease in such form that might endanger the health of school children;
- (2) Who has not complied with the Immigration Reform and Control Act of 1986;

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

Reporting Employee Misconduct. The school leader or designee shall report anyone holding an educator license from Tennessee who is suspended, terminated, or resigns in lieu of termination to the Office of Educator Licensing using the form provided by the state of Tennessee within 30 days of the action.

Legal References

T.C.A. § 49-5-406(a)(1)
T.C.A. § 49-5-406(a)(2)(A)
T.C.A. § 49-5-403
T.C.A. § 49-5-101
T.C.A. § 49-5-404
T.C.A. § 49-5-405
TRR/MS 0520-01-03-.08(2)(f)
Immigration Reform and Control Act of 1986;
Pub. L. No. 99-603, 100 Stat. 3359

Cross References

TSBA 5.106

TENNESSEE STATE BOARD OF EDUCATION		
PERSONNEL RECORDS		5114
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall maintain personnel records and permit inspection of the same, except for matters deemed confidential by law. The following personnel records shall be maintained for all employees as appropriate:

- (1) Employee applications and contracts;
- (2) Professional certifications and other documents required by state and federal laws and regulations;
- (3) Evaluations;
- (4) Background authorization and disclosure form;
- (5) Department of Children’s Services authorization and disclosure form;
- (6) INS Form I-9;
- (7) I-9 Documentation such as driver’s license, social security card, and/or passport;
- (8) Verification of background check completion;
- (9) Verification of E-verify.

The State Board may audit for compliance with this information at any time deemed necessary.

The following guidelines shall be followed for personnel records:

- (1) Information contained in personnel records shall be limited to job-related matters;
- (2) The school leader or designee shall be responsible for notifying all employees of the types of records kept and usage of such records;
- (3) Employees shall be granted an opportunity to respond in writing to materials placed in records;
- (4) Employee records are public records, except for matters deemed confidential by law, and shall be open for inspection during regular business hours;
- (5) In accordance with federal law, the charter school shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that schools.
- (6) Members of the public may not obtain the home telephone number, personal cell phone number, bank account information, social security number, residential street address, driver license information (except where driving or operating a vehicle is considered to be a part of the employee’s duties), or the results of individual teacher evaluations of an

employee or of the immediate family members or household members of an employee, unless release of this information is expressly authorized by the employee.

- (7) A record of the person inspecting and the date of inspection shall be recorded; and
- (8) Copies of records may be made under the rules determined by the school leader or designee.

Legal References

T.C.A. § 49-2-301(b)(1)(M)
T.C.A. §§ 10-7-503-504
T.C.A. § 10-7-504(f)(1)
T.C.A. § 10-7-506;
T.C.A. § 49-2-301(b)(1)(CC);
T.C.A. § 8-50-108
Immigration Reform and Control Act of
1986
20 U.S.C. 6311 § 1111(6)(A)

Cross References

TSBA 5.114

TENNESSEE STATE BOARD OF EDUCATION		
BACKGROUND INVESTIGATIONS		5118
ADOPTED:	REVISED:	MONITORING:

To ensure the safety and welfare of students and staff, the State Board shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other position that require proximity to children in any authorized charter school. Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant.

Use and Dissemination. Fingerprints and other approved forms of positive identification shall be submitted with all requests for criminal history record checks for non-criminal justice purposes. The State Board shall ensure the Originating Agency Identifier number is on file at all times.

Tennessee and FBI Criminal History Record Information (“CHRI”) obtained by the State Board shall be solely used by each authorized charter school to verify criminal violation(s) and shall not be disseminated. Results shall be considered confidential and only accessible to the school leader or designee. CHRI shall only be accessed by authorized personnel in performance of their duties and shall never be released to the public.

All persons directly associated with the accessing, maintaining, processing, dissemination, or destruction of CHRI must sign an awareness statement and shall indicate that they have been specifically trained on the subject by the State Board. The training shall provide those with access to criminal history record information with a working knowledge of federal and state regulations and laws governing the security and processing of criminal history information. The director of schools is responsible for ensuring that authorized personnel in each authorized charter school receives such training within 60 days of employment or job assignment and every three years.

Retention and Security. The director of schools and each authorized charter school shall adopt procedures to ensure CHRI is stored in a secure location. Areas in which CHRI is processed and handled shall be restricted to authorized personnel identified by the director of schools for the State Board or identified by the school leader for each authorized charter school. The area shall be out of the view of the public and unauthorized personnel. The director of schools shall maintain a list of all employees who have access to, can process, disseminate, and/or destroy CHRI.

Disposal of CHRI. When CHRI is no longer needed, it shall be destroyed by burning, shredding, or other methods rendering the information unreadable. Record destruction must be conducted under the supervision of the director of schools for the State Board or the school leader for each authorized charter school.

Misuse. Employees who misuse CHRI or violate this policy shall be subject to disciplinary action up to and including termination. Any employee with knowledge of misuse shall immediately report a violation to the State Board.

Legal References

T.C.A. § 49-5-406(a)(1)

T.C.A. § 49-5-413(c)

42 U.S.C. § 14616(a)

Cross References

TSBA 5.118

TENNESSEE STATE BOARD OF EDUCATION		
EMPLOYEE HEALTH		5400
ADOPTED:	REVISED:	MONITORING:

Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS)

Liability and Nondiscrimination. No employee of an authorized charter school who is living with HIV or AIDS shall be prevented from continuing his/her employment. No disciplinary action may be taken by an authorized charter school against an employee solely on the basis of HIV status. Action may be taken against an employee only if the employee is disabled and the disability interferes with their ability to perform his/her employment duties. The governing board of the authorized charter school shall make reasonable accommodations to enable the employee to perform employment duties as may be required by state or federal law.

HIV Testing. No school official can require any employee to undergo an HIV antibody test or other HIV-related test. This does not preclude school officials from requiring an employee to undergo an examination when another communicable illness is suspected.

Confidentiality. If information is received regarding an employee's HIV status, an authorized charter school may consult with the school attorney on the appropriate course of action to pursue, bearing in mind the school's potential liability for defamation, employment discrimination, and breach of confidentiality requirements. Information about an employee's HIV status is not to be documented in the employee's personnel file and shall not be faxed or emailed. Information obtained is confidential and may not be released to anyone except:

- (1) Persons named on an Authorization for Release of Confidential HIV-Related Information Form;
- (2) Persons listed on a court order, and
- (3) Persons authorized to receive such information without a release or court order.

Under no circumstances shall information identifying an employee living with HIV be released to the public.

Hepatitis B

Generally. All authorized charter schools shall provide a sanitary environment and shall establish routines for handling bodily fluids that are recommended by appropriate health professionals. Each school shall adopt and advise personnel of routine procedures to follow in handling bodily fluids. These procedures shall provide simple and effective precautions against transmission of diseases to

persons potentially exposed to the blood or bodily fluids of another. These procedures shall be standard health and safety practices. No distinction shall be made between bodily fluids from individuals with a known disease and individuals without symptoms or with an undiagnosed disease. The administration of the authorized charter school shall develop, in consultation with medical personnel, a regulation to be distributed to all staff. Training and appropriate supplies shall be available to all personnel including those involved in transportation and custodial services. In addition to insuring that these health and safety practices are carried out on a school-wide basis, special emphasis shall be placed in those areas of school operation that potentially present a greater need for these precautions.

