
State Board of Education Local Education Agency (LEA) Policies

The Background:

Pursuant to Public Chapter 850 of the 108th General Assembly, the State Board serves as the chartering authority for any schools that it authorizes on appeal if the local school district and the charter school operator do not mutually agree that the local district will be the authorizer. In Tennessee, the chartering authority serves as the local education agency (LEA) for any authorized charter schools. Additionally, T.C.A. § 49-13-142(b)(1) provides that oversight and monitoring of charter schools authorized by the State Board shall be performed by the State Board.

In order to comply with the oversight and monitoring duties required in statute, the State Board must adopt policies to govern its functions as the LEA for authorized charter schools. These policies will only impact the charter schools under the supervision of the State Board and will not be applicable to any other school or local district. Additionally, these policies will work in conjunction with State Board Policies 6.100 through 6.110 which govern the State Board's duties as a charter school authorizer.

Below is a synopsis of the major topics of the LEA policies with a brief explanation of the purpose for each policy. Any policy description that is bolded commits the board or its staff to action or is a policy of significance.

1000 – Board Operations

These policies covered the general operations of both the State Board as the LEA as well as the operations of the governing boards of authorized charter schools. Specifically, the policies under this area include:

- **1100 – Adoption of Policies (pg. 4):** All authorized charter schools are required to adopt policies and procedures in compliance with state and federal law. Annually, the charter school must submit these policies to the State Board and notify students, parents, and employees of the policies. Finally, the Executive Director of the State Board acts as the Director of Schools within the policies.
- **1106 – Code of Ethics and Conflict of Interest (pg. 5):** This policy covers the baseline requirements for the governing boards of authorized charter schools with regard to a code of ethics and conflict of interest. The State Board member and employee requirements are under State Board Policies 1.200 and 1.300.
- **1200 – Grievances and Complaints (pg. 7):** This policy outlines what grievances and complaints are handled by the charter school and which grievances and complaints are handled by the State Board. It describes by which complaints to the State Board will be handled.

- 1407 – Public Records (pg. 9): All authorized charter schools must develop policies and procedures for the maintenance of school records and the fulfillment of public records requests, in accordance with state and federal law.
- 1800 – School Calendar (pg. 11): All authorized charter schools must develop a school calendar in compliance with state law and submit it to the State Board annually.
- 1802 – Americans with Disabilities Act, Section 504, and Grievance Procedures (pg. 12): This policy states that all authorized charter schools shall comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
- 1803 – Smoke Free Environment (pg. 14): All authorized charter schools shall comply with the smoke free regulations in accordance with state and federal law.
- 1808 – Registered Sex Offenders (pg. 15): All authorized charter schools shall develop policies and procedures, in accordance with state law, for required by state law.
- **1900 – Accountability and Responsibility of the State Board and Charter Schools (p. 16):** This policy states:
 - The State Board will never give directions or instructions to an employee of the charter school, does not evaluate any employee of the charter school, and is not involved in the hiring, disciplining, or dismissal of any employee of the charter school.
 - The State Board is required to monitor the charter school’s compliance with applicable State Board policies. State Board Policy 6.500 covers the board’s role in oversight from an authorizing perspective.

2000 – Fiscal Management

- 2100 – Fiscal Management Objectives (pg. 19): All authorized charter schools shall practice sound fiscal management procedures and be in compliance with all regulations tied to the use of federal funds.
- **2200 – School Operating Budget (pg. 20):** All authorized charter schools are required to prepare a budget and submit it to the State Board by May 1st.
- **2201 – Line Item Transfer Authority (p. 22):** All authorized charter schools are allowed autonomy for use of and transfer of funds within budget category for state-issued BEP funds in accordance with state law. Line item transfers of federal funding shall be in accordance with the regulations of the funds and only completed after approval by the State Board.
- 2400 – Revenue (pg. 23): This policy governs the revenue of authorized charter schools. Semi-annually, authorized charter schools must report all revenue to the State Board.
- 2401 – Gifts and Bequests (pg. 25): This policy governs gifts and bequests to the charter school. Semi-annually, authorized charter schools must report all gifts, donations, and bequests to the State Board.
- 2402 – Investment of Funds (pg. 26): The school leader or financial officer of the school may invest excess funds in interest-bearing accounts in accordance with the Tennessee Internal School Uniform Accounting Policy Manual. Semi-annually, all investment of funds shall be reported to the State Board.
- 2403 – Property Sales (pg. 27): The authorized charter school is responsible for disposing of unused equipment in accordance with state and federal law.
- 2404 – School Support Organizations (pg. 28): Each authorized charter school shall create a policy and procedures to oversee its relationship between it and any school support organizations.

