

Policy Committee Meeting

July 10, 2023 5:30 PM

MCBOE

1. Call to Order

Julie Keny Cathey

2. 1.102 Board Member Legal Status

3. 1.106 Code of Ethics

4. 1.206 Board Member Compensation

5. 1.400 School Board Meetings

6. 1.402 Notification of Meetings

7. 1.404 Appeals to and Appearances Before the Board

8. 3.202 Emergency Preparedness Plan

9. 3.204 Threat Assessment Team

10. 3.205 Security

11. 5.307 Physical Assault Leave

12. 5.600 Staff Rights & Responsibilities

13. 6.309 Zero Tolerance Offenses

14. 6.313 Discipline Procedures

15. 6.314 Corporal Punishment

16. 6.4001 Student Surveys, Analyses, and Evaluations

17. 4.300 Extracurricular Activities

18. 5.305 Family and Medical Leave

Marshall County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Board Members Legal Status	Descriptor Code: 1.102	Issued Date: 07/11/22
		Rescinds: 1.102	Issued: 05/09/22

1 The legal status of board members shall be as follows:

2 **NUMBER¹**

3 The Board is composed of nine (9) members.

4 **QUALIFICATIONS**

5 Members of the Board shall be residents from districts of substantially equal population, and shall be
6 citizens of recognized integrity, intelligence, and ability to administer the duties of the office.^{1,2} To
7 qualify as a candidate, an individual must show proof of graduation from high school or receipt of a
8 ~~G.E.D. or HiSET~~ **high school equivalency credential approved by the State Board of Education,**³⁻² Being
9 a qualified voter and resident in the county for one (1) year prior to the qualifying deadline for running
10 as a candidate.⁴⁻¹

11 ~~No member of the county legislative body nor any other county governmental official shall be eligible~~
12 ~~for election as a member of the county Board of Education.~~⁵ **Members of the county legislative body and**
13 **other county government officials shall not be eligible for election as members of the county Board of**
14 **Eduction.** ³

15 **TERMS OF OFFICE**

16 Members of the Board shall serve four (4) year terms.¹

17 **VACANCIES**

18 Vacancies shall be declared to exist on account of death, resignation, removal ~~from the district which~~
19 ~~elected him, removal from the school system,~~ or through due process proceedings.⁶⁻⁴

20 When a vacancy occurs, the unexpired term shall be filled at the next regular or special meeting of the
21 local legislative body.⁷⁻⁵ Such appointment shall continue until the next regular election.

Legal References:

1. TCA 49-2-201(a)(1)
TCA 49-2-202(a)(1)
2. TCA 49-2-202(a)(4); **Public Acts of 2023, Chapter No.**
114
Public Acts of 2022, Chapter No. 809
3. TCA 49-2-202(a)(2)

Marshall County Board of Education

Monitoring: Review: Annually, in July	Descriptor Term: Code of Ethics	Descriptor Code: 1.106	Issued Date: 07/10/23
		Rescinds: 1.106	Issued: 11/13/08

1 *General*¹

2 Board members and school district employees may not accept, directly or indirectly, any gift, money,
3 gratuity, consideration, or favor that a reasonable person would understand was intended to influence
4 the vote, official action, or judgment of the board member or employee in executing decisions
5 affecting the school district. It is also prohibited for a board member's or an employee's spouse or
6 child living in the same household to accept such items.

7 It shall not be considered a violation of this policy for a board member or employee to receive
8 entertainment, food, refreshments, meals, health screenings, amenities, food, or beverages that are
9 provided in connection with a conference sponsored by an established or recognized statewide
10 association of school board officials or by an umbrella or affiliate organization of such statewide
11 association of school board officials.

12 **ETHICS COMPLAINTS**

13 The Board may create a School District Ethics Committee (Ethics Committee), consisting of three (3)
14 members who will be appointed to one-year terms by the Board Chair with confirmation by the Board.
15 At least two (2) members of the committee shall be members of the Board. The Ethics Committee shall
16 convene as soon as practicable after its appointment and elect a Chair and a Secretary. The records of
17 the Ethics Committee shall be maintained by the Secretary and shall be filed in the Director of
18 Schools' office, where they shall be open to public inspection.

19 Questions and complaints regarding violations of this Code of Ethics shall be directed to the Chair of
20 the Ethics Committee. Complaints shall be in writing, signed by the person making the complaint, and
21 include details as to the facts surrounding the complaint.

22 The Ethics Committee may investigate an ethical complaint received against a board member or
23 employee and make recommendations to cease any activity that, in the Ethics Committee's judgment,
24 constitutes a violation of this Code of Ethics. If a member of the Ethics Committee is the subject of a
25 complaint, the member shall recuse himself/herself from all proceedings involving the complaint.