Confidentiality and Nondiscrimination. In all instances, school personnel shall respect an individual's right to privacy and treat any medical diagnosis as confidential information. The school shall initiate procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality shall be subject to appropriate disciplinary measures. Under no circumstances shall information identifying an employee with Hepatitis B (HBV) be released to the public.

Safety. Employees of an authorized charter school who are at high risk of occupational exposure shall be identified and provided with personal protective equipment, including HBV vaccinations. Employees considered to be at high risk shall include custodians, school nurses, special education teachers and instructional assistants, playground supervisors, coaches, and physical education teachers. When any employee is known to have been exposed to HBV on the job site, the employee will be notified immediately by a supervisor, and the charter school governing board shall provide vaccinations. The school shall ensure that an accident report is filed for all accidents. The report shall include the employee's name, date of the accident, an explanation of the accident, and the care used in treating the individual. These reports shall be kept on file in the school office for a minimum of one (1) year.

Legal References

State Board Policy No. 5.300, HIV/AIDS
Policy for Employees and Students of
Tennessee Public Schools Revised, August
18, 2005
29 CFR § 1630.13(b)
T.C.A. § 68-10-113
29 CFR Part 1910.1030

Cross References

Section 504 & ADA Grievance Procedures
1.802
TSBA 5.401
TSBA 5.402

TENNESSEE STATE BOARD OF EDUCATION		
SUBSTITUTE TEACHERS		5701
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt a policy addressing the employment of substitute teachers that shall, at a minimum, address qualifications and training and background investigations in accordance with state law and State Board rules and regulations.

Legal References

T.C.A. § 49-2-203(a)(15)

T.C.A. § 49-5-413(a)(2)

Cross References

TSBA 5.701

TENNESSEE STATE BOARD OF EDUCATION		
THREATS OF VIOLENCE		5910
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall adopt a policy stating that any verbal, written or electronically communicated (e-mail) threat, suggestion, or prediction of violence against any person or group of persons employed by the school shall not be tolerated. Any threat of violence may result in immediate disciplinary action, if applicable, and/or referral to the appropriate law enforcement agency.

Legal References
T.C.A. § 49-6-4216

Cross References
SCS Policy 4011

6000 – Students

TENNESSEE STATE BOARD OF EDUCATION		
ATTENDANCE		6200
ADOPTED:	REVISED:	MONITORING:

Attendance is a key factor in student achievement and therefore, students are expected to be present each day school is in session. Each authorized charter school shall oversee the entire attendance program which shall include:

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

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 school leader or his/her designee. Excused absences shall include:

- (1) Personal illness;
- (2) Illness of immediate family member;
- (3) Death in the family;
- (4) Extreme weather conditions;
- (5) Religious observances;
- (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 school leader create emergencies over which the student has no control.

Each authorized charter school shall be responsible for ensuring that:

- (1) Attendance is checked and reported daily;

- (2) Daily absentee sheets contain sign in/sign out sheets and indicate students present or absent for the majority of the day;
- (3) All student absences are verified;
- (4) Written excuses are submitted for absences and tardiness;
- (5) System-wide procedures for accounting and reporting are followed; and
- (6) Students and families are notified annually of all attendance procedures.

Truancy. 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 school leader or designee who will, in turn, provide written notice to the parents/guardians of the student's absence. The school leader shall also comply with state law regarding the reporting of truant students to the proper authorities.

Military Service of Parent/Guardian. School leaders shall provide students with a one (1) day excused absence prior to the deployment of and a one (1) day excused absence upon the return of a parent or custodian serving active military service. School leaders shall also allow up to 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 these absences.

Make-up Work. Each authorized charter school shall adopt a policy regarding make-up work for students who are absent from school.

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 school leader 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. Each authorized charter school shall adopt a policy addressing how attendance will be utilized as a criteria for credit/promotion denial. Additionally, the policy shall allow a student the right to an appeal as outlined in the attendance hearing section of this policy.

Driver's License Revocation. More than 10 consecutive or 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. Each authorized charter school shall adopt a policy for attendance hearings that complies with all State Board of Education policies as well as all state rules and regulations.

Legal References

TRR/MS 0520-1-3-.08(1)(a); T.C.A. § 49-6-3006

T.C.A. § 49-6-3017

T.C.A. § 10-7-504; 20 U.S.C. § 1232g

TRR/MS 0520-1-3-.03(16); T.C.A. § 49-6-2904

T.C.A. § 49-6-3007

T.C.A. § 49-6-3021(c)

Attendance Accounting Procedural Manual, '11-'12 (0104), Minimum Standards and Guidelines, State Department of Education

T.C.A. § 49-6-3019

TRR/MS 0520-1-3-.06(1)(d)(2)

T.C.A. § 49-2-203(b)(7)

TRR/MS 0520-01-02-.17

Cross References

TSBA 6.200

TENNESSEE STATE BOARD OF EDUCATION		
PHYSICAL EXAMINATIONS AND IMMUNIZATIONS		6203
ADOPTED:	REVISED:	MONITORING:

It is the responsibility of each authorized charter school to ensure that there is proof of a complete physical examination prior to (a) each student entering school for the first time and (b) each student participating as a member of an interscholastic athletic team or in any other strenuous physical activity program.

It is the responsibility of each authorized charter school to ensure that no students will be permitted to enroll or attend without proof of immunization. Students may be granted an exemption from immunization requirements if a qualified physician certifies that administration of immunizations would be in any manner harmful to the child. Students may also be granted an exemption from immunization requirements if a parent or guardian files with proper authorities a signed, written statement that such immunization and preventive measures conflict with the religious tenets and practices of the parent or guardian affirmed under penalties of perjury.

Each authorized charter school's governing body shall ensure that the school provides parents and guardians with information about meningococcal disease and the effectiveness of vaccination against meningococcal disease at the beginning of every school year. This information shall include the causes, symptoms, and the means by which meningococcal disease is spread and the places where parents and guardians may obtain additional information and vaccinations for their children. Neither a school nor its governing body is required to provide or purchase vaccines against meningococcal disease.

Each school shall adopt policies in accordance with state law detailing the requirements above and necessary guidelines for recordkeeping. Costs associated with examinations and/or immunizations are the responsibility of the parents and/or guardians of a student.

Legal References

T.C.A. § 49-13-111 (c)(1)
T.C.A. § 49-13-111 (c)(2)
T.C.A. § 49-6-5001
T.C.A. §37-10-402
TRR/MS 0520-01-03-.08(2)(a)
TRR/MS 0520-01-03-.08(2)(b)

Cross References

TSBA 4.301
TSBA 6.203

TENNESSEE STATE BOARD OF EDUCATION		
SCHOOL ADMISSIONS AND ENROLLMENT PERIOD		6206
ADOPTED:	REVISED:	MONITORING:

Participation in each authorized charter school shall be based on parental choice or the choice of the legal guardian or custodian. All eligible students who submit a timely application shall be enrolled in the school, unless the number of applications exceeds the capacity of the program, in which case enrollment preferences and a lottery shall be instituted pursuant to state law.

Charter schools shall adopt a policy that provides for an open enrollment period during which parents or guardians may choose to enroll in the school that, at minimum, addresses application period, lottery, waitlists, or any other admission processes.

