

Policy Committee Meeting

August 8, 2022 5:15 PM

MCBOE

1. Call to Order

Andy Woodard

2. 4.206 Homebound Instruction

3. 5.119 Employment of Retirees

4. 5.200 Separation Practices for Tenured Teachers

5. 5.201 Separation Practices for Non-Tenured Teachers

6. 5.701 Substitute Teachers

7. 6.200 Attendance

8. 6.204 Attendance of Non-Resident Students

9. 6.318 Admission of Suspended or Expelled Students

10. 6.309 Zero Tolerance Offenses

11. 6.409 Reporting Child Abuse

12. 4.402 Library Materials

13. Adjourn

Marshall County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Homebound Instruction	Descriptor Code: 4.206	Issued Date: 08/08/22
		Rescinds: 4.206	Issued: 04/08/19

1 The homebound instruction program is for students who because of a medical condition are unable to
2 attend the regular instructional program.¹ The homebound instruction program shall consist of a
3 minimum of three (3) hours of instruction per week for a period of time determined, on a case-by-case
4 basis, by the district.

5 To qualify for this program, a student shall have a medical condition that will require the student to be
6 absent for a minimum of ten (10) consecutive instructional days, or for an aggregate of at least ten (10)
7 instructional days for a student who has a chronic medical condition. The student shall be certified by a
8 physician as having a medical condition that prevents him/her from attending the regular instructional
9 program.

10 Medical documentation shall include: Marshall County Schools Request for Homebound Instruction
11 form completed by the student's doctor including diagnosis, prognosis, and estimated length of absence
12 from school. The student must be certified as unable to attend the regular instructional program by a
13 licensed physician.

14 The services provided to the homebound student shall reflect the student's capabilities and be determined
15 by the homebound instructor, after consultation with appropriate professional staff of the student's
16 assigned school.

17 **Prior to expiration of the period of homebound instruction and return to school, the review team shall**
18 **develop a treatment plan and strategy for the student's reentry into the school environment. An IEP team**
19 **may choose to return a homebound student to the regular classroom on a gradual basis, if needed. In this**
20 **plan, the student should be marked as homebound until that student is in the regular classroom for at**
21 **least 50 percent of the scheduled school day.**

22 Recertification shall be obtained after the expiration of each period of homebound instruction if the
23 student's physician certifies, in writing, that the student has a medical condition that prevents him/her
24 from returning to the regular instructional program.

25

26 **Homebound Placement for Students with Disabilities²**

27

28 **A student with a disability may be eligible for a homebound placement if the student qualifies under the**
29 **Individuals with Disabilities Education Act (IDEA) and State Board rules and regulations. In the case of**
30 **a student with a disability, the IEP team will determine if the student is in need of a homebound**
31 **placement.**

1 The IEP team shall consider a medical homebound placement only upon certification by a licensed
2 doctor of medicine or osteopathy that a child with a disability needs a homebound placement, is expected
3 to be absent from school due to a physical or mental condition for at least ten (10) consecutive school
4 days and that the child can receive instruction in a homebound placement without endangering the health
5 of personnel providing it.

6
7 A homebound placement for a student with a disability shall be temporary, and shall not exceed thirty
8 (30) school days. The student's IEP shall contain a goal of returning the child to a less restrictive
9 environment within the school year, unless there is a medical necessity that requires extended
10 homebound instruction, in which case additional homebound placements of thirty (30) school days or
11 less may be instituted. The student's IEP shall also be reviewed by the IEP team every thirty (30) school
12 days to ensure the continued appropriateness of instruction and of the homebound placement.

Legal References:

1. TCA 49-10-1101; Public Acts of 2018, Chapter No. 625, TRR/MS 0520-01-02-.10
2. TRR/MS 0520-01-09-.07

Cross References:

Student Communicable Diseases 6.403
Acquired Immune Deficiency Syndrome 6.404

Marshall County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Employment of Retirees	Descriptor Code: 5.119	Issued Date: 07/11/22
		Rescinds:	Issued:

1 *General*

2 The director of schools may hire a retired individual if certain conditions are met as provided for in state
3 law.

4 **EMPLOYMENT CONTRACTS FOR UP TO 120 DAYS**

5 Teachers who retire under the Tennessee Consolidated Retirement System (TCRS) may be employed
6 for up to one hundred twenty (120) days per year without loss of retirement benefits. Retired teachers
7 may substitute teach for additional days if the director of schools certifies in writing to the Division of
8 Retirement that no other qualified personnel are available to substitute teach.¹

9 **EMPLOYMENT CONTRACTS FOR ONE YEAR**

10 The director of schools may employ teachers retired for at least one (1) year for full-time employment
11 as a kindergarten through twelfth (K-12) grade teacher on a year-to-year basis. Retirement benefits will
12 not be lost or suspended under certain conditions which include, but are not limited to, the following:²

- 13 1. The director of schools of the employing district shall certify in writing that no other qualified
14 individuals are available to fill the position;
- 15 2. The Commissioner of Education shall certify that the employing school district serves an area
16 that lacks qualified teachers to serve in the position to be filled;
- 17 3. The retired teacher shall hold a valid license and shall not be entitled to tenure status;
- 18 4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave, or
19 receive medical insurance coverage; and
- 20 5. The salary paid to the retired teacher shall not be less than the rate of compensation set by the
21 Board for teachers with no experience filling similar positions or more than eighty-five percent
22 (85%) of the rate of compensation set by the Board for teachers with comparable training and
23 years of experience filling similar positions.

24 **ADDITIONAL EMPLOYMENT OPTION FOR RETIREES³**

25 Retired members of TCRS or a similar system may be offered reemployment for up to one (1) year as a
26 kindergarten through twelfth (K-12) grade teacher, substitute teacher, or bus driver under the following
27 conditions:

- 28 1. The retired member has been retired for at least sixty (60) calendar days;
- 29 2. The retirement benefit payable to the retired member is reduced to seventy percent (70%) of the
30 retirement allowance;

- 1 3. The retired member’s employment can’t be longer than a one (1) year period; however, the retired
- 2 member can be reemployed for addition one (1) year periods;
- 3 4. The retired member is not drawing disability retirement benefits; and
- 4 5. The retired member can’t accrue additional retirement benefits.

5 The director of schools shall notify TCRS of the member’s reemployment and certify in writing that the
6 retired member has the required experience and training for the position and that no other qualified
7 persons are available to fill the position.