26 The Ethics Committee may:

- 27 1. Refer the matter to the board attorney;
28
29 2. In the case of a board member, refer the matter to the Board of Education for possible public
30 censure, if warranted;
31

- 1 3. In the case of an employee, refer the matter to the Director of Schools/designee for possible
2 disciplinary action, if warranted; or
3
- 4 4. In a case involving possible violation of state statutes, refer the matter to the district attorney
5 for possible ouster or criminal prosecution.
6

7 **POINT OF CONTACT ²**

- 8 **The Board Chair shall serve as the point of contact for the Tennessee Ethics Commission. The**
9 **Director of Schools shall provide the contact information to the Commission and ensure that any**
10 **changes are submitted within thirty (30) calendar days.**

Legal References

1. TCA 8-17-103
2. **Public Acts of 2023, Chapter No. 37**

Cross References

Board Member Conflict of Interest 1.107
Duties of Board Members 1.202

NEW POLICY

Marshall County Board of Education

Monitoring: Review: Annually, in July	Descriptor Term: Board Member Compensation	Descriptor Code: 1.206	Issued Date: 07/10/23
		Rescinds:	Issued: 07/10/23

- 1 The compensation of members of the school board shall be included in the district's annual budget
2 submitted to the county commission.¹
- 3 The School Board Member's salary will be determined by 4% of the County Mayor's yearly salary.
4 That figure will be the yearly salary of one School Board Member. That single yearly salary shall then
5 be divided by twelve months to give the monthly salary.
- 6 Any payment for unusual services (e.g., travel expenses to board-related state or national meetings) not
7 covered by this policy shall be covered by the district's current policies and procedures for such
8 expenses.
- 9 Following state law, School Board Members are eligible for medical insurance. The district's current
10 employer/employee contribution structure will be used in determining the School Board Members
11 cost share for medical insurance.²

Legal References

1. TCA 49-2-202(d)
2. TCA 8-27-203(3)(a)

Marshall County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School Board Meetings	Descriptor Code: 1.400	Issued Date: 01/14/19
		Rescinds: 1.400	Issued: 02/08/16

1 The Board will transact all business at official meetings which may be either regular or special.

2 Every meeting of the board, ~~except with the attorney to discuss pending or threatened litigation, will be~~
3 ~~open to the public.~~ **shall be open to the public, except for those meetings in which the law allows closed**
4 **sessions.**¹ Open meetings will be physically accessible to all students, employees, and interested
5 citizens.³⁻²

6 The Board may restrict the recording of board meetings via camera, camcorder or other photographic
7 equipment when such recording creates a threat to public safety and welfare or impedes the conducting
8 of efficient and orderly public meetings.⁴⁻³

9 **REGULAR MEETINGS**

10 Regular meetings of the Board shall be held each month. The July meeting may be arranged on a date to
11 follow the meeting of the Marshall County commission. All meetings will be advertised to the public.

12 In instances when any regular meeting date falls on a legal holiday, the meeting shall be rescheduled by
13 the chairman.

14 **SPECIAL MEETINGS**

15 The Board shall hold such special meetings as necessary to transact the business of the Board. Such
16 meetings shall be called by the chair whenever, in the chair's judgment, the interests of the schools
17 require it **or when requested to do so by a majority of the Board.**²⁻⁴

18 **Only business related to the call of the meeting and details related to agenda items shall be discussed or**
19 **transacted by the Board at a special meeting.**

20 **ELECTRONIC ATTENDANCE**⁵

21 Absent board members may attend a regular or special meeting by electronic means ~~if the member is~~
22 ~~absent because of work, a family emergency, or the member's military service. If a board member is~~
23 ~~absent due to military service, he/she may participate electronically as often as he/she is able to do so.~~
24 ~~However, a board member may not participate electronically more than two (2) times per year for~~
25 ~~absences due to work and/or family emergencies.~~ **for certain qualifying reasons. The following**
26 **requirements apply to all electronic attendance, regardless of the reason for absence:**

27 1. **A quorum of the Board shall be physically present at the meeting in order for any board**
28 **member to attend electronically;**

2. Any board member wishing to participate electronically shall do so using technology that allows the Chair to visually identify the board member; and
3. The responsibility for the connection lies with the board member wishing to participate electronically. No more than three (3) attempts to connect shall be made unless the Board chooses to make additional attempts.

Work-Related Absence

~~The following requirements apply to electronic attendance due to a work-related absence:~~

- ~~1. The Board member must be absent from the county due to work.~~
- ~~2. The member wishing to participate must give the chair and Director of Schools at least five (5) days' notice prior to the meeting of the member's desire to participate electronically.~~

A board member may attend a meeting by electronic means if out of the county due to work; however, he/she may only participate electronically two (2) times per year for this reason. The board member shall give the Chair and Director of Schools at least five (5) days' notice prior to the meeting of the board member's intention to participate electronically.

Sickness or Period of Convalescence

A board member may attend a meeting by electronic means if sick or in a period of convalescence on the advice of a healthcare professional; however, he/she may only participate electronically three (3) times per year for this reason.