Legal References
T.C.A. § 49-2-128
T.C.A. § 49-13-113

Cross References
TSBA 6.206
SCS Policy 6002

TENNESSEE STATE BOARD OF EDUCATION		
CHILD CUSTODY AND PARENTAL ACCESS		6209
ADOPTED:	REVISED:	MONITORING:

The State Board presumes that the person who enrolls a student in school is the student's custodial parent. Unless a Tennessee court specifies otherwise, the custodial parent shall be the one whom the school district holds responsible for the education and welfare of that child. Parents or guardians shall have the right to receive information contained in school records concerning their minor child.

The State Board, unless informed otherwise, assumes there are no restrictions regarding the non-custodial parent's right to be kept informed of the student's progress and activities. If restrictions are made relative to the rights of the non-custodial parent, the custodial parent shall submit a certified copy of the court order which curtails these specific rights to the authorized charter school. Unless there are specific court-imposed restrictions, the non-custodial parent, upon request to the authorized charter school, shall receive a copy of the child's report card, notice of school attendance, names of teachers, class schedules, standardized test scores, and any other records customarily available to parents.

No school official shall permit a change in the physical custody of a child at school unless:

- (1) The person seeking custody of the child presents the school official with a certified copy of a valid court order from a Tennessee court designating the person who has custody of the child; and
- (2) The person seeking custody shall give the school official reasonable advance notice of his/her intent to take custody of the child at school.

Legal References

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
T.C.A. § 49-6-902
T.C.A. § 36-6-105

Cross References

SCS Policy 6058

TENNESSEE STATE BOARD OF EDUCATION		
SECURITY		6300
ADOPTED:	REVISED:	MONITORING:

School Policies and Procedures. Each authorized charter school shall adopt written policies and procedures to:

- (1) Ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and
- (2) Impose swift, certain, and severe disciplinary sanctions on any student who:
 - (a) Brings a drug or a firearm onto a school bus, onto school property or to any school event or activity;
 - (b) While on a school bus, on school property or while attending any school event or activity:
 - i. Possesses a drug or firearm; or
 - ii. Assaults a teacher, administrator, or any other school employee.

It is the intent that any rule or policy designated as a zero tolerance policy means that violations of that rule or policy will not be tolerated, and that violators will receive certain and swift punishment. A zero tolerance violation shall not necessarily result in a presumptive one (1) calendar year expulsion except for those types of student misconduct set forth in T.C.A. § 49-6-3401(g). It is the intent that the authorized charter school shall retain responsibility for development of disciplinary policies and student codes of conduct including assurances that students are afforded fair due process procedures. Nothing in this section shall be construed to prohibit assignment to an alternative school for those students under suspension or expulsion including students engaging in misconduct set forth in T.C.A. § 49-6-3401(g).

Nothing in this section shall be construed to alter, diminish, or supersede the school’s authority to modify expulsion on a case-by-case basis under T.C.A. § 49-6-3401(g).

At the beginning of fall classes each school year, each authorized charter school shall provide students and their parents with written notification of the policies and procedures. Additionally, each school shall conspicuously post a summary of the policies and procedures within each school.

Annually, each authorized charter school shall submit statistical information relative to zero tolerance violations to the department of education and the State Board by July 1 of each school year.

Gang Activity on School Property – Rules and Regulations. Each authorized charter school may adopt policies to prohibit the activities of criminal gangs on school property.

Safe Conditions for Learning. In order to maintain the conditions and atmosphere suitable for learning, no person shall enter onto school buses, or during school hours, enter upon the grounds or into the buildings of any school, except students assigned to that bus or school, the staff of the school, parents of students and other persons with lawful and valid business on the bus or school premises.

Any person improperly on the premises of a school shall depart on the request of the school leader or other authorized person.

Legal References

T.C.A. § 39-17-1312
T.C.A. § 49-6-2008(a), (b)
T.C.A. § 49-6-3401(g)
T.C.A. § 49-6-4209
T.C.A. § 49-6-4215
T.C.A. § 49-6-4216
T.C.A. § 49-6-4217
18 U.S.C. § 921
20 U.S.C. § 8921

Cross References

TSBA 3.205
TSBA 6.304

TENNESSEE STATE BOARD OF EDUCATION		
REPORTING OF CRIMES, INTERROGATIONS, AND SEARCHES		6303
ADOPTED:	REVISED:	MONITORING:

Report of Reasonable Suspicion by School Leader to Law Enforcement Officer. It is the duty of a school leader of an authorized charter school who has reasonable suspicion to believe, either as a result of a search or otherwise, that any student is committing or has committed any violation of T.C.A. § 39-17-4 [i.e., drug offenses], T.C.A. § 39-17-1307 [i.e., unlawful carrying or possession of a weapon], or T.C.A. § 39-17-1309 [i.e., carrying weapons on school property] upon the school grounds or within any school building or structure under the school leader’s supervision, to report the reasonable suspicion to the appropriate law enforcement officer.

School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of T.C.A. § 39-17-4 or T.C.A. § 39-17-1307 to the school leader, or, if the school leader is not available, to the school leader’s designee. If neither the school leader nor the designee is available, school personnel may report violations of T.C.A. § 39-17-4 or T.C.A. § 39-17-1307 committed on school property to the appropriate authorities.

School Officials to Report Student Offenses. Every teacher observing or otherwise having knowledge of an assault, battery, or vandalism endangering life, health, or safety committed by a student on school property shall report such action immediately to the school leader of the school. Every school leader having direct knowledge of an assault, battery, or vandalism endangering life, health, or safety committed by a student on school property or receiving a report of such action shall report the action immediately to the municipal or metropolitan police department or sheriff's department having jurisdiction. Any fight not involving the use of a weapon as defined in T.C.A. § 39-17-1309, or any fight not resulting in serious personal injury to the parties involved, shall be reported only to the school administrator.

Annually, each authorized charter school shall report violent and disruptive incidents to the commissioner of education through the uniform violent incident reporting system created by the commissioner of education. Reporting information shall include:

- (1) The type of offenders;
- (2) If an offender is a student, the age and grade of the student;
- (3) The location at which the incident occurred;
- (4) The type of incident;
- (5) Whether the incident occurred during or outside of regular school hours;
- (6) Where the incident involved a weapon, whether the weapon was a firearm, knife, or other weapon;

- (7) The actions taken by the school in response to the incident, including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders by law enforcement;
- (8) Any student discipline or referral action taken against a student offender and the duration of the action; and
- (9) The nature of the victim and the victim's age and grade where appropriate.

Search of Lockers, Vehicles, and Other Property. When individual circumstances in an authorized charter school dictate, a school leader may order that vehicles parked on school property by students or visitors, containers, packages, lockers or other enclosures used for storage by students or visitors, and other areas accessible to students or visitors be searched in the school leader's presence or in the presence of other members of the school leader's staff.

A notice shall be posted in the school that lockers and other storage areas, containers, and packages brought into the school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons or any property that is not properly in the possession of the student.

A notice shall be posted where it is visible from the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia, or dangerous weapons.

Search of Persons and Containers. A student may be subject to physical search if such action is reasonable to the school leader.

All of the following standards of reasonableness shall be met:

- (1) A particular student has violated school policy;
- (2) The search will yield evidence of the violation of school policy or will lead to disclosure of a dangerous weapon, drug paraphernalia, or drug;
- (3) The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision, and education of students;
- (4) The search is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
- (5) The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

Use of Metal Detectors. To facilitate a search that is found to be necessary, metal detectors and other devices designed to indicate the presence of dangerous weapons, drug paraphernalia, or drugs may be used in searches, including hand-held models that are passed over or around a student's or visitor's body, and students, visitors, containers, and packages may be required to pass through a stationary detector.