8 Once the retired member is hired by the district, the district shall pay TCRS as prescribed by state law.
9 The school district shall pay to TCRS during the period of reemployment the greater of (1) a payment
10 equal to the amount the school district would have contributed to TCRS; or (2) an amount equal to five
11 percent (5%) of the retired member’s pay rate.

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Legal References:

- 1. TCA 8-36-805
- 2. TCA 8-36-821
- 3. Public Acts of 2022, Chapter No. 821

Cross Reference:

- Application and Employment 5.106
- Substitute Teachers 5.701

Marshall County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Separation Practices for Tenured Teachers	Descriptor Code: 5.200	Issued Date: 07/11/22
		Rescinds: 5.200	Issued: 11/08/22

1 **SUSPENSION PENDING AN INVESTIGATION¹**

2 The director of schools may suspend a teacher at any time that may seem necessary, pending
3 investigation, or final disposition of a case before the board or an appeal. If the matter under investigation
4 is not the subject of an ongoing criminal investigation or a Department of Children's Services
5 investigation, and if no charges for dismissal have been made, a suspension pending investigation shall
6 not exceed ninety (90) days in duration. Under no circumstances shall the director of schools suspend a
7 teacher with pay. If vindicated or reinstated, the teacher shall be paid full salary for the period of
8 suspension.

9 **SUSPENSION OF THREE DAYS OR LESS^{2,3}**

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

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

19 **DISMISSAL OR SUSPENSIONS GREATER THAN THREE DAYS⁴**

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

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

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

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

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

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

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

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

24 **RESIGNATION**

25 A teacher shall give the director of schools notice of resignation at least thirty (30) days before the
26 effective date of the resignation. A teacher who fails to give such notice, in the absence of justifiable
27 extenuating circumstances, shall forfeit all tenure status. The Board may waive the thirty (30) days'
28 notice requirement and permit a teacher to resign in good standing.⁵

29 The conditions under which it is permissible to break a contract with the Board are as follows:⁶

- 30 1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified
31 statement of a physician approved by the Board;
- 32 2. The drafting of the teacher into military service by a selective service board; or
- 33 3. The release by the Board of the teacher from the contract which the teacher has entered into with
34 the Board.

35
36 Any teacher on leave shall notify the director of schools in writing at least thirty (30) days prior to the
37 date of return if the teacher does not intend to return to the position from which he/she has taken leave.
38 Failure to render such notice may be considered a breach of contract.⁷
39

1 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with
2 the State Board of Education and request the suspension of a teacher's license. After the State Board of
3 Education has provided the teacher an opportunity for defense during a hearing, the State Board of
4 Education may suspend the license for no less than thirty (30) days and no more than three hundred
5 sixty-five (365) days.⁸

6 7 **RETIREMENT**

8
9 Retirement shall mean a termination of services under conditions which will allow the employee to draw
10 benefits from retirement plans and/or social security benefits. Teachers eligible for retirement benefits
11 may elect to retire at any age according to the provisions of the retirement system.

12
13 Central office personnel shall assist employees in securing retirement benefits; however, it shall be the
14 responsibility of the retiring teacher to provide verification of eligibility in writing from Tennessee
15 Consolidated Retirement System (TCRS) to the central office. It shall be the responsibility of the retiring
16 teacher to file for benefits.

17 The employee must meet TCRS requirements for full retirement, which is 60 years of age or 30 years of
18 service. Unused sick leave can be counted toward an employee's years of service. The employee must
19 have at least ten (10) years of credible service to continue group health insurance coverage with the State
20 of Tennessee.

21 The employee must be employed by the Marshall County Board of Education (MCBOE) for fifteen (15)
22 years, non-consecutive, the last five (5) years of service with the school system, and have the system's
23 insurance during those five (5) years. MCBOE will pay a portion of the premium until the employee
24 reaches the age of 65.

25 Anyone hired after July 1, 2015, is not eligible for state insurance at retirement.

26 ~~Teachers who retire under TCRS may be employed up to one hundred twenty (120) days per year without~~
27 ~~loss of retirement benefits. Retired teachers may substitute teach for additional days if the director of~~
28 ~~schools certifies in writing to the Division of Retirement that no other qualified personnel are available~~
29 ~~to substitute teach.⁹~~

30
31 ~~The director of schools may employ teachers retired for at least one year for full-time employment as a~~
32 ~~kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost~~
33 ~~or suspended under certain conditions, which include but are not limited to the following:¹⁰~~

- 34
35 1. ~~The director of schools of the employing system shall certify in writing that no other qualified~~
36 ~~individuals are available to fill the position;~~
- 37 2. ~~The Commissioner of Education shall certify that the employing school system serves an area~~
38 ~~that lacks qualified teachers to serve in the position to be filled;~~
- 39 3. ~~The retired teacher must hold a valid license and shall not be entitled to tenure status;~~
- 40 4. ~~The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave or~~
41 ~~receive medical insurance coverage; and~~

- 1 5. ~~The salary paid to the retired member shall not be less than the rate of compensation set by the~~
2 ~~Board for teachers with no experience filling similar positions, nor more than eight five percent~~
3 ~~(85%) of the rate of compensation set by Board for teachers with comparable training and years~~
4 ~~of experience filling similar positions.~~

Legal References:

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301(b)(1)(EE), TCA 49-5-512(d)
3. TCA 49-5-511(a)(2)
4. TCA 49-5-511 through 513
5. TCA 49-5-508(a)
6. TCA 49-5-508(c)
7. TCA 49-5-706
8. TCA 49-5-411(b)

Cross Reference:

Public Hearings 1.401
Teacher Tenure 5.117
Recommendations and File Transfers 5.203

Marshall County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Separation Practices for Non-Tenured Teachers	Descriptor Code: 5.201	Issued Date: 07/11/22
		Rescinds: 5.201	Issued: 11/08/21

1 **SUSPENSION PENDING AN INVESTIGATION¹**

2 The director of schools may suspend a teacher at any time that may seem necessary, pending
3 investigation or final disposition of a case before the board or an appeal. If the matter under investigation
4 is not the subject of an ongoing criminal investigation or a Department of Children's Services
5 investigation, and if no charges for dismissal have been made, a suspension pending investigation shall
6 not exceed ninety (90) days in duration. Under no circumstances shall the director of schools suspend a
7 non-tenured teacher with pay. If vindicated or reinstated, the non-tenured teacher shall be paid full salary
8 for the period of suspension.