Inclement Weather or Natural Disaster

A board member may attend a meeting by electronic means due to inclement weather or natural disaster if the schools in the school district are closed; however, he/she may only participate electronically three (3) times per year for this reason.

Family Emergency

~~The following requirement applies to electronic attendance due to a family emergency:~~

~~The member must be absent~~

A board member may attend a meeting by electronic means if there is a family emergency that prevents him/her from attending in person. The absence shall be due to the hospitalization of the board member or the death or hospitalization of the member's spouse, father, mother, son, daughter, brother, sister, son-in-law, daughter-in-law, stepson, stepdaughter, father-in-law, mother-in-law, brother-in-law, or sister-in-law. The board member may only participate electronically two (2) times per year for this reason.

Military Service

A board member may attend a meeting by electronic means if out of the county due to military service. The board member may participate electronically as often as he/she is able to do so.

1 *General Requirements*

2 The following requirements apply to all electronic attendance, regardless of the reason for the member's
3 absence:

- 4 1. ~~A quorum of the Board must be physically present at the meeting in order for any member to~~
5 ~~attend electronically.~~
6 2. ~~Any member wishing to participate electronically must do so using technology that allows the~~
7 ~~chair to visually identify the member.~~
8 3. ~~The responsibility for the connection lies with the member wishing to participate electronically.~~
9 ~~No more than three (3) attempts to connect shall be made unless the Board chooses to make~~
10 ~~additional attempts.~~

11

Legal References:

1. TCA 8-44-102; TCA 49-6-804(b)
2. 28 CFR § 36.201(a); 28 CFR § 36.202
3. Tenn. Atty. Gen. Op. No. 95-126 (December 28, 1995)
4. TCA 49-2-202(c)(1)
5. TCA 49-2-203(c); Public Acts of 2023, Chapter No. 350

Cross References

School Board Legal Status and Authority 1.100
Section 504 & ADA Grievance Procedures 1.802
Board Committees 1.300
Notification of Meetings 1.402
Appearances Before the Board 1.404

Marshall County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Notification of Meetings	Descriptor Code: 1.402	Issued Date: 10/12/99
		Rescinds: BC	Issued: 08/13/93

1

2 **NOTIFICATION OF MEETINGS**

3 **The Board shall ensure adequate public notice¹ of all regular meetings by publishing a complete schedule**
4 **for the entire school year. This schedule shall be posted in the central office, each school, and on the**
5 **school system's website and sent to the president of the local education association.² Adequate notice of**
6 **meetings¹ in the case of regular meetings shall consist of posting a meeting agenda in the Board/director**
7 **of schools' office and in each of the public schools. The schedule shall also be sent to the president of**
8 **the local education association² and to the local news media for announcement. No other notice of regular**
9 **meetings shall be necessary beyond those stated and the holding of the particular regular meetings at the**
10 **appointed times.**

11 **In the event ease of a special board meeting, notice shall be provided at least 48 hours prior to the meeting**
12 **and shall be posted in the same locations and in the same manner as regular board meetings. All notices**
13 **of special board meetings shall state the time, place, and purpose of the meeting. with notice sent to the**
14 **local news media and the president of the local education association, as in the case of regular meetings,**
15 **at least forty-eight (48) hours prior to the meeting.**

16 **The only exception permitted is in case of an emergency, defined for this policy as "a sudden, generally**
17 **unexpected occurrence or set of circumstances demanding immediate action."² In such exceptions, notice**
18 **shall be given to all appropriate parties as is practical.**

19 **All notices of special board meetings shall state the time, place and purpose of the meeting.**

20 **Notice of all meetings with actionable items on the agenda, with the exception of teacher disciplinary**
21 **hearings, shall include information on how community members can participate in the public comment**
22 **portion of the board meeting.³**

23

Legal References

1. TCA 8-44-103
2. TCA 49-2-202(c)(1)
3. Public Acts of 2023, Chapter No. 300

Cross References:

School Board Meetings 1.400

Marshall County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Appeals to and Appearances Before the Board	Descriptor Code: 1.404	Issued Date: 10/08/12
		Rescinds: 1.404	Issued: 03/14/11

1 APPEALS TO THE BOARD

2 Any matter relating to the operation of the school system may be appealed to the Board. However, the
3 Board desires that all matters be settled at the lowest level of responsibility and will not hear complaints
4 or concerns which have not advanced through the proper administrative procedure from the point of
5 origin.

6 If all administrative channels have been pursued and there is still a desire to appeal to the Board, the
7 matter shall be referred in writing and the Board shall determine whether to hear the appeal.

8 APPEARING BEFORE THE BOARD

9 The executive committee may place individuals on the agenda. Other individuals desiring to appear
10 before the Board must submit a written request with descriptive materials to the office of the director of
11 schools seven (7) business days before the meeting. If the request is approved by the Executive
12 Committee, the item will be placed on the agenda. Individuals placed on the agenda will be recognized
13 at the meeting and given five ___ minutes to speak. The public may address the board about any concerns
14 except personnel matters, which are the responsibility of the director of schools.