Use of Animals. To facilitate a search that is found to be necessary, dogs or other animals trained to detect drugs or dangerous weapons by odor or otherwise may be used in conducting searches, but the animals shall be used only to pinpoint areas needed to be searched and shall not be used to search the persons of students or visitors.

Disposal of Contraband. Any dangerous weapon or drug located by the school leader or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

Training Program for School Leaders – Notice of Policies to Parents and Students. Each authorized charter school and the local law enforcement agency shall establish and maintain an orientation and training program designed to familiarize school leaders with this part and with local policies and procedures for implementing and enforcing this part.

The school shall provide parents and students with reasonable notice of the local policies and procedures.

Legal References

T.C.A. § 39-17-1307
T.C.A. § 39-17-1309
T.C.A. § 49-6-4204
T.C.A. § 49-6-4205
T.C.A. § 49-6-4207T.C.A. § 49-6-4208
T.C.A. § 49-6-4209
T.C.A. § 49-6-4210
T.C.A. § 49-6-4212
T.C.A. § 49-6-4301

Cross References

TSBA 6.303

TENNESSEE STATE BOARD OF EDUCATION		
BULLYING, CYBER-BULLYING, DISCRIMINATION, HARASSMENT, AND HAZING		6304
ADOPTED:	REVISED:	MONITORING:

In order to maintain a safe and supportive school environment, acts of bullying, cyber-bullying, discrimination, harassment, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, are prohibited. Each authorized charter school shall adopt a policy regarding bullying, cyber-bullying, discrimination, harassment, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, in compliance with state law and this policy. The policy will cover an authorized charter school’s employees, employees’ behaviors, students and students’ behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop. If the act takes place off school property or outside of a school-sponsored activity, this policy is applicable if the conduct is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process. Each authorized charter school is responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.

Definitions

“Bullying/Intimidation/Harassment” is an intentional act that substantially interferes with a student’s educational benefits, opportunities, or performance, and the act has the effect of:

- (1) Physically harming a student or damaging a student’s property;
- (2) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student’s property;
- (3) Causing emotional distress to a student or students;
- (4) Creating a hostile educational environment; or
- (5) Creating unwelcome conduct based on a protected class (race, nationality, origin, color, gender, age, disability, religion) that is severe, pervasive, or persistent and creates a hostile environment.

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

“Hazing” is an intentional or reckless act by a student or group of students that is directed against any other student(s) that endangers the mental or physical health or safety of the student(s) or that induces or coerces a student to endanger his/her mental or physical health or safety. Coaches and other employees of an authorized charter school shall not encourage, permit, condone, or tolerate hazing activities. “Hazing” does not include customary athletic events or similar contest or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

Complaints and Investigations. Each authorized charter school shall adopt a policy addressing how complaints and investigations are handled including the person responsible for handling the investigation, a timeline for completion of an investigation, notification given to all necessary parties of an investigation, and any disciplinary action taken as the result of an investigation.

Response and Prevention. Each authorized charter school shall adopt a policy addressing the response and prevention of any behaviors prohibited by this policy.

Reports. Each authorized charter school shall adopt a policy for reporting any instance of bullying, cyber-bullying, discrimination, harassment, or hazing to the school leader and the Director of Schools.

Retaliation and False Accusations. Retaliation against any person who reports or assists in any investigation of an act alleged in this policy is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the authorized charter school after consideration of the nature, severity, and circumstances of the act. False accusations accusing another person of having committed an act prohibited under this policy are prohibited. The consequences and appropriate remedial action for a person found to have falsely accused another shall be determined by the authorized charter school.

Legal References

T.C.A. § 49-6-4503

20 USCS §§ 1681 to 1686

T.C.A. § 49-2-120

Public Acts of 2016, Chp. No. 783

Cross References

TSBA 6.304

TSBA 4.301

SCS Policy 6046

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT ALCOHOL AND DRUG USE AND TESTING		6307
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall have a written policy for handling drug/alcohol problems that may arise in the schools. The policy should include disciplinary actions that must be taken on students who consume, possess, use, sell, or distribute, illegal drugs or alcohol in school buildings, on school grounds, in school vehicles or buses, or at any school-sponsored activity or event whether on or off school grounds. Parents/guardians and students should be notified of the policy on an annual basis.

Alcohol and Drug Testing. A student may be subject to testing for the presence of drugs in the student's body in accordance with this policy and the policy of the charter school if there are reasonable indications to the school leader that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the school leader through a search authorized by T.C.A § 49-6-4204 or T.C.A. § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member, or other student. All of the following standards of reasonableness shall be met:

- (1) A particular student has violated school policy;
- (2) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;
- (3) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision, and education of students;
- (4) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and,
- (5) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the authorized charter school.

A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth above are met. If an authorized charter school adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the school shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity. The school shall pay the cost of any testing required under this section.

As used in this policy and T.C.A. § 49-6-4203, "drugs" means any scheduled drug as specified in T.C.A. §§ 39-17-405 -- 39-17-416; and/or alcohol.

Before a drug testing program is implemented in any authorized charter school, that school shall establish policies, procedures, and guidelines in accordance with state law.

Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity, and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least 10 days for possible retesting or reanalysis.

Students shall be advised in writing at the time of their enrollment in the authorized charter school that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal. A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.

An authorized charter school shall provide in-service training of school leaders and teachers in signs and symptoms of student drug use and abuse and in the school policy for handling of these students.

If a student is tested and the results of the test are negative, all records of the test, request for a test, or indication a student has been tested shall be expunged from all records, including school records.

If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test, or indication a student has been tested shall be confidential student records in accordance with T.C.A. § 10-7-504(a)(4)(A). No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.

The school leader or school counselor of an authorized charter school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

Each authorized charter school participating in the drug testing of students shall adopt policies and procedures to ensure that those students testing positive receive the assistance needed.

Legal References

T.C.A. § 49-6-4213

T.C.A. § 49-6-4204

T.C.A. § 49-6-4205

T.C.A. § 49-6-4203

T.C.A. §§ 39-17-405 - 39-17-416

T.C.A. § 10-7-504(a)(4)(A)

TRR 0520-01-03-.08(2)(d)

Cross References

TSBA 6.307

TENNESSEE STATE BOARD OF EDUCATION		
ZERO TOLERANCE		6309
ADOPTED:	REVISED:	MONITORING:

Zero Tolerance. Each authorized charter school shall adopt a zero tolerance policy in accordance with state law to ensure the safety and security of all students and the learning environment which is free of drugs, violence, and firearms. Each authorized charter school shall annually report their zero tolerance policy and procedures to the State Board which will annually file each charter school’s zero tolerance policy and procedures with the commissioner of education.

The director of schools shall have the ability to modify zero tolerance disciplinary actions on a case-by-case basis.

Gun-Free Schools. Authorized charter schools shall adopt a policy requiring the expulsion of any student for at least one year who is found to have brought a firearm to school, pursuant to the Gun-Free Schools Act.