9 **SUSPENSION OF THREE DAYS OR LESS²**

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

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

19 **DISMISSAL OR SUSPENSION GREATER THAN THREE DAYS²**

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

23 The director of schools shall give the non-tenured teacher an opportunity for a full and complete hearing
24 before an impartial hearing officer.

25 The Board will appoint an impartial hearing officer to conduct such hearings. The hearing officer will
26 hear the case and the teacher shall have the right to:

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

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

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

9 The Board shall hear the appeal. No new evidence shall be introduced. The non-tenured teacher may
10 appear in person or be represented by counsel and argue why the decision should be modified or reversed.
11 The Board shall take one of the following actions:

- 12 1. sustain the decision;
- 13 2. send the record back if additional evidence is necessary; or
- 14 3. revise the penalty or reverse the decision.

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

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

21 **NONRENEWAL**

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

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

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

- 30 1. The Board shall be notified at the next regular board meeting; and
- 31 2. Written notice of non-renewal shall be sent to the teacher by certified mail or overnight carrier,
32 or by email within five (5) business days following the last instructional day for the school year.³
33 **If the reason for nonrenewal is due only to a loss of funding for the position, then the notice shall**
34 **include a statement listing it as the cause for nonrenewal.**⁴

35 **RESIGNATION**

1 A teacher shall give the director of schools notice of resignation at least thirty (30) days before the
2 effective date of the resignation.⁵ The Board may waive the thirty (30) days' notice requirement and
3 permit a teacher to resign in good standing.

4 The conditions under which it is permissible to break a contract with the Board are as follows:⁶

- 5 1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified
6 statement of a physician approved by the Board;
- 7 2. The drafting of a teacher into military service by a selective service board; and
- 8 3. The release by the Board of the teacher from the contract which the teacher has entered into with
9 the Board.

10 Any teacher on leave shall notify the director of schools in writing at least thirty (30) days prior to the
11 date of return if the teacher does not intend to return to the position from which he/she has taken leave.
12 Failure to render such notice may be considered a breach of contract.⁷

13 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with
14 the State Board of Education and request the suspension of a teacher's license. After the State Board of
15 Education has provided the teacher an opportunity for defense during a hearing, the State Board of
16 Education may suspend the license for no less than thirty (30) and no more than three hundred sixty-five
17 (365) days.⁸

18 **RETIREMENT**

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

21 Teachers eligible for retirement benefits may elect to retire at any age according to the provisions of the
22 retirement system. Central office personnel shall assist employees in securing retirement benefits;
23 however, it shall be the responsibility of the retiring employee to provide verification of eligibility in
24 writing from Tennessee Consolidated Retirement System (TCRS) to the central office. It shall be the
25 responsibility of the retiring employee to file for benefits.

26 The employee must meet TCRS requirements for full retirement, which is 60 years of age or 30 years of
27 service. Unused sick leave can be counted toward an employee's years of service. The employee must
28 have at least ten (10) years of credible service to continue group health insurance coverage with the State
29 of Tennessee.

30 The employee must be employed by the Marshall County Board of Education (MCBOE) for fifteen (15)
31 years, non-consecutive, the last five (5) years of service with the school system, and have the system's
32 insurance during those five (5) years. MCBOE will pay a portion of the premium until the employee
33 reaches the age of 65.

34 Anyone hired after July 1, 2015, is not eligible for state insurance at retirement.

35 ~~Teachers who retire under TCRS may be employed up to one hundred twenty (120) days per year without~~
36 ~~loss of retirement benefits. Retired teachers may substitute teach for additional days if the director of~~

1 schools certifies in writing to the Division of Retirement that no other qualified personnel are available
2 to substitute teach.⁸

3 ~~The director of schools may employ teachers retired for at least one year for full time employment as a~~
4 ~~kindergarten through twelfth grade teacher on a year to year basis. Retirement benefits will not be lost~~
5 ~~or suspended under certain conditions, which include but are not limited to the following:⁹~~

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

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

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

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

13 5. ~~The salary paid to the retired member shall not be less than the rate of compensation set by the~~
14 ~~Board for teachers with no experience filling similar positions, nor more than eighty five percent~~
15 ~~(85%) of the rate of compensation set by Board of teachers with comparable training and years~~
16 ~~of experience filling similar positions.~~

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

Legal References:

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301(b)(1)(EE), TCA 49-5-512
3. TCA 49-5-409
4. Public Acts of 2022, Chapter No. 678
5. TCA 49-5-508
6. TCA 49-5-411(a)
7. TCA 49-5-706
8. TCA 49-5-411(b)
9. TCA 8-36-805

Cross Reference:

- Public Hearings 1.401
Teacher Tenure 5.117
Recommendations and File Transfers 5.203

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Substitute Teachers	Descriptor Code: 5.701	Issued Date: 07/11/22
		Rescinds: 5.701	Issued: 12/13/21

1 Substitute teachers are those teachers used to replace teachers on leave or to fill temporary vacancies
2 **until a licensed teacher is available.**^{1,2} All substitute teachers ~~shall be employed by the director of schools~~
3 ~~and paid by the Board~~ **may be employed and paid directly by the Board or by a third-party employer**
4 **through an agreement between such third-party employer and the Board.**

5 **Substitute teachers employed by third-party entities shall be subject to the same unemployment benefit**
6 **eligibility conditions as substitute teachers employed directly by the Board.**²

7 **APPLICATION/QUALIFICATIONS**

8 Criminal history record checks and fingerprinting of applicants for substitute teacher are required.³

9 Applicants whose records with the State Department of Education indicate a license or certificate
10 currently in revoked status shall not be hired.⁴

11 Qualifications for substitute teachers shall be a high school diploma or GED and attendance at a
12 substitute training session.

13 The substitute teacher lists will be prepared by the personnel director who will maintain a complete file
14 on all substitute teachers. This file will include transcripts, credentials, recommendations and other
15 pertinent information. A list of all approved substitutes shall be provided to all building principals. **Only**
16 those persons on the approved substitute list shall be employed to substitute teach.