15 The Board may, at its discretion, waive the seven day rule in case of a situation which makes such notice
16 impractical or impossible.

17 Delegations must select only one individual to speak on their behalf unless otherwise determined by the
18 Board.

19 Guidelines for individuals who address the Board:

- 20 1. Those requesting to speak to the Board must have documented evidence that they have followed
21 the chain of command in addressing this issue.
- 22 2. Each person speaking shall state his/her name, address, and subject of remarks.
- 23 3. Individuals speaking to the Board will address their remarks to the chair.
- 24 4. Individuals may address the Board only on items that the Board can take action on.
- 25 5. No response is necessary by the Board or any board member.
- 26 6. If appropriate, the Board or the director of schools will respond at a later date.
- 27 7. Time is not transferable to another individual.
- 28 8. Name calling, personal attacks, profanity, threats, verbal abuse, or disruption of the orderly
29 meeting process will result in the individual or group being asked to leave the meeting.

1 Individuals desiring additional information about any item on the agenda shall direct such inquiries to
 2 the office of the director of schools.

3 **Public Comment Period ²**

4 There shall be a public comment period for each meeting with actionable items on the agenda, with the
 5 exception of teacher disciplinary hearings. Comments shall be limited to topics listed on the agenda.
 6 The total public comment period shall be for no more than ten (10) minutes. If an individual wishes to
 7 address the Board during the public comment period, he/she will sign up ~~on the form provided before~~
 8 ~~the beginning of the board meeting to request time to speak~~ at the director’s office the Wednesday prior
 9 to the school board meeting. If Wednesday is a holiday, then sign-ups will be Thursday prior to the
 10 meeting. Each speaker shall be given no more than two (2) minutes. Delegations shall select only one
 11 (1) individual to speak on their behalf unless otherwise determined by the Board.

12
 13
 14
 15
 16
 17

Legal References:

- 1. TCA 39-17-306
- 2. Public Acts of 2023, Chapter No. 300

Cross References:

- School Board Meetings 1.400
- Public Hearings 1.401
- Agendas 1.403
- Discrimination/Harassment of Employees 5.500
- Complaints and Grievances 5.501
- Student Discrimination, Harassment, Bullying, Cyber-bullying, and Intimidation 6.304
- Student Concerns 6.305

Marshall County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Emergency Preparedness Plan	Descriptor Code: 3.202	Issued Date: 07/11/22
		Rescinds: 3.202	Issued: 08/12/19

1 The director of schools shall be responsible for developing, maintaining and acquiring Board approval
2 of the district Emergency Preparedness Plan,¹ which shall include procedures for bomb threats, civil
3 disturbances, armed intruders, earthquakes, fires, tornadoes or other severe weather, and medical
4 emergencies.

5 The principal of each school shall develop and implement emergency preparedness drills which shall be
6 approved by the director of schools. When appropriate, such drills shall be held in conjunction with
7 emergency response agencies.

8 **FIRE AND SAFETY DRILLS**

9 The principal shall ensure that one (1) fire drill requiring full evacuation is given every thirty (30) school
10 days, with two (2) fire drills occurring during the first thirty (30) full days of the school year.
11 Additionally, he/she shall ensure that four (4) fire safety educational announcements are conducted
12 throughout the year.²

13 The principal shall ensure that three (3) additional safety drills are given during the school year.³ These
14 drills may cover inclement weather, earthquakes, armed intruders, or other emergency drills that do not
15 require full evacuation. A record of all fire or safety drills, including the time and date, shall be kept in
16 each school's office.³

17 The principal shall regularly check the quantity, locations, and conditions of fire extinguishers and shall
18 give all school personnel instructions on how to properly use fire extinguishers.

19 **ANNUAL DRILLS⁴**

20 The principal shall ensure that the school safety team conducts each of the following type of drills
21 annually:

- 22 1. An armed intruder drill in coordination with local law enforcement;
- 23
- 24 2. An incident command drill; and
- 25
- 26 3. An emergency safety bus drill.

27

28 **ARMED INTRUDER DRILLS**

1 ~~The director of schools or his/her designee shall ensure that each school safety team conducts at least~~
2 ~~one (1) armed intruder drill annually in coordination with local law enforcement.~~⁴

3 **AED DRILLS⁵**

4 All schools shall conduct a CPR and AED drill to ensure awareness of the steps that shall be taken in the
5 event of a medical emergency. The principal shall ensure that the drill occurs.

6 The Director of Schools shall develop the necessary administrative procedures on AED and CPR
7 training, planning, notification, and maintenance to comply with state law.