Legal References

T.C.A. § 49-6-4216

T.C.A. § 49-6-3401(g)

TRR/MS 0520-1-3-.08(2)(d)

Cross References

TSBA 6.307

TSBA 6.309

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT DISCIPLINE		6313
ADOPTED:	REVISED:	MONITORING:

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

- (1) A list and definitions of the offenses for which students in the school must (where non-discretionary) and may (where discretionary) be suspended or expelled, respectively;
- (2) Procedures for due process when a student is suspended or expelled as a result of a code of conduct violation, including a description of the appeal process that the school will employ for students facing expulsion;
- (3) An explanation of how the school will protect the rights of students with disabilities in disciplinary actions and proceedings; and
- (4) How students and parents will be informed of the school’s discipline policy on an annual basis.

Appeals and Grievance Process. Each authorized charter school shall adopt a policy to establish an appeals process that recognizes a student’s due process rights.

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

Safe Relocation of Students. Each authorized charter school shall adopt a policy regarding the safe relocation of students. The policy shall comply with the minimum requirements set forth in state law.

Legal References
T.C.A. § 49-6-4008
T.C.A. § 49-6-4104

Cross References
TSBA 6.313
TSBA 6.314
TSBA 6.4081
SCS Policy 6026

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT WELLNESS AND HEALTH SERVICES		6400
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall address student wellness and the primary health concerns of its students by adopting policies that:

- (1) highlight the guidelines for its health services program;
- (2) detail the social services provided to students;
- (3) highlight the standards for its guidance services program; and
- (4) detail all available psychological services.

SUICIDE PREVENTION

The State Board is committed to protecting the health and well-being of all students and understands that physical, behavioral, and emotional health are integral components of student achievement. Faculty and staff of all authorized charter schools are expected to be proactive in maintaining a safe and supportive learning environment and to immediately report to the school leader any indications that a student may be in danger of harming self or others. Students are strongly encouraged to report if they, or a friend, are feeling suicidal or are in need of help. Each authorized charter school shall provide students with information regarding The National Suicide Prevention Lifeline – 1-800-273-8255 (TALK).

Prevention. Each authorized charter school shall provide either an annual in-service training in suicide prevention or participate in other equivalent trainings approved by the school leader. The training shall include, but not be limited to, identification of risk factors, warning signs, intervention and response procedures, referrals, and postvention strategies.

The school leader shall identify a district suicide prevention coordinator responsible for planning and coordinating the implementation of this policy. Each school leader shall designate a school suicide prevention coordinator to act as a point of contact in each school for issues relating to suicide prevention and policy implementation.

Intervention. Any employee who has reason to believe that a student is at imminent risk of suicide shall report such belief to the school leader or designee. Belief that a student is at imminent risk of suicide shall include, but not be limited to, the student verbalizing the desire to commit suicide, evidence of self-harm, or a student self-refers.

Upon notification, the school leader or designee shall ensure the student is placed under adult supervision. Emergency medical services shall be contacted immediately if an in-school suicide attempt occurs. The school leader or designee shall contact the director of schools or designee as soon as practicable.

Prior to contacting the student's parent/guardian, the school leader or designee shall determine if there could be further risk of harm resulting from parent/guardian notification. If parent/guardian notification could result in further risk of harm or endanger the health or well-being of the student, then local law enforcement and the Department of Children's Services shall be contacted.

If appropriate, the school leader or designee shall contact the student's parent/guardian and provide the following information:

- (1) Inform the parent/guardian that there is reason to believe the student is at risk of suicide;
- (2) Inform the parent/guardian that emergency medical services were contacted;
- (3) Ask the parent/guardian whether he/she wishes to obtain or has obtained mental health counseling for the student;
- (4) Provide the names of community mental health counseling resources if appropriate.

The school leader or designee will seek parental permission to communicate with outside mental health care providers regarding a student. If the student is under the age of 18 and the parent/guardian refuses to seek appropriate assistance, the director of schools or designee shall contact the Department of Children's Services.

The school leader or designee shall document the incident, including contact with the parent/guardian, by recording:

- (1) The time, date, and circumstances which resulted in the student coming to the attention of school officials;
- (2) A timeline of the specific actions taken by school officials;
- (3) The parent/guardian contacted, including attempts;
- (4) The parent/guardian's response; and
- (5) Time and date of release of student to authorized individual.
- (6) Anticipated follow-up and safety plan.

Prior to a student returning to school, the school leader or designee shall meet with the student's parent/guardian, and student if appropriate. The parent/guardian shall provide documentation from a mental health care provider stating that the student has received care and is no longer a danger to themselves or others. The school leader will identify an employee to periodically check in with the student to ensure the student's safety and address any problems with re-entry.

Postvention. Immediately following a student suicide death, each authorized charter school shall meet and implement a postvention plan. At a minimum, the postvention plan shall address the following:

- (1) Verification of death;

- (2) Preparation of postvention response to include support services;
- (3) Informing faculty and staff of a student death;
- (4) Informing students that a death has occurred; and
- (5) Providing information on the resources available to students.

Each authorized charter school shall work with teachers to identify the students most likely to be impacted by the death in order to provide additional assistance and counseling if needed. Additionally, staff and faculty will immediately review suicide warning signs and reporting requirements. The school leader or designee shall be responsible for all media inquiries.

Legal References

TRR/MS 0520-1-3-.08(1)(e)
TRR/MS 0520-1-3-.08(1)(d)
TRR/MS 0520-1-3-.08(1)(b)
TRR/MS 0520-02-03-.08(2)(a); TRR/MS 0520-01-03-.08(2)(b)
Public Acts of 2016, Chapter No. 623

Cross References

TSBA 6.400
TSBA 6.411
TSBA 6.415

TENNESSEE STATE BOARD OF EDUCATION		
COMMUNICABLE DISEASES		6403
ADOPTED:	REVISED:	MONITORING:

No student in an authorized charter school shall be denied an education solely because of a communicable disease, and his/her educational program shall be restricted only to the extent necessary to minimize the risk of transmitting the disease. Parents or guardians of infected students shall inform appropriate school officials of the infection so that proper precautions for the protection of other students, employees, and the infected student shall be taken. No student with a communicable disease which may endanger the health of either himself/herself or other individuals shall enter or remain in the regular school setting.

If a school leader has reason to believe a student has a communicable disease which may endanger the health of either himself/herself or other individuals in the regular school setting, the school leader shall:

- (1) Assign the student to a setting which will protect other students, employees and the student himself; or
- (2) Exclude the student from school until certification is obtained from a physician or the County Health Department by either the parent or school leader stating that the disease is no longer communicable.

If the school leader has reason to believe that the student has a long-term communicable disease, the school leader must require confirmation from a physician or the County Health Department as to the student's condition. If the student is confirmed to have a long-term communicable disease the school leader shall refer the student for special education services.

The school leader may request that further examinations be conducted by a physician or County Health Department and may request periodic re-examinations after the student has been readmitted to the school. The names of all students excluded from school under this policy shall be forwarded to the office of the Director of Schools.

Legal References

T.C.A. § 49-2-203(b)(2)
TRR/MS 0520-1-3-.08(2)(c)

Cross References

TSBA 6.403

TENNESSEE STATE BOARD OF EDUCATION		
STUDENTS LIVING WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)		6404
ADOPTED:	REVISED:	MONITORING:

Liability and Non-Discrimination. Students living with human immunodeficiency virus (HIV) shall not be denied enrollment in an authorized charter school. Each authorized charter school shall not prevent a student from participating in the continuation of his/her education on the sole basis of HIV status. To the extent practical with medical and educational needs, the student shall be subject to the same rules for class assignment, privileges, and participation in any school-sponsored activities as all other students. Each school shall strive to maintain a respectful school climate for students living with HIV. Mandatory screening for communicable diseases not spread by casual everyday contact, such as HIV, shall not be a condition for school entry or attendance.