17 **COMPENSATION**

18 The compensation of substitute teachers is determined annually by the Board.

19 Retired teachers serving as substitutes who do not have an active teaching license shall be paid the same
20 as a retired substitute teacher with an active teaching license. This only applies to teachers who retired
21 after July ~~2~~ **1**, 2011, through July 1, 2016.⁵

22 **CERTIFICATION**

23 When substituting for a regular teacher who has been absent for twenty (20) consecutive days, a
24 substitute teacher ~~must~~ **shall** possess a teaching certificate with endorsement in the discipline(s) to be
25 taught **or shall be a retired teacher that held the appropriate endorsement.**⁶ When substituting for a teacher
26 without sick leave, the substitute shall be certified and paid according to the state salary schedule.¹

~~1 Retired teachers may substitute one hundred twenty (120) days per year without loss of retirement
2 benefits,¹ and may substitute for additional days if the director of schools certifies in writing to the
3 Division of Retirement that no other qualified personnel are available to substitute teach.⁶~~

4 **EMERGENCY NEEDS**

5 All teacher aides, secretaries and clerks are approved substitute teachers for use in emergency situations.
6 Emergency use shall be defined as less than a full day due to the regular or substitute teacher being
7 unable to arrive on time or remain for the full day.

8 Said substitutes shall receive the proportionate equivalent salary regular substitute teachers would
9 receive under similar circumstances or their regular salary, if higher; however, they shall not receive pay
10 for both positions at the same time.

11 **TRAINING AND ORIENTATION**

12 The director of schools shall be responsible for providing appropriate training and development
13 programs for substitute teachers.

14 All substitute teachers shall be required to attend an orientation session held at the beginning of each
15 school year to provide instructions regarding reporting, pay schedules, and other pertinent information
16 and to answer questions.

17 Substitute teachers shall assume the same responsibilities and have the same authority as the regular
18 teacher, including bus duty and playground supervision.

19 **RE-EMPLOYMENT/TERMINATION**

20 On an annual basis, the director of schools, with input from the principals, shall determine which
21 substitute teachers performed at an acceptable level. Substitute teachers who performed below an
22 acceptable level shall not be re-employed.

23 All substitutes shall be responsible for providing correct addresses and phone numbers and for notifying
24 the principal if they wish to terminate their service as substitutes.

Legal References:

1. TRR/MS 0520-1-2-.04(5)
2. TCA 49-5-709
3. TCA 49-5-413(a)(2)
4. TCA 49-2-203(a)(14)
5. TCA 49-3-312(b)
6. TCA 49-3-312(a); TRR/MS 0520-01-02-.04(5)(b)

Cross References:

- Background Investigations 5.118
Employment of Retirees 5.119

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Attendance	Descriptor Code: 6.200	Issued Date: 07/11/22
		Rescinds: 6.200	Issued: 07/12/21

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

3 **The director of schools/designee shall ensure that this policy is posted in each school building and**
4 **disseminated to all students, parent(s)/guardian(s), teachers, and administrative staff.**

5 The attendance supervisor shall oversee the entire attendance program which shall include:¹

- 6 1. All accounting and reporting procedures and their dissemination;
- 7 2. Alternative program options for students who severely fail to meet minimum attendance
8 requirements;
- 9 3. Ensuring that all school-age children attend school;
- 10 4. Providing documentation of enrollment status upon request for students applying for new or
11 reinstatement of driver's permit or license; and
- 12 5. Notifying the Department of Safety whenever a student with a driver's permit or license
13 withdraws from school ~~or fails to maintain satisfactory academic progress.~~²

14 Student attendance records shall be given the same level of confidentiality as other student records. Only
15 authorized school officials with legitimate educational purposes may have access to student information
16 without the consent of the student or parent(s)/guardian(s).³

17 ABSENCES

18 Absences shall be classified as either excused or unexcused as determined by the principal or assistant
19 principal. Professional documentation shall be required.

20 Excused absences shall include:⁴

21 **I. Medical Excuses:** Students must provide valid documentation for absences which details accurate
22 dates of illness (this includes doctors, dentists, and/or health care agencies). Upon returning to school,
23 a student has three (3) school days in which to submit a note. After three (3) days, the absence(s) will
24 become permanently unexcused.

25
26 **II. Personal Days:** Beginning with the 2020-2021 school year, students will be allowed three (3)
27 excused personal days per semester. These days will cover the following types of absences; however,
28 proper documentation must be presented to the office in order for the absence to be excused:

- 29 1. Personal illnesses, serious family illness or family emergency – (a note from the student's
30 parent/guardian or legal custodian will be required for the student's returning to school). The

1 note should include the reason(s) for and the date(s) of the absence. Upon returning to school, a
2 student has three (3) school days in which to submit a note. After three (3) days, the absence(s)
3 will become permanently unexcused.

4 2. Driver's license (documentation is required).

5 3. Deaths

6 A. In the family – One (1) day will be excused. Additional days will be excused at the discretion
7 of the principal (program or death notice is required upon return to school)

8 B. Of others – The principal may excuse absences with appropriate documentation.

9 4. Religious Holidays/Retreats⁵ – Religious holidays will be excused with proper documentation
10 from the parent. Religious retreats must be pre-authorized by the principal with documentation
11 from religious church/agency sponsoring the retreat.

12 5. Appearance in court (documentation from a court official will be required as documentation).

13 6. Pregnancy.

14 7. Extreme weather conditions.

15 8. School-endorsed activities.

16
17 **III. Principal's Discretion:** Absences involving extenuating or unusual circumstances may be
18 approved or pre-approved by the principal on a case-by-case basis.

19 Any absence without a note is automatically an unexcused absence.

20 The principal shall be responsible for ensuring that:⁶

21 1. Attendance is checked and reported daily for each class;

22 2. Daily absentee sheets contain sign in/sign out sheets and indicate students present or absent for
23 the majority of the day;

24 3. All student absences are verified;

25 4. Written excuses are submitted for absences and tardiness; and

26 5. System-wide procedures for accounting and reporting are followed.

27 **NON-SCHOOL SPONSORED EXTRACURRICULAR ACTIVITY⁹**

28 A principal/designee may excuse a student to participate in non-school sponsored extracurricular
29 activities. The principal shall document the approval in writing and shall excuse no more than ten (10)
30 absences each school year. No later than seven (7) business days prior to the student's absence, the
31 student shall provide documentation to the school as proof of the student's participation along with a
32 written request for the excused absence from the student's parent/guardian. The request shall include the
33 following:

34 1. Student's name and personal identification number;

35 2. Student's grade;

36 3. The dates of the student's absence;

37 4. The reason for the student's absence; and

38 5. The signatures of the student and parent/guardian.