8

9 **MEDICAL EMERGENCIES/PANDEMIC FLU⁶**

10 In the event of medical emergencies, such as a pandemic flu outbreak, school officials shall cooperate
11 and consult with the local and state health departments and other local emergency or healthcare providers
12 in protecting students and the community from further infection. The director of schools shall develop
13 procedures for health emergencies in accordance with state law ~~and regulations.~~

14 **REMOTE LEARNING DRILLS⁷**

At least once each school year, a remote learning drill shall be conducted. The drill shall accurately reflect how students will transition to remote learning in the event of a disruption to school operations. Students shall not be asked or required to transition to remote learning at any time during the drill.

Legal References:

1. TRR/MS 0520-01-02-.30(2); **TCA 49-6-804**; TCA 49-6-805(8)
2. TCA 68-102-137(b)
3. TCA 68-102-137(f)
4. TCA 49-6-807; **Public Acts of 2023, Chapter No. 367**
5. TCA 49-2-122; TCA 49-6-1208
6. TCA 49-6-3004(a), (e); TCA 49-5-404
7. ~~Public Acts of 2022, Chapter No. 396~~
TCA 49-2-139

Cross References:

- Emergency Closings 1.8011
- Safety 3.201
- Community Use of School Facilities 3.206

New Policy

Marshall County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Threat Assessment Team	Descriptor Code: 3.204	Issued Date: 07/10/23
		Rescinds:	Issued:

1 *General*¹

2 A threat assessment team shall be created within the school district to develop intervention-based
3 approaches to prevent violence, manage reports of potential threats, and create a system that fosters a
4 safe, supportive, and effective school environment. The Director of Schools shall appoint the members
5 of the threat assessment team.

6 The Director of Schools shall develop administrative procedures regarding the training and operations
7 of the team to comply with state law and State Board of Education rules and regulations.

8 **TEAM MEETINGS**

9 All threat assessment team meetings shall be closed to the public.²

10 **RECORDKEEPING**³

11 The team shall document all behaviors and incidents deemed to pose a risk to school safety or that
12 resulted in intervention and shall provide the information to the Director of Schools.

13 A report of the activities of the threat assessment team will be compiled and shared with the Board
14 before each regular meeting.

15 Documents produced or obtained regarding these assessment activities will not be open for public
16 inspection.

Legal References

1. TCA 49-6-2701 *et seq.*; Public Chapter 2023, Chapter No. 367
2. TCA 49-6-2701(f)
3. TCA 49-6-2702

Cross References

- School District Records 1.407
- Safety 3.201
- Security 3.205
- Student Records 6.600

Marshall County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Security	Descriptor Code: 3.205	Issued Date: 07/10/23
		Rescinds: 3.205	Issued: 11/13/08

1 *General¹*

2 The director of schools shall establish procedures as required to adequately protect school property which
3 shall include, but not be limited to:

- 4 1. Closing and securing teacher work areas when being left unattended or at the end of the day;
- 5 2. Denying students permission to use the classrooms, laboratories, gymnasiums or other school
6 facilities or equipment without appropriate faculty supervision;
- 7 3. Controlling the issuance of building keys and master keys;
- 8 4. Developing programs which contribute to the proper care and use of school facilities and
9 equipment; and
- 10 5. Equipment purchased with federal funds shall be managed as directed by federal and state law.²

11 **All exterior doors leading into a school building shall be locked at all times and access to school buildings
12 is limited to the school's primary entrance during the school day as well as when students are present
13 outside of regular school hours.³**

14 The principal shall call law enforcement officials in cases involving illegal entry, **building damage**, theft
15 or vandalism. **The principal shall notify the Director of Schools as soon as practical, but no longer than
16 twenty-four (24) hours, after a case of vandalism, theft, building damage, and/or illegal entry. The
17 Director of Schools/designee is authorized to sign a criminal complaint and press charges. The Director
18 of Schools shall report all signing of such complaints to the Board.**

19 ~~The principal shall notify the director of schools within 48 hours after each case of vandalism, theft,
20 building damage and illegal entry.~~

21 ~~The director of schools, or his/her representative, is authorized to sign a criminal complaint and to press
22 charges against perpetrators of vandalism against school property.~~

23 **AFTER SCHOOL HOURS**

24 **If, outside of regular school hours, there is a need to unlock the doors during a school activity, a school
25 district employee shall be stationed by the door to ensure access is limited to authorized persons.³**

1 ~~SCHOOL POLICING~~ **LAW ENFORCEMENT SERVICES** ¹ (if applicable)

2 The Board may enter into collaborative partnerships with appropriate law enforcement agencies.
3 Partnerships may include, but not limited to, education and recreational programs, delinquency
4 prevention, and mentoring initiatives.