Administrative Responsibilities for Confidentiality. If a student's parents/guardians choose to disclose the child's HIV status, all matters pertaining to that student shall be directed by procedures initiated by the school. The school shall be responsible for requesting medical records from the parent/guardian and a statement from the student's physician regarding the health status of the student reported to be HIV-positive. In addition, the school shall gather information regarding the student's cumulative school record.

Confidentiality. No information concerning a student living with HIV shall be divulged, directly or indirectly, to any other individual or group without the written consent of the parent/guardian. All medical information and written documentation of discussions, telephone conversations, proceedings, and meetings shall be kept by the school in a locked file. If the HIV-positive student is under the age of 18, access to this file shall be granted only to those persons who have the written consent of the student's parents/guardians. Under no circumstances shall information identifying a student living with HIV be released to the public.

Appropriate Alternative Education Programs. In determining the educational placement of a student living with HIV, school authorities shall follow established policies and procedures for students with disabilities. School authorities shall reassess placement if there is a change in the student's need for accommodations or services.

HIV Prevention Education. Each authorized charter school shall be responsible for developing instructional objectives to address the state standards and provide each teacher responsible for teaching HIV prevention education with these objectives. Students shall further be taught universal precautions through the Tennessee Health Education and Lifetime Wellness Standards for Grades K-12 and through each school's HIV prevention education program. Parents and guardians shall

have the opportunity to preview all HIV-prevention curricula and materials in accordance with state law. Students shall have access to voluntary and confidential counseling about matters related to HIV. Administrators shall maintain a list of counseling and testing resources for student use.

Infection Control. Each authorized charter school shall develop an Occupational Safety and Health Administration (OSHA)-based infection control plan in which the school will: (1) provide well-maintained and easily accessible materials necessary to follow universal precautions, and (2) designate first responders responsible for implementing infection control guidelines, including investigating, correcting, and reporting on instances of exposure. All schools shall further follow the most current Centers for Disease Control and Prevention (CDC) Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health Care Settings and the OSHA Bloodborne Pathogens Standard. The school shall develop procedures to implement this policy as well as the State Board HIV/AIDS Policy for Employees and Students of Tennessee Public Schools.

Legal References

TRR/MS 0520-1-3-.08(g)(2)
State Board Policy 5.300

Cross References

TBSA 6.404

TENNESSEE STATE BOARD OF EDUCATION		
CHILD ABUSE		6409
ADOPTED:	REVISED:	MONITORING:

Reporting. All personnel of an authorized charter school shall be alert for any evidence of child abuse or neglect. Child abuse is defined as any wound, injury, disability, or physical or mental condition which reasonably indicates that it has been caused by brutality, abuse, or neglect. Staff members having knowledge or suspicion of any child who is suffering from abuse or neglect shall report such harm immediately. The report shall be made to the judge having juvenile jurisdiction or to the county office of the Department of Children's Services or to the office of the chief law-enforcement official where the child resides. The report shall include:

- (1) The name, address and age of the child;
- (2) The name and address of the parents or persons having custody of the child;
- (3) The nature and extent of the abuse or neglect; and
- (4) Any evidence to the cause or any other information that may relate to the cause or extent of the abuse or neglect.

The identity of the person reporting shall remain confidential except when the juvenile court determines otherwise.

Each authorized charter school shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all school personnel.

Investigations. School administrators and employees have a duty to cooperate, provide assistance and information in child abuse investigations including permitting child abuse review teams to conduct interviews while the child is at school; the school leader may control the time, place, and circumstances of the interview, but may not insist that a school employee be present even if the suspected abuser is a school employee or another student. The school leader is not in violation of any laws by failing to inform parents that the child is to be interviewed even if the suspected abuser is not a member of the child's household.

Legal References

T.C.A. § 37-1-412

T.C.A. § 37-1-403(a)(1)

T.C.A. § 37-1-403(a)(2)

T.C.A. § 37-1-403(b)

T.C.A. § 37-1-409(a)(1)

TRR/MS 0520-1-3-.08(2)(e)

T.C.A. § 37-1-611(b)

Tenn. Op. Atty. Gen. No. 87-101 (June 9, 1987).

Public Acts of 2016, Chapter No. 802

Cross References

TSBA 6.409

TENNESSEE STATE BOARD OF EDUCATION		
CONCUSSION AND SUDDEN CARDIAC ARREST		6413
ADOPTED:	REVISED:	MONITORING:

Concussion. Each authorized charter school participating in organized athletic activities shall adopt a policy that establishes guidelines to inform and educate coaches, youth athletes, and other adults involved in youth athletics about the nature, risk, and symptoms of concussion and head injury. At minimum, the policy shall include the completion of the National Federation of State High School Associations Elective Course – Concussion for Sports online course, as well as providing concussion/head injury information sheets for parents and students to review and sign prior to participation in athletics. Additionally, the policy shall include procedures for removal from athletics for any individual who shows signs, symptoms, and/or behaviors consistent with a concussion and may not return without written clearance from a licensed health care provider.

Sudden Cardiac Arrest. Each authorized charter school participating in organized athletic activities shall adopt a policy addressing the prevention and treatment of sudden cardiac arrest that includes, at minimum, completion of the National Federation of State High School Associations Elective Course – Sudden Cardiac Arrest online course for the athletic director and all coaches, whether employed or volunteer, as well as providing sudden cardiac arrest information sheets for parents and students to review and sign prior to participation in athletics. Additionally, the policy shall include procedures for removal from athletics for any individual who shows signs, symptoms, and/or behaviors consistent with sudden cardiac arrest and may not return without written clearance from a licensed health care provider.

Legal References

T.C.A. § 68-55-5020
Public Chapter No. 948
T.C.A. § 68-6-101, et. Seq
Public Acts of 2015, Chapter No. 325

Cross References

TSBA 6.413
TSBA 6.414

TENNESSEE STATE BOARD OF EDUCATION		
HOMELESS STUDENTS		6503
ADOPTED:	REVISED:	MONITORING:

All authorized charter schools shall ensure that any homeless student shall have equal access to the same free, appropriate public education as provided to other children and youths.

Homeless students are individuals who lack a fixed, regular, and adequate nighttime residence. Homeless students include:

- (1) Students sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; students living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; students living in emergency or transitional shelters; or students abandoned in hospitals;
- (2) Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodations for human beings;
- (3) Students living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or trains stations, or similar settings; and
- (4) Migratory students who are living in circumstances described above.

Enrollment. All eligible students who submit a timely application shall be enrolled in an authorized charter school, unless the number of applications exceeds the capacity of the program, in which case enrollment preferences and a lottery shall be instituted pursuant to state law. A student's homeless status shall not preclude him or her from enrolling in an authorized charter school. Homeless students shall be immediately enrolled in an authorized charter school, even if the student is unable to produce records normally required for enrollment (i.e., academic records, immunization records, health records, proof of residency), or missed the district's application or enrollment deadlines. Parents/guardians are required to submit contact information to the authorized charter school's homeless coordinator.