- 2500 – Deposit of Funds (pg. 29): Each authorized charter school shall develop a policy and create procedures for depositing funds collected at the school-level.
- 2600 – Bonded Employees (pg. 30): 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 state law.
- 2700 – Accounting System (pg. 31): Each authorized charter school shall maintain a system of accounting that is in accordance with generally accepted accounting principles and in conformance with the uniform chart of accounts.
- **2701 – Financial Records (pg. 32):** Each authorized charter school shall maintain financial records as required by state and federal law and regulation. In the annual report submitted by the charter school, the school shall include the financial records of the school, including revenues and expenditures.
- 2702 – Inventory (pg. 33): Each authorized charter school shall develop a system for inventory that is in compliance with the Tennessee Internal School Uniform Accounting Policy Manual.
- **2703 – Audits (pg. 34):** Annually, each authorized charter school shall cause an audit to be made of the school's accounts and records in accordance with state law. A copy of the audit shall be sent to the State Board, the commissioner of education, and the comptroller of the treasury.
- 2800 – Expenditures of Funds (pg. 35): Each authorized charter school shall develop a policy and procedures for expenditures of funds in accordance with state and federal law.
- 2801 – Petty Cash Accounts (pg. 36): Each authorized charter school may maintain petty cash funds, and if the school opts to use petty cash accounts, it will develop a policy and procedures for maintenance of the accounts.
- 2802 – Payroll Procedures (pg. 37): Each authorized charter school shall develop payroll procedures for its employees.
- 2804 – Expenses and Reimbursements (pg. 38): Each authorized charter school shall develop policies and procedures for expenses and reimbursements.
- **2805 – Purchasing and Contracts (pg. 39):** Each authorized charter school shall develop policy and procedures for purchasing, and the State Board shall not be responsible for payment for any materials, supplies, or services purchased by unauthorized personnel. All contracts for goods in excess of \$10,000 shall be bid and approved by the governing body of the charter school, in accordance with state and federal law.
- 2900 – Student Activity Funds Management (pg. 40): Each authorized charter school shall develop policy and procedures to manage student activity funds.

3000 – Support Services

- 3201 – School Safety (pg. 42): 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 and comply with reporting requirements in state and federal law.
- 3202 – Emergency Preparedness and Procedures (pg. 45): 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, and each school shall practice emergency safety procedures.

- 3203 – Crisis Management (pg. 47): 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
- 3208 – Asbestos Management (pg. 48): 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 the school shall develop an asbestos-management plan.
- 3218 – Service Animals in District Facilities (pg. 49): 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.
- **3400 – Transportation (pg. 50):** 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. 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, and the schools shall select and hire school bus drivers in accordance with state law.
- 3600 – Insurance (pg. 53): 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.

4000 – Instructional Programs

- **4207 – English Learners (p. 55):** Each authorized charter school develops and implements language instruction programs for students who are English Learners equals access to its programs. The State Board is responsible for ensuring students who are English Learners are participating in the appropriate instructional program and the school has provided proper parent notification.
- 4210 – Credit Recovery (pg. 57): Each authorized charter school shall develop procedures for credit recovery and ensure that all credit recovery teachers comply with all State Board certification requirements.
- 4211 – Work-Based Learning (pg. 59): Each authorized charter school shall develop procedures to govern the work-based learning program.
- 4301 – Hazing (pg. 60): Each authorized charter school shall adopt, at a minimum, a written policy prohibiting hazing by any student or organization operating under the sanction of the school or surrounding district.
- **4400 – Instructional Materials (pg. 61):** 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.
- 4406 – Internet Safety and Use of Technological Resources (pg. 62): Each authorized charter school shall develop a policy and implement procedures to promote Internet safety and the appropriate use of technology by staff and students.

- 4502 – Parent Involvement and Engagement (pg. 64): 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.
- 4603 – AP/IB Courses, Honors/Technical Courses, and Grading (pg. 65): Each authorized charter school shall adopt policies for AP/IB courses, honors/technical courses, and grading that align with State Board policy.
- 4605 – Course Credits and Graduation (pg. 66): Each authorized charter school shall require students to meet or exceed all course graduation requirements as outlined in State Board Policy 2.103.
- 4802 – Student Equal Access (pg. 67): 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.
- 4804 – Religion in the Curriculum (pg. 68): Each authorized charter school shall approach religion in the curriculum in accordance with Public Chapter 660 of the 109th General Assembly.

5000 – Personnel

- **5104 – Employee Rights (pg. 70):** This policy states that employees of authorized charter school are not employees of the State Board or the State of Tennessee. Each authorized charter school is responsible for developing its own employment policies in compliance with state and federal laws, regulations, and policies, and a process for handling employee-related complaints and grievances.
- 5106 – Application and Employment (pg. 72): Each authorized charter school handles the hiring process for its employees, and it cannot employ any person who does not meet the requirements outlined in the policy.
- **5114 – Personnel Records (pg. 74):** Each authorized charter school shall maintain personnel records and permit inspection of the records except for matters deemed confidential by law. The State Board may audit the records for compliance at any time deemed necessary.
- **5118 – Background Investigations (pg. 76):** Each authorized charter school shall require criminal history background checks for all positions that require proximity to children. The State Board, as the LEA, shall be responsible for running the background checks and providing the information to the charter school. The State Board is required to train the charter school on the proper retention and security of Criminal History Record Information.
- 5400 – Employee Health (pg. 78): Each authorized charter school shall develop policies to handle health related issues.
- 5701 – Substitute Teachers (pg. 80): 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.
- 5910 – Threats of Violence (pg. 81): Each authorized charter school shall adopt a policy stating that any verbal, written or electronically communicated threat, suggestion, or prediction of violence against any person or group of persons employed by the school shall not be tolerated.