5 The Board may enter into a memorandum of understanding (MOU) with a chief of a law enforcement
6 agency to provide school policing. Any memorandum of understanding shall address, at a minimum, the
7 following issues:²

- 8 1. Any School Resource Officer (SRO) assigned under a memorandum must be in compliance with
9 all laws, regulations and rules of the Peace Officer Standards and Training Commission at the
10 time of assignment and remain compliant throughout the tenure of his or her assignment;
- 11 2. As a condition of assignment, any SRO must participate in forty (40) hours of basic training in
12 school policing within twelve (12) months of assignment. Every year thereafter the SRO shall
13 participate in a minimum of sixteen (16) hours of training specific to school policing. All training
14 programs shall be approved by the Peace Officers Standards and Training Commission.³⁻⁴
- 15 3. Any SRO assigned under the memorandum remains an employee of the law enforcement agency,
16 subject to that agency's direction, control, supervision and discipline, though the Board may
17 agree to indemnify and reimburse the law enforcement agency for any part or all of the increased
18 costs incurred by the law enforcement agency as a result of the assignment of the SROs.
- 19 4. No **SRO officer** shall be assigned to a school, or continue in such an assignment, without the
20 consent of the Director **of Schools**.
- 21 5. In the event that more than one (1) SRO is assigned to a school system, the law enforcement
22 agency shall designate one (1) of the SROs as the senior SRO, or such other appropriate title.
23 The duties of the senior SRO, however designated, shall include, but not be limited to, the
24 following:
 - 25 a. To represent and carry out the policies of the law enforcement agency assigning the SROs.
 - 26 b. To supervise the SROs in the performance of their duties;
 - 27 c. To consult with the Director regarding the best use of the available resources for school
28 policing; and
 - 29 d. To resolve disputes between the SROs and students or ~~faculty~~ **staff** members.
- 30 6. The memorandum may be effective for any length of time, including continuing until terminated
31 by the parties, and may contain any reasonable notice requirement for the termination of the
32 memorandum. However, the memorandum shall contain a provision allowing the Director to
33 suspend the active participation of the SROs in the event that the Director certifies that the health,
34 safety or wellbeing of the students or faculty members require the immediate suspension.

35

1 CYBERSECURITY⁴⁻⁵

- 2 The Director of Schools/designee shall develop an administrative procedure regarding the district's
3 cybersecurity plan to identify cybersecurity risks, implement mitigation planning, and protect
4 cyberinfrastructure against cyberattacks and other cybersecurity threats and incidents.

Legal References:

1. TCA 49-6-805(3)
2. 2 CFR § 200.313
3. **Public Acts of 2023, Chapter No. 367**
4. TCA 49-6-4217
5. ~~Public Acts of 2021, Chapter No. 335~~ **TCA 49-6-805(9)**

Cross Reference:

- Visitors to the Schools 1.501
Inventories 2.702
Care of School Property 6.311

Marshall County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: <h2 style="text-align: center;">Physical Assault Leave</h2>	Descriptor Code: 5.307	Issued Date: 06/10/13
		Rescinds: 5.307	Issued: 12/14/99

1 ~~A teacher may use such force as is reasonable and necessary to protect himself/herself, another employee~~
 2 ~~or a student from attack or physical injury. Any assault to an employee or student will be reported to the~~
 3 ~~principal immediately. The Board of Education will provide legal counsel (the County Attorney) to~~
 4 ~~advise any assaulted employee of his/her rights and will strive to render assistance to the assaulted~~
 5 ~~employee in connection with the handling of the incident by law enforcement and/or judicial authorities.~~

6 A teacher who is absent from assigned duties as a result of personal injury caused by physical assault or
 7 other violent criminal acts committed in the course of the teacher's employment duties, shall receive
 8 **his/her full salary and full benefits until the teacher is released by his/her physician to return to work or**
 9 **his/her physician determines the teacher is permanently unable to return to work. If the teacher receives**
 10 **workers' compensation or other similar benefits, the Board shall pay the difference between that amount**
 11 **and the teacher's full salary.** ~~workers' compensation or comparable benefits without loss of accumulated~~
 12 ~~or granted sick, personal or professional leave.¹~~

13 ~~The school system shall continue to pay the teacher's full benefits including, but not limited to, health~~
 14 ~~insurance benefits until the earlier of the date on which the teacher is released by the teacher's physician~~
 15 ~~to return to work or the date on which the teacher is determined by the teacher's physician to be~~
 16 ~~permanently disabled from returning to work.~~

17 A signed statement listing the cause of the absence shall be provided by the employee on forms furnished
 18 by the director of schools and shall promptly be given to the immediate supervisor in support of all
 19 claims. A certificate from the physician on forms furnished by the director of schools may also be
 20 required to verify the extent of the injury.²

21 ~~The Board of Education shall reimburse an employee for broken eyeglasses or for other items of like~~
 22 ~~kind on the person that may be lost or broken, as a result of a student or parent assault on the employee~~
 23 ~~on school property.~~

24

Legal References:

1. TCA 49-5-714(a)(8); ~~TRR/MS 0520-1-2-.04(5)~~ **Public Actos of 2023, Chapter No. 343**
2. TRR/MS 0520-01-02-.04(5) **(4)(b)**

Cross References:

- Worker's Compensation 3.602
- Sick Leave 5.302**
- Long Term Leaves of Absence 5.304

Marshall County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Staff Rights & Responsibilities	Descriptor Code: 5.600	Issued Date: 08/14/17
		Rescinds: 5.600	Issued: 12/14/99

1 In fulfilling any citizenship rights and responsibilities, employees shall give proper consideration to the
2 educational welfare of students and ensure that no conflict exists with their actual duties.