39

40

1 RELEASED TIME COURSE¹⁰

2 A principal/designee may excuse a student to attend a course in religious moral instruction for up to one
3 (1) class period per school day. Students shall not be excused during any class which requires an
4 examination for state or federal accountability purposes.

5 The student shall submit a written consent form signed by the student's parent/guardian prior to
6 participation in the released time course. The principal/designee shall document the approval in writing.
7 The student shall provide documentation to the principal/designee as proof of the student's participation
8 in the released time course.

9 The district shall not be responsible for transporting students to and from the place of instruction.

10 Upon submission of the student's transcript from the entity that provided the released time course, the
11 student may be awarded one-half (1/2) unit of elective credit.

12 The Director of Schools shall develop procedures with secular criteria for determining whether credit
13 shall be awarded.

14 TRUANCY*15 General*

16 Annually, the Director of Schools/designee will provide written notice to parent(s)/guardian(s) that
17 attendance at school is required. Students shall be present at least fifty percent (50%) of the scheduled
18 school day in order to be counted present. Students may attend part-time days, alternating days, or for a
19 specific amount of time as indicated in their Individualized Education Plan or 504 Plan and shall be
20 considered present for school attendance purposes. If a student is required to participate in a remedial
21 instruction program outside of the regular school day where there is no cost to the parent(s)/guardian(s)
22 and the school system provides transportation, unexcused absences from these programs shall be
23 reported in the same manner.⁷

24 A student who is absent three (3) days without adequate excuse shall be reported to the Director of
25 Schools/designee who will, in turn, provide written notice to the parent(s)/guardian(s) of the student's
26 absence. If a parent does not provide documentation within adequate time excusing those absences, or
27 request an attendance hearing, then the Director of Schools shall implement the progressive truancy plan
28 described below prior to referral to juvenile court.

29 Prior to referral to juvenile court, the following progressive truancy plan will be implemented.

*30 Progressive Truancy Plan⁸***31 Tier I**

32 Tier I of the progressive Truancy Plan shall apply to all students within the district and include
33 schoolwide prevention-oriented supports to assist with satisfactory attendance. These prevention-
34 oriented supports may include, but are not limited to:

- 1 1. Written notification of student absences;
- 2 2. Parent and/or student consultation;
- 3 3. Counseling referrals; or
- 4 4. Other supports deemed appropriate by the school administration.

5 **Tier II**

6 At five (5) unexcused absences, the Truancy Intervention Specialist will work with the school
7 administration to schedule a meeting with the student and parent. At the meeting, an attendance contract
8 shall be signed which specifies the school's attendance expectations for the student, the period for which
9 the contract is effective, and penalties for further absences. In addition, an Individualized Assessment
10 Plan shall be conducted to determine what may be needed to prevent additional unexcused absences.
11 Such things as counseling, community-based services, or other services may be referred and/or
12 implemented.

13 The school and Truancy Intervention Specialist will continue to monitor the student's attendance and
14 meet with the student to discuss progress.

15 **Tier III**

16 If a student continues with additional unexcused absences after Tier I and Tier II have been attempted,
17 then Tier III will be implemented. It will consist of parents and students being cited to the Marshall
18 County Truancy Board for additional services and a warning of juvenile court. Once all three Tiers have
19 been attempted, students and/or parents will be cited to Juvenile Court.¹³ **The interventions shall address
20 students' needs in an age-appropriate manner. Finalized plans shall be approved by the director of
21 schools/designee.**

22 **STATE-MANDATED ASSESSMENT**

23 **Students who are absent the day of the scheduled end-of-course (EOC) exams shall present a signed
24 doctor's excuse or shall have been given an excused release by the principal prior to testing to receive
25 an excused absence. Students who have excused absences will be allowed to take a make-up exam.
26 Excused students will receive an incomplete in the course until they have taken the EOC exam.**

27 **Students who have an unexcused absence shall receive a failing grade on the EOC exam which shall be
28 averaged into their final grade.**

29 **DRIVER'S LICENSE REVOCATION²**

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

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

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35

1 **CREDIT/PROMOTION DENIAL**

2 Credit/Promotion denial determinations may include student attendance; however, student attendance
3 may not be the sole criterion.¹¹ However, if attendance is a factor, prior to credit/promotion denial, the
4 following shall occur:

- 5 1. Parents and students shall be advised if a student is in danger of credit/promotion denial due to
6 excessive absenteeism.
- 7 2. Procedures in due process are available to the student when credit or promotion is denied.

8 Out-of-School Suspension days are likewise unexcused absences.

9 The principal shall be responsible for ensuring that:⁷

- 10 1. Attendance is checked and reported daily for each class;
- 11 2. Daily absentee sheets contain sign in/sign out sheets and indicate students present or absent for
12 the majority of the day;
- 13 3. All student absences are verified;
- 14 4. Written excuses are submitted for absences and tardiness;
- 15 5. System-wide procedures for accounting and reporting are followed; and
- 16 6. Students who are absent three (3) days without adequate excuse shall be reported to the director
17 of schools/designee who will, in turn, provide written notice to the parent(s)/guardian(s) of the
18 student's absence.⁸ The director of schools/designee shall also comply with state law regarding
19 the reporting of truant students to the proper authorities.⁸

20 **TARDIES, EARLY DISMISSALS AND DETENTION**

- 21 1. Truancy is defined as an unexcused absence for an entire school day, a major portion of the
22 school day or any portion of any class, study hall or activity during the school day for which the
23 student is scheduled.
- 24 2. Any student who misses more than fifteen (15) minutes of a class period will be counted as
25 absent.

26 **ELEMENTARY TARDY* POLICY**

27 *A tardy is defined as a late check in or an early check out from school.

28 After five (5) unexcused tardies, parents will receive written notice from school as a warning that further
29 unexcused tardies will result in a summons to the Marshall County Schools Tardy Review Board. After
30 a student reaches eight (8) unexcused tardies, parents will be summoned to appear before the Tardy
31 Review Board. After a subsequent unexcused tardy, parents may be charged with Educational Neglect
32 in the Marshall County Juvenile Court.

33 Please note: Elementary students receive three parent notes per semester. Parent notes can be used for
34 unexcused tardies.