6000 – Students

- 6200 – Attendance (pg. 83): Each authorized charter school is responsible for overseeing the entire attendance program and for ensuring that attendance records are maintained.

- 6203 – Physical Examinations and Immunizations (pg. 86): Each authorized charter school is responsible for ensuring students complete the proper physical examinations and ensure no students are enrolled or attend without proof of immunization.
- 6206 – School Admissions and Enrollment Period (pg. 87): Each authorized charter school shall develop 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.
- 6209 – Child Custody and Parental Access (pg. 88): The State Board presumes that the person who enrolls a student in school is the student’s custodial parents and assumes, unless informed otherwise, that there are no restrictions regarding the non-custodial parent’s right to be kept informed of the student’s progress and activities.
- 6300 – Security (pg. 89): Each authorized charter school shall develop policies and procedures to ensure safe and secure learning environments and disciplinary sanctions for students engaging in certain behaviors or events.
- 6303 – Reporting of Crimes, Interrogations, and Searches (pg. 91): Each authorized charter school leader shall report reasonable suspicion of a crime to a law enforcement officer, and each teacher is required to report student offenses to the school leader. The charter schools will establish policies and procedures in accordance with local law enforcement for implementing the use of searches, metal detectors, and animals.
- 6304 – Bullying, Cyber-Bullying, Discrimination, Harassment, and Hazing (pg. 94): Each authorized charter school shall develop a policy ensuring that acts of bullying, cyber-bullying, discrimination, harassment, hazing, or any other victimization of students are prohibited.
- 6307 – Student Alcohol and Drug Use and Testing (pg. 96): Each authorized charter school shall have a written policy for handling drug/alcohol problems that may arise in the schools. Each authorized charter school shall have a written policy for handling drug/alcohol problems that may arise in the schools.
- 6309 – Zero Tolerance (pg. 99): Each authorized charter school shall adopt policies around a) a zero tolerance; and b) 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.
- 6313 – Student Discipline (pg. 100): Each authorized charter school shall adopt a student discipline policy that is in compliance with state and federal law, regulations, and policy. Each school must have an appeal and grievance process that recognizes a student’s due process rights. Corporal punishment shall not be used as a discipline measure in any authorized charter school. Each authorized charter school shall adopt a policy regarding the safe relocation of students.
- 6400 – Student Wellness and Health Services (pg. 101): Each authorized charter school shall address student wellness and the primary health concerns of its students by adopting policies that highlight and provide guidelines for its health services programs, social services, and psychological services available to students. Each authorized charter school shall provide either an annual in-service training in suicide prevention or participate in other equivalent training approved by the school leader
- 6403 – Communicable Diseases (pg. 104): 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.
- 6404 – Students living with Human Immunodeficiency Virus (HIV) or Acquired Immunodeficiency Syndrome (AIDS) (pg. 105): 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. Each charter school shall develop policy and procedures to meet the requirements of state and federal law around HIV prevention education and infection control.

- 6409 – Child Abuse (pg. 107): All personnel of an authorized charter school shall be alert for any evidence of child abuse or neglect. Each authorized charter school shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all school personnel.
- 6413 – Concussion and Sudden Cardiac Arrest (pg. 109): 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, head injury and sudden cardiac arrest.
- 6503 – Homeless Students (p. 110): Each authorized charter school is responsible for admitting and providing to homeless students equal access to the same free, appropriate education as provided to other children and youths.
- 6504 – Migrant Students (pg. 113): 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.
- 6505 – Students in Foster Care (p. 114): 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. In the case of a student in foster care or those waiting foster care placement, each authorized charter school shall work with the child welfare agency to determine whether placement in a particular school is in the student’s best interest.
- **6600 – Student Records and Confidentiality (pg. 117):** Each authorized charter school shall keep a cumulative record for each student enrolled. The records shall be kept confidential, and parents of student shall receive an annual notification of each student’s privacy rights. Each authorized charter school shall adopt a policy for addressing the survey of students.
- 6910 – News Media and Relations (pg. 120): 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.
- 6920 – Reporting Criminal Offenses (p. 121): If a student has at any time been adjudicated delinquent for any offenses listed in the policy, 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 one of the offenses.

The Recommendation:

State Board staff recommends acceptance of this item on first reading.