3 Each staff member has the right to a work environment free from sexual, racial, ethnic, and religious
4 discrimination/harassment.¹

5 ~~1. A work environment free from sexual, racial, ethnic, and religious discrimination/harassment;²~~

6 ~~2. Academic freedom within the confines of state law and board policy in order to create an~~
7 ~~atmosphere of freedom in the classroom;~~

8 Educators have the right to:²

9 1. Be treated with civility and respect as well as having his/her professional judgement and
10 discretion respected;

11 2. **Have their professional judgement and discretion respected;**

12 3. Report any errant, offensive, or abusive content or behavior of a student to the principal and/or
13 appropriate agencies;

14 4. Provide students with a safe environment;

15 5. Defend themselves and their students from physical violence or harm;³

16 6. Share information regarding a student's educational experience, health, or safety with the
17 student's parent(s)/guardian(s) unless otherwise prohibited;⁴

18 7. Review all instructional material or curriculum before being utilized by students; and

19 8. Not be required to use his/her personal money to appropriately equip a classroom.

20 9. **Report students who commit offenses of assault and battery or vandalism on school property**
21 **endangering the life, health, or safety of others pursuant to state law;⁵ and**

22 10. **Receive benefits in accordance with state law if the educator is a teacher who is on leave due to**
23 **a physical assault or other violent criminal act committed during the course of employment.⁶**

24 Each staff member has the responsibility to:

- 1 1. Make themselves familiar with and abide by the laws of the state as these affect their work, the
2 policies of the board and the procedures designed to implement them;⁵
- 3 2. To adhere to the Teacher Code of Ethics,⁶ **to the extent applicable;**⁷
- 4 3. Exercise good judgment in selecting issues for discussion and balance the relative maturity of
5 students and the students' right to know;
- 6 4. Be courteous and helpful in interacting and responding to parents, visitors and members of the
7 public;
- 8 5. Keep all records and prepare and submit promptly all reports that may be required by state law,
9 State Board of **Education rules and** regulations, board policy and administrative procedures; and
- 10 6. Wear appropriate dress for work according to board guidelines and local school rules.

11

Legal References:

1. ~~Public Chapter No. 360~~
2. 42 USCS § 2000e-2(a)-(b); TCA ~~49-6-8002-8006~~
49-6-8004
3. **TCA 49-5-209; Public Acts of 2023, Chapter No.**
153
4. **TCA 49-6-2802**
5. ~~TCA 49-6-4008~~
6. 20 USCA 1232g
7. TCA ~~49-5-201~~ **49-6-4301**
8. TCA ~~49-5-1001-1005~~ **49-5-714**
9. **TCA 49-5-1001 et seq.**

Cross References:

Curriculum Development 4.200
Controversial Issues 4.800
Religion in the Curriculum 4.804
Staff-Student Relations 5.610
Ethics 5.611

Major Revision

Marshall County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Zero Tolerance Offenses	Descriptor Code: 6.309	Issued Date: Click here to enter a date.
		Rescinds:	Issued:

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

- 3 1. Bringing to school or being in unauthorized possession of a firearm on school property;²
- 4
- 5 2. Unlawful possession of any drug, including any controlled substance, controlled substance
6 analogue, or legend drug on school grounds or at a school-sponsored event;³
- 7
- 8 3. Aggravated assault;⁴
- 9
- 10 4. Assault that results in bodily injury⁵ upon any teacher, principal, administrator, any other
11 employee of the school, or school resource officer; or
- 12
- 13 5. Threats of mass violence on school property or at a school-related activity.⁶

14 Committing any of these offenses shall result in a student being expelled from the regular school
15 program for at least one (1) calendar year unless modified by the Director of Schools. Modification of
16 the length of time shall be granted on a case-by-case basis. Students that commit zero tolerance
17 offenses may be assigned to an alternative school or program at the discretion of the Director of
18 Schools.⁷

19 When it is determined that a student has violated this policy, the principal shall notify the student's
20 parent(s)/guardian(s) and the criminal justice or juvenile delinquency system as required by law.⁸

Legal References

1. TCA 49-6-3401(g)
2. 18 USCA § 921(a)(3); 20 USCA § 7961
3. TCA 39-17-454; TCA 53-10-101
4. TCA 39-13-102
5. TCA 39-13-101(a)(1)
6. TCA 39-16-517; Public Acts of 2023, Chapter No. 299
7. TCA 49-6-3401(g)(2); TCA 49-6-3402
8. TCA 49-6-4209; TCA 39-17-1312; 20 USCA § 7961(h)(1)