35

1 RULES AND PENALTIES

- 2 1. A student must present documentation of his/her absence and receive a class admittance note
3 before entering class. Documentation must be turned in within three (3) school days from the
4 date the student returns to school, or the absences will be unexcused.
- 5 2. All missed classwork and tests (whether from an excused or unexcused absence) may be made
6 up if the student makes the request immediately upon returning to school and if class time is not
7 taken. Requests for make-up work made prior to the first bell must be provided by the teacher(s)
8 by 3:00 p.m. the same day. Make-up work must be completed and returned to the teacher within
9 one day per absence.
- 10 3. Time spent in before-school or after-school detention is for disciplinary purposes and will not be
11 construed as make-up time. Under no circumstances will detention time be substituted for class
12 time and/or work missed.
- 13 4. If a student has an illness that requires hospitalization exceeding ten (10) school days, the student,
14 or his/her parent/guardian may apply to the Special Populations Supervisor for a “homebound”
15 teacher to provide instruction.
- 16 5. The principal shall be responsible for notifying in writing the director of schools and the parents
17 of the student of any action taken by the school.
- 18 6. A student participating in a school-sponsored activity, whether on or off campus, will not be
19 counted absent. The student will be eligible to make up all work missed and will receive full
20 credit for the assignment upon completion of the work. To qualify as “school-sponsored”, the
21 activity must be school-planned, school-directed, and supervised by an approved sponsor.
- 22 7. Mass exodus, early dismissal, or late arrival of all students, or any segment of students, will not
23 be permitted for any reason except for emergencies such as inclement weather or other
24 unavoidable situations, unless instruction time is made up in full.
- 25 8. Student attendance records will be given the same level of confidentiality as other student
26 records. Only authorized school officials engaged in legitimate educational purposes may have
27 access to student information without the express consent of the parent or guardian, if the student
28 is a minor, or the student, if he or she has attained the age of eighteen (18).⁴
- 29 9. Foreign exchange students will be dealt with on a case-by-case basis by the principal.

30 ATTENDANCE HEARING¹²

31 Students with excessive (more than five (5)) unexcused absences or those in danger of credit/promotion
32 denial shall have the opportunity to appeal to an attendance hearing committee appointed by the
33 principal. If the student chooses to appeal, the student or his/her parent(s)/guardian(s) shall be provided
34 written or actual notice of the appeal hearing and shall be given the opportunity to address the committee.
35 The committee will conduct a hearing to determine if any extenuating circumstances exist to excuse an
36 absence(s) or to determine if the student has met attendance requirements that will allow him/her to pass
37 the course or be promoted. Upon notification of the attendance committee decision, the principal shall
38 send written notification to the Director of Schools/designee and the parent(s)/guardian(s) of the student
39 of any action taken regarding the excessive unexcused absences. The notification shall advise
40 parent(s)/guardian(s) of their right to appeal such action within two (2) school days to the Director of
41 Schools/designee.

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

1 Within five (5) school days of the Director of Schools/designee rendering a decision, the student's
2 parent(s)/guardian(s) may request a hearing by the Board, and the Board shall review the record.
3 Following the review, the Board may affirm or overturn the decision of the Director of Schools/designee.
4 The action of the Board shall be final.

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

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Legal References:

1. TCA 49-6-3006
2. TCA 49-6-3017(c); Public Acts of 2022, Chapter No. 878
3. 20 USCA § 1232g
4. TRR/MS 0520-01-02-.17(5); State Board of Education Policy 4.100
5. TCA 49-6-2904(b)(5)
6. TCA 49-6-3007
7. TCA 49-6-3021
8. TCA 49-6-3007; TCA 49-6-3009
9. TCA 49-6-3022
10. TCA 49-2-130
11. TCA 49-2-203(b)(7); TCA 49-6-3002(b)
12. TRR/MS 0520-01-02-.17(7)
13. TCA 49-6-3009

Cross References

- School Calendar 1.800
- Extracurricular Activities 4.300
- Interscholastic Athletics 4.301
- Field Trips and Excursions 4.302
- Reporting Student Progress 4.601
- Promotion and Retention 4.603
- Recognition of Religious Beliefs, Customs & Holidays 4.803
- Voluntary Pre-K Attendance 6.2011
- Homeless Students 6.503
- Students in Foster Care 6.505
- Students from Military Families 6.506
- Student Records 6.600

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Attendance of Non-Resident Students	Descriptor Code: 6.204	Issued Date: 07/11/22
		Rescinds: 6.204	Issued: 07/11/16

1 Students residing outside the boundaries of the Marshall County School System may attend schools
2 within the school system under the following conditions:

- 3 1. There is available space in the school requested as determined by the principal and director of
4 schools.
 - 5 2. The school requested must be able to meet the student's total educational needs through existing
6 programs, facilities, and personnel.
 - 7 3. The student's records demonstrate acceptable conduct and attendance as determined by the
8 school principal and director of schools.¹
 - 9 4. Children who have a parent or guardian employed by the Marshall County School System will
10 automatically be permitted to attend Marshall County Schools.³
 - 11 5. The director of schools and the school principal are authorized to investigate each request. Final
12 determination will be decided by the director of schools.¹ Parents may appeal the decision to the
13 Board of Education.²
 - 14 6. The status of any non-resident student (due to overcrowding, discipline problems, attendance
15 issues, etc.) may be evaluated annually by the director of schools and the school principal.
 - 16 7. The student or his/her parent or guardian can provide transportation to the school or to the nearest
17 Marshall County bus stop.
 - 18 8. **Non-resident students shall make application at least sixty (60) prior to the first day of school.⁴**
 - 19 9. **Requests from students from adjoining states to attend school shall be considered on a case-by-
20 case basis.⁵**
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Legal References:

1. TCA 49-6-3104; TCA 49-6-3105; TRR/MS 0520-01-03-.03(11)(f)-(i)
2. TCA 49-6-3108
3. TCA 49-6-3113; TCA 49-6-3103
4. TCA 49-6-3108; TCA 49-6-403(f)
5. TCA 49-6-3113; TCA 49-6-3103; Public Acts of 2022, Chapter No. 709

Cross Reference:

Students from Military Families 6.506

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Admission of Suspended or Expelled Students	Descriptor Code: 6.318	Issued Date: 07/11/22
		Rescinds: 6.318	Issued: 08/14/01

1 The Board may deny admission of any student (except those in state custody) who has been expelled or
2 suspended from another school system in Tennessee or another state even though the student has
3 established residency in the system in which s/he seeks enrollment.