Placement. For the purposes of this policy, school of origin shall mean the school that the student attended when permanently housed or the school in which the student was last enrolled, including a preschool/pre-k program. School of origin shall also include the designated receiving school at the next grade level when the student completes the final grade level served by the school or origin. Placement shall be determined based on the student's best interest. At all times, a strong presumption that keeping the student in the school of origin is in the student's best interest shall be maintained, unless doing so would be contrary to a request made by the student's parent/guardian or the student in the case of an unaccompanied youth. When determining placement, student-centered factors, including but not limited to impact of mobility on achievement, education, health, and safety shall be considered. The choice regarding placement

shall be made regardless of whether the student lives with their homeless parents/guardians or has been temporarily placed elsewhere. If it is not in the student's best interest to attend the school of origin, or the school requested by the parent/guardian or unaccompanied youth, the school leader or his/her designee shall provide a written explanation of the reasons for the determination, in a manner and form that is understandable to the parent/guardian or unaccompanied youth. The written explanation shall include a statement regarding the right to appeal the placement decision. If the placement decision is appealed, the authorized charter school shall refer the parent/guardian or unaccompanied student to the homeless coordinator, who shall carry out the dispute resolution process as expeditiously as possible and in accordance with the law. Upon notice of an appeal, the school shall immediately enroll the student in the school in which enrollment was sought pending a final resolution of the dispute, including all available appeals.

Records. Records ordinarily kept by the school shall be maintained for all homeless students. Information regarding a homeless student's living situation shall be treated as a student education record, and shall not be considered directory information.

Services. Each authorized charter school shall ensure that each homeless student is provided services comparable to those offered to other students within the school, including transportation, special education services, programs in career and technical education (CTE), programs for gifted and talented students, and school nutrition. The school leader shall designate a homeless coordinator who shall ensure this policy is implemented at the authorized charter school. The homeless coordinator shall ensure:

- (1) Homeless students are quickly identified and have access to education and support services, to include Head Start and district pre-k programs;
- (2) Coordination with local social service agencies and other entities providing services to homeless students;
- (3) Coordinate transportation, transfer of records, and other inter-district activities with other school districts;
- (4) Coordinate transportation to the school or origin or choice for homeless students;
- (5) Refer homeless students and their families to health care services, dental services, mental health and substance abuse services, and housing services;
- (6) Assist homeless students in obtaining immunizations, medical or immunization records, and any additional assistance that may be needed;
- (7) Public notice of the educational rights of homeless students is disseminated in places frequented by parents/guardians of homeless students, including schools, shelters, public libraries, and soup kitchens; and
- (8) Unaccompanied youth are enrolled and informed of their status as independent students.

The school leader shall develop procedures to ensure that homeless students are recognized administratively and that the appropriate and available services are provided for these students. The school leader shall ensure professional development is provided to school personnel providing services to homeless students.

Legal References

42 USCS §§ 11431 to 11435; McKinney-Vento Education Assistance Improvements Act of 2001, Part C, § 721
McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95), § 725
McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(C)(i), § 722(g)(3)(H)
McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(A)
McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(B)
McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(F)
McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(E)
McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(G)
McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(3)(I)
McKinney-Vento Act, as amended by ESSA (Pub. L. 114-95, § 722(g)(4) - (6)

Cross References

TSBA 6.503

TENNESSEE STATE BOARD OF EDUCATION		
MIGRANT STUDENTS		6504
ADOPTED:	REVISED:	MONITORING:

All eligible students who submit a timely application shall be enrolled in an authorized charter school, unless the number of applications exceeds the capacity of the program, in which case enrollment preferences and a lottery shall be instituted pursuant to state law. A student's migratory status shall not preclude a student from enrolling in an authorized charter school.

Each authorized charter school shall develop written procedures for ensuring that migrant students receive services for which they are eligible. The procedures shall:

- (1) Identify migrant students and assess the educational and related health and social needs of each student.
- (2) Provide a full range of services to migrant students including applicable Title I programs, special education, gifted and talented education, vocational education, language programs, counseling programs, elective classes, fine arts classes, etc.
- (3) Provide migratory children with the opportunity to meet the same statewide assessment standards that all students are expected to meet.
- (4) To the extent feasible, provide advocacy and outreach programs to migratory students and their families and professional development for school staff.
- (5) Provide parents an opportunity to participate in the program.

If a migrant student is identified by an authorized charter school, the school director shall notify the State Board. The State Board shall notify the Tennessee Department of Education and request assistance if needed.

Legal References

20 USCS §§ 6318, 6391, 6399

Cross References

TSBA 6.504

TENNESSEE STATE BOARD OF EDUCATION		
STUDENTS IN FOSTER CARE		6505
ADOPTED:	REVISED:	MONITORING:

All eligible students who submit a timely application to an authorized charter school shall be enrolled in the school, unless the number of applications exceeds the capacity of the program, in which case enrollment preferences and a lottery shall be instituted pursuant to state law. A student's status in foster care, including those waiting foster care placement, shall not preclude him or her from enrolling in an authorized charter school.

Enrollment. Students in foster care, to include those awaiting foster care placement, shall be immediately enrolled, even if the student is unable to produce records normally required for enrollment (i.e. academic records, immunization records, health records, proof of residency).

Placement. The authorized charter school and the child welfare agency shall determine whether placement in a particular school is in a student's best interest. Other parties, including the student, foster parents, and biological parents (if appropriate), shall be consulted. If the child has an IEP or a Section 504 plan, then the relevant school staff members shall participate in the best interest decision process. This determination shall be made as quickly as possible to prevent education disruption.

Placement shall be determined based on the student's best interest. At all times, a strong presumption that keeping the student in the school of origin is in the student's best interest shall be maintained. For the purposes of this policy, school of origin shall mean the school in which the student was enrolled at the time of placement in foster care or at the time of a placement change if the student is already placed in foster care.

When determining placement, student-centered factors including, but not limited to, the following shall be considered:

- (1) Preferences of the student;
- (2) Preferences of the student's parent(s) or education decision maker(s);
- (3) The student's attachment to the school, including meaningful relationships with staff and peers;
- (4) Placement of the student's siblings;
- (5) Influence of the school climate on the student, including safety;
- (6) The availability and quality of the services in the school to meet the student's educational needs;
- (7) History of school transfers and how they have impacted the student;

- (8) How the length of the commute would impact the student;
- (9) Whether the student is receiving special education services and related services, and if so, the availability of those required services in a school other than the school of origin; and
- (10) Whether the student is an English learner and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin.

Transportation costs should not be considered when determining a student's best interest.

If it is not in the student's best interest to attend the school of origin, the school leader or designee shall provide a written explanation of the reasons for the determination. The written explanation shall include a statement regarding the right to appeal the placement decision. The authorized charter school shall adopt an appeal policy for placement decisions that ensures the student's due process rights.

Transportation. The authorized charter school shall collaborate with the local child welfare agency to develop and implement clear and written procedures governing how transportation to a student's school of origin shall be provided, arranged, and funded. This transportation will be provided for the duration of the student's time in foster care.