4 After a request for enrollment is made, the director of schools shall investigate the facts surrounding the
5 suspension/expulsion from the former school system and make a recommendation to the Board to
6 approve or deny the request.

7 The Board shall not deny enrollment beyond the length of the imposed suspension/expulsion.

8 ~~If the action of the Board is to deny admission, the director of schools shall, on behalf of the Board of~~
9 ~~Education, notify the Commissioner of Education of the decision.~~

10 Any school system that accepts enrollment of a student from another school system may dismiss the
11 student if it is determined subsequent to the enrollment that the student has been suspended or expelled
12 from the former school system.¹

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Legal References:

1. TCA 49-6-3401(f); Public Acts of 2022, Chapter No. 868; 20 U.S.C.A. § 1232g(b)(4)(h)

Cross References:

School Admissions 6.203
Student Records 6.600-603

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Zero Tolerance Offenses	Descriptor Code: 6.309	Issued Date: 07/11/22
		Rescinds: 6.309	Issued: 07/09/18

1 In order to ensure a safe and secure learning environment, the following offenses shall not be tolerated:

2 **WEAPONS & DANGEROUS INSTRUMENTS**

3 Students shall not possess, handle, transmit, use or attempt to use any dangerous weapon in school
4 buildings or on school grounds at any time, or in school vehicles and/or buses or off the school grounds
5 at a school-sponsored activity, function or event.¹

6 Dangerous weapons for the purposes of this policy shall include, but are not limited to a firearm or
7 anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury
8 or anything that in the manner of its use or intended use is capable of causing death or serious bodily
9 injury.²

10 Violators of this section shall be subject to suspension and/or expulsion from school.

11 *Firearms (as defined in 18 U.S.C. § 921)*³

12 In accordance with state law, any student who brings or possesses a firearm on school property shall be
13 expelled for a period of not less than one (1) calendar year. The director of schools shall have the
14 authority to modify this expulsion requirement on a case-by-case basis.⁴

15 **DRUGS/~~2nd OFFENSE~~ ALCOHOL**

16 In accordance with state law, any student who unlawfully possesses any drug including any controlled
17 substance, controlled substance analogue, or legend drug on school grounds or at a school-sponsored
18 event, shall be expelled for a period of not less than one (1) calendar year. The director of schools shall
19 have the authority to modify this expulsion requirement on a case-by-case basis.⁵ Offenses include
20 possession, consumption or being under the influence.

21 **ASSAULT**

22 In accordance with state law, any student who commits aggravated assault or commits assault that results
23 in bodily injury⁸ upon any teacher, principal, administrator, any other employee of the school or school
24 resource officer shall be expelled for a period of not less than one (1) calendar year. The director of
25 schools shall have the authority to modify this expulsion requirement on a case-by-case basis.⁵

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1 **ELECTRONIC THREATS**

2 In accordance with state law, any student who transmits by an electronic device any communication
3 containing a credible threat to cause bodily injury or death to another student or school employee and
4 the transmission of such threat creates actual disruptive activity at the school that requires administrative
5 intervention shall be expelled for a period of not less than one (1) calendar year. The director of schools
6 shall have the authority to modify this expulsion requirement on a case-by-case basis.⁶

7 **NOTIFICATION**

8 When it is determined that a student has violated this policy, the principal of the school shall notify the
9 student's parent or guardian and the criminal justice or juvenile delinquency system as required by law.⁷

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Legal References:

1. TCA 39-17-1309
2. TCA 39-11-106(a)(5)(A)(B)
3. 18 U.S.C. 921
4. 20 U.S.C. § 8921; TCA 49-6-4216(b); TCA 49-6-3401(g)
5. TCA 49-6-3401(g); TCA 49-6-4216 (b)
6. TCA 49-6-4216(a)(2)(C)
7. TCA 49-6-4209; TCA 39-17-1312
8. TCA 39-13-101(a)(1); Public Acts 2018,
Chapter No. 958

Cross References:

Discipline Procedures 6.313
Suspension/Expulsion/Remand 6.316

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Reporting Child Abuse	Descriptor Code: 6.409	Issued Date: 07/11/22
		Rescinds: 6.409	Issued: 11/19/20

1 *General*

2 The director of schools shall:¹

- 3 1. Designate one employee as the Child Abuse Coordinator (the Coordinator) and an additional
- 4 employee to serve as the Alternate Child Abuse Coordinator (the Alternate) for each school;
- 5 2. Require that the Coordinator and the Alternate receive appropriate training;
- 6 3. Supply the Coordinator with all necessary resources;
- 7 4. Ensure that all school personnel **working directly with students** annually complete the child abuse
- 8 training program required by state law.²

9 The Coordinator shall assist any employee with appropriately reporting and responding to instances of

10 child abuse or child sexual abuse.

11 **REPORTING**

12 All personnel shall be alert for any evidence of child abuse, sexual abuse, or neglect.³ If personnel know

13 or have reasonable cause to suspect child abuse, sexual abuse, or neglect, a report shall be filed

14 immediately with the Coordinator, the Department of Children's Services (DCS), and law enforcement.⁴

15 **When alleged abuse involves someone employed by, previously employed by, or otherwise affiliated**

16 **with the school, the report may be made directly to the DCS and law enforcement prior to notifying the**

17 **Coordinator.**⁴

18 The report shall include, to the extent known by the reporter:⁶

- 19 1. The name, address, telephone number, and age of the child;
- 20 2. The name, address, and telephone number of the parents or persons having custody of the child;
- 21 3. The nature and extent of the abuse or neglect; and
- 22 4. Any evidence to the cause or any other information that may relate to the cause or extent of the
- 23 abuse or neglect.

24 The Director of Schools/designee shall develop reporting procedures, including sample indicators of

25 abuse and neglect, and shall disseminate the procedures to all school personnel.

26 **CONFIDENTIALITY**

27 District employees shall keep all information regarding any child abuse confidential in accordance with

28 state law.