Each authorized charter school shall develop procedures to provide for transportation for students in foster care. These procedures shall ensure that:

- (1) Students in foster care needing transportation to their schools of origin will promptly receive that transportation in a cost-effective manner and in accordance with federal law; and
- (2) If there are additional costs incurred in providing transportation to the school of origin, the authorized charter school shall provide transportation if:
 - (a) the local child welfare agency agrees to reimburse the charter school for the costs of such transportation;
 - (b) the charter school agrees to pay for the cost; or
 - (c) the charter school and local child welfare agency agree to share the cost.

The charter school will ensure that a student in foster care, to include a student awaiting foster care placement, remains in his/her school of origin while any disputes regarding transportation costs are being resolved.

Legal References

Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), §
1111(g)(1)(E)(i)-(iv)

Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), §
1111(g)(1)(E)

Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), §
1112(c)(5)

Elementary and Secondary Education Act,
as amended by ESSA (Pub. L. 114-95), §
1112(c)(5)(B)(i)

§ 475(4)(A) of the Social Security Act, 42
U.S.C. § 675(4)(A)

Cross References

TSBA 6.505

TSBA 6.200

TSBA 6.203

TENNESSEE STATE BOARD OF EDUCATION		
STUDENT RECORDS AND CONFIDENTIALITY		6600
ADOPTED:	REVISED:	MONITORING:

Student Records. A cumulative record shall be kept for each student enrolled in an authorized charter 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.

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, copies of the student's records, including the student's disciplinary records, shall be sent to the transfer school.

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

Confidentiality of Student Records. Information collected and maintained about individual students primarily is designed to assist in the educational development of the students and should be accessed and disclosed only for that purpose. Therefore, each authorized charter school shall keep the education records of all students confidential and to allow disclosure only to persons who are legally permitted to review such records. Each authorized charter school shall adopt policies addressing the dissemination of any personally identifiable information and the dissemination of directory information.

Annual Notification. Annually, each authorized charter school shall notify parent(s) of students and eligible students* of each student's privacy rights. For students enrolling after the above period, this information shall be given to the student's parent(s) or the eligible student at the time of enrollment. The notice shall include the right of the student's parent(s) or the eligible student to:

- (1) Inspect and review the student's education records;
- (2) Seek correction of items in the record which are believed to be inaccurate, misleading or in violation of the student's rights, including the right to a hearing upon request;
- (3) File a complaint with the appropriate state or federal officials when the school system violates laws and regulations relative to student records;
- (4) Obtain a copy of this policy and a copy of the student's educational records;

- (5) Exercise control over other people's access to the records, except when prior written consent is given, or under circumstances as provided by law or regulations, or where the school system has designated certain information as "directory information." Parent(s) of students or eligible students have two weeks after notification to advise the school system in writing of items they designate not to be used as directory information. The records custodian shall mark the appropriate student records for which directory information is to be limited, and this designation shall remain in effect until it is modified by the written direction of the student's parent(s) or the eligible student.

Directory Information. Directory information means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone number, e-mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.

Student directory information for 11th and 12th graders shall be made available upon request to persons or groups which make students aware of occupational and educational options, including official recruiting representatives of the military forces of the State and the United States.

*The student becomes an "eligible student" when he/she reaches age 18 or enrolls in a post-secondary school, at which time all of the above rights become the student's rights.

Confidentiality of Student Information – Media Releases. Each authorized charter school shall adopt a policy regarding the release of student information for media purposes. All media releases shall comply with FERPA regulations and protect the confidentiality of student information.

Surveys of Students. Each authorized charter school shall adopt a policy addressing the survey of students. No student shall be required, as part of any program, to submit to a survey, analysis, or evaluation that reveals information concerning the following without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an un-emancipated minor, without the prior written consent of the parent:

- (1) Mental or psychological problems of the student or the student's family;
- (2) Sexual behavior or attitudes;
- (3) Illegal, anti-social, self-incriminating, or demeaning behavior;
- (4) Critical appraisals of other individuals with whom respondents have close family relationships;
- (5) Legally privileged relationships;
- (6) Income; or
- (7) The collection of student biometric data involving the analysis of facial expressions, EEG brain wave patterns, skin conductance, galvanic skin response, heart-rate variability, pulse, blood volume, posture, and eye-tracking.

The collection of the following student data is strictly prohibited:

- (1) Political affiliation or voting history;

- (2) Religious practices; and
- (3) Firearm ownership.

Legal References

10 U.S.C. § 503(c)
USCA 20-1232g
34 CFR § 99.3
34 CFR § 99.4
34 CFR § 99.5
34 CFR § 99.7
T.C.A. § 10-7-503
T.C.A. § 10-7-504
T.C.A. § 10-7-504(a)(4)
T.C.A. § 49-6-3001(c)(1)
T.C.A. § 49-1-701, et. Seq
T.C.A. § 49-2-211
TCA 49-6-406

Cross References

TSBA 6.600
TSBA 6.601
TSBA 6.602
TSBA 6.4001
SCS Policy 6003

TENNESSEE STATE BOARD OF EDUCATION		
NEWS AND MEDIA RELATIONS		6910
ADOPTED:	REVISED:	MONITORING:

Each authorized charter school shall be responsible for handling media relations and publicity that complies with all state and federal student privacy laws. No charter school represents the State Board.

Legal References

TCA 10-7-504(a)(4)(A)

TRR/MS 0520-1-3-.03(13)(c)

Cross References

TSBA 6.600

TENNESSEE STATE BOARD OF EDUCATION		
REPORTING CRIMINAL OFFENSES		6920
ADOPTED:	REVISED:	MONITORING:

If a student has at any time been adjudicated delinquent for any offenses listed below, the parents, guardians or legal custodians of any student must report to the school leader of the authorized charter school that the student has been adjudicated delinquent for:

- (1) An offense involving:
 - (a) First degree murder;
 - (b) Second degree murder;
 - (c) Rape;
 - (d) Aggravated rape;
 - (e) Rape of a child;
 - (f) Aggravated rape of a child;
 - (g) Aggravated robbery;
 - (h) Especially aggravated robbery;
 - (i) Kidnapping;
 - (j) Aggravated kidnapping;
 - (k) Especially aggravated kidnapping;
 - (l) Aggravated assault;
 - (m) Felony reckless endangerment;
 - (n) Aggravated sexual battery; or
- (2) A violation of:
 - (a) Voluntary manslaughter, as defined in T.C.A. § 39-13-211;
 - (b) Criminally negligent homicide, as defined in T.C.A. § 39-13-212;
 - (c) Sexual battery by an authority figure, as defined in T.C.A. § 39-13-527;
 - (d) Statutory rape by an authority figures, as defined in T.C.A. § 39-13-532;
 - (e) Prohibited weapon, as defined in T.C.A. § 39-17-1302;
 - (f) Unlawful carrying or possession of a firearm, as defined in T.C.A. § 39-17-1307;
 - (g) Carrying weapons on school property, as defined in T.C.A. § 39-17-1309;
 - (h) Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in T.C.A. § 39-17-1311;
 - (i) Handgun possession, as defined in T.C.A. § 39-17-1319;
 - (j) Providing handguns to juveniles, as defined in T.C.A. § 39-17-1320; or
 - (k) Any violation of T.C.A. § 39-17-417 that constitutes a Class A or Class B felony.
- (3) An offense not listed in the above subsections for which a court has ordered school notification based on the circumstances surrounding such offense.

It is a Class C misdemeanor, punishable by fine, for a parent or legal guardian not to report as provided above.

Legal References
T.C.A. § 49-6-3051

Cross References
SCS Policy 6048