1 INVESTIGATIONS

2 School administrators and employees have a duty to cooperate, provide assistance and information in
3 child abuse investigations⁷ including permitting DCS teams to conduct interviews while the child is at
4 school. The principal may control the time, place and circumstances of the interview but may not insist
5 that a school employee be present even if the suspected abuser is a school employee or another student.
6 The principal is not in violation of any laws by failing to inform parent(s)/guardian(s) that the child is to
7 be interviewed even if the suspected abuser is not a member of the child's household.⁸

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Legal References:

1. TCA 49-6-1601
2. TCA 37-1-408; Public Acts of 2022, Chapter No. 841
3. TCA 37-1-403(a)(1); TCA 37-1-412; TCA 37-1-602; TCA 37-1-605(a)(4)
4. TCA 37-1-403(a)(2); TCA 49-6-1601
5. Public Acts of 2022, Chapter No. 781
6. TCA 37-1-403(b)
7. TCA 37-1-611(b)
8. Tenn. Op. Atty. Gen. No. 87-101 (June 9, 1987)

Cross References

Recommendations and File Transfers 5.203
Staff-Student Relations 5.610
Interrogations and Searches 6.303
Student Discrimination, Harassment, Bullying,
Cyber-bullying, and Intimidation 6.304
Title IX & Sexual Harassment 6.3041
Promoting Student Welfare 6.400

Marshall County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: <p style="text-align: center;">Library Materials</p>	Descriptor Code: <p style="text-align: center;">4.402</p>	Issued Date: <p style="text-align: center;">07/11/22</p>
		Rescinds:	Issued:

1 *General*

The librarian shall be responsible for library collection development. Library materials shall be reviewed to ensure the content aligns with state law.¹ The library collection shall adhere to the following criteria:

1. Materials shall be suitable for and consistent with the educational mission of the school;
2. Materials shall be appropriate for the age and maturity levels of the students who may access them. The determining factor will be based on an assessment of any mature themes or content (i.e., violence, sexual content, vulgar language, substance abuse);
3. Materials shall contain literary, historical, and/or artistic value and merit; and
4. The collection as a whole shall offer a variety of viewpoints.

The librarian shall be responsible for periodically reviewing the district’s library collection in line with these established standards.

COMPLAINTS

If a complaint is made by an employee, student, or parent/guardian, this process is to be followed:

1. Inform the complainant of the selection procedures and make no commitments.
2. Request the complainant to submit a Request for Reconsideration of Library Materials form.
3. Inform the principal (and other appropriate personnel).
4. Keep challenged materials available for use during the reconsideration process.
5. Upon receipt of the completed form, the principal shall notify the director of schools.
6. The principal shall request review of the challenged materials by an ad hoc materials review committee within thirty (30) days. The review committee is appointed by the principal and includes certified library media personnel, representatives from classroom teachers, one or more parents, and may include one or more students. The principal will inform the director of schools of the review committee’s progress.
7. The review committee shall take the following steps after receiving the challenged materials:
 - a. Read, view, or listen to the contested material in its entirety;
 - b. Check general acceptance of the material by reading recognized and evaluative reviews;
 - c. Determine the extent to which the material is appropriate for the age and maturity levels of the students who have access to the materials and whether the material is suitable for, and consistent with, the educational mission of the school;
 - d. Complete the appropriate Checklist for Reconsideration of Library Materials, judging the material for its strength and value; and

- e. Present a recommendation to the director of schools and the Board.
8. The Board shall review the recommendation presented by the review committee and make the determination whether the material is appropriate for the age and maturity levels of the students who have access to the materials and whether the material is suitable for, and consistent with, the educational mission of the school.
9. If it is determined that the material is not appropriate for the age and maturity levels of the students who have access to them or is not suitable for, and consistent with, the educational mission of the school, the Board shall require the school to remove the material from the library collection.

Legal References:

1. *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853, 102 S. Ct. 2799 (1982); Public Acts of 2022, Chapter No. 744

Cross References:

Textbooks and Instructional Materials 4.400
Web Pages 4.407
Controversial Materials 4.801

<h1>Marshall County Board of Education</h1>			
Monitoring: Review: Annually, in November	Descriptor Term: <h2 style="text-align: center;">Library Materials</h2>	Descriptor Code: 4.402	Issued Date: 08/08/22
		Rescinds:	Issued:

1 *General*

The librarian shall be responsible for library collection development. Library materials shall be reviewed to ensure the content aligns with state law.¹ The library collection shall adhere to the following criteria:

1. Materials shall be suitable for and consistent with the educational mission of the school;
2. Materials shall be appropriate for the age and maturity levels of the students who may access them. The determining factor will be based on an assessment of any mature themes or content (i.e., violence, sexual content, vulgar language, substance abuse);
3. Materials shall contain literary, historical, and/or artistic value and merit; and
4. The collection as a whole shall offer a variety of viewpoints.

Each librarian shall be responsible for periodically reviewing his/her school’s library collection.

COMPLAINTS

If a complaint is made by an employee, student, or parent/guardian of the Marshall County School system, this process is to be followed:

1. Inform the complainant of the selection procedures and make no commitments.
2. Request the complainant to submit a Request for Reconsideration of Library Materials form.
3. Inform the principal (and other appropriate personnel).
4. Keep challenged materials available for use during the reconsideration process.
5. Upon receipt of the completed form, the principal shall notify the director of schools.
6. The principal shall request review of the challenged materials by an ad hoc materials review committee. The review committee is appointed by the principal and includes certified Library Media Specialists, representatives from classroom teachers, one or more non-biased parents, and may include one or more students. The principal is responsible for acquiring the challenged materials and the principal is responsible for distributing challenged materials to the ad hoc materials review committee. To allow time for material acquisition, distribution, and review of challenged materials, a period of thirty (30) working days will be allowed for a final decision to be made by the committee. The principal will inform the director of schools of the review committee’s decision
7. The review committee shall take the following steps after receiving the challenged materials:
 - a. Read, view, or listen to the contested material in its entirety;
 - b. Check general acceptance of the material by reading recognized and evaluative reviews;

- c. Determine the extent to which the material is appropriate for the age and maturity levels of the students who have access to the materials and whether the material is suitable for, and consistent with, the educational mission of the school;
 - d. Complete the appropriate Checklist for Reconsideration of Library Materials, judging the material for its strength and value; and
 - e. Present a recommendation to the director of schools and the Board.
8. The Board shall review the recommendation presented by the review committee and make the determination whether the material is appropriate for the age and maturity levels of the students who have access to the materials and whether the material is suitable for, and consistent with, the educational mission of the school.
9. If it is determined that the material is not appropriate for the age and maturity levels of the students who have access to them or is not suitable for, and consistent with, the educational mission of the school, the Board shall require the school to remove the material from the library collection.

Legal References:

1. *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853, 102 S. Ct. 2799 (1982); Public Acts of 2022, Chapter No. 744

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