Cross References

- Code of Conduct 6.300
- Drug-Free Schools 6.307
- Suspension 6.316
- Student Disciplinary Hearing Authority 6.317
- Alternative Education 6.319
- Safe Relocation of Students 6.4081

Marshall County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Discipline Procedures	Descriptor Code: 6.313	Issued Date: 12/13/21
		Rescinds: 6.313	Issued: 10/14/19

1 The board delegates to the director of schools the responsibility of developing specific codes of conduct
2 which are appropriate for each level of school.¹ Codes of conduct for students in pre-kindergarten or
3 kindergarten shall utilize alternative disciplinary practices such as verbal reprimand, restricting
4 activities, counseling, and withdrawal of privileges. In these grades, exclusionary discipline shall only
5 be used as a measure of last resort.² The development of each code shall involve principals and faculty
6 members of each level and shall be consistent with the relevant policies as adopted by the board.⁴⁻³

7 The following levels of misbehavior and disciplinary procedures and options are designed to protect all
8 members of the educational community in the exercise of their rights and duties and to maintain a safe
9 learning environment where orderly learning is possible and encouraged.²⁴ These misbehaviors apply to
10 student conduct on school buses, on school property, and while students are on school sponsored outings.
11 Staff members shall ensure that disciplinary measures are implemented in a manner that:⁵

- 12 1. Balances accountability with an understanding of traumatic behavior;
- 13 2. Teaches school and classroom rules while reinforcing that violent or abusive behavior is not
14 allowed at school;
- 15 3. Minimizes disruptions to education with an emphasis on positive behavioral supports and
16 behavioral intervention plans;
- 17 4. Creates consistent rules and consequences; and
- 18 5. Models respectful, non-violent relationships.

19 In order to ensure that these goals are accomplished, the school district shall utilize the following trauma-
20 informed discipline practices: multi-tiered system of supports and behavior intervention plans.

21 MISBEHAVIORS: Level I

22 Minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes
23 with the orderly operation of the school, but which can usually be handled by an individual staff member.
24

25 *Examples* (not an exclusive listing):

- 26 • Classroom disturbances
- 27 • Classroom tardiness
- 28 • Cheating and lying
- 29 • Abusive language
- 30 • Non-defiant failure to do assignments or carry out directions
- 31 • Wearing while on the grounds of a public school during the regular school day, clothing that
32 exposes underwear or body parts in an indecent manner that disrupts the learning environment³⁻⁶
- 33 • Victimization of any student (Harassment [Sexual, Racial, Ethnic, Religious], Bullying, Cyber-
34 bullying, and/or Hazing)

1 *Disciplinary Procedures:*

2

- 3 • Immediate intervention by the staff member.
- 4 • Determine what offense was committed and its severity.
- 5 • Determine offender and that he/she understands the nature of the offense.
- 6 • Employ appropriate disciplinary options.
- 7 • Record of the offense and disciplinary action maintained by staff member.

8

9 *Disciplinary Options:*

10

- 11 • Verbal reprimand
- 12 • Special assignment
- 13 • Restricting activities
- 14 • Withdrawal of privileges
- 15 • Issuance of demerits
- 16 • Strict supervised study
- 17 • Detention
- 18 • Corporal punishment
- 19 • In-school suspension
- 20 • Out-of-school suspension
- 21 • In-school counseling
- 22 • Out-of-school counseling
- 23 • Implement Behavioral Intervention Plans

24

25 **MISBEHAVIORS: Level II**

26 Misbehavior whose *frequency* or *seriousness* tends to disrupt the learning climate of the school. Included
 27 in this level are misbehaviors which do not represent a direct threat to the health and safety of others but
 28 whose educational consequences are serious enough to require corrective action on the part of
 29 administrative personnel.

30

31 *Examples (not an exclusive listing):*

32

- 33 • Continuation of unmodified Level I behaviors
- 34 • School or class tardiness
- 35 • School or class truancy
- 36 • Use of tobacco
- 37 • Using forged notes or excuses
- 38 • Disruptive classroom behavior
- 39 • Victimization of any student (Harassment [Sexual, Racial, Ethnic, Religious], Bullying, Cyber-
 40 bullying, and/or Hazing)

41

42 *Disciplinary Procedures:*

43

- 44 • Student is referred to principal for appropriate disciplinary action.
- 45 • Principal meets with student and teacher.

- 1 • Principal hears accusation made by teacher, permits student the opportunity of explaining his/her
- 2 conduct, denying it or explaining any mitigating circumstances.
- 3 • Principal takes appropriate disciplinary action and notifies teacher of action.
- 4 • Record of offense and disciplinary action maintained by principal.

5
6 *Disciplinary Options:*

- 7
- 8 • Teacher/schedule change
- 9 • Modified probation
- 10 • Behavior modification
- 11 • Social probation
- 12 • Peer counseling
- 13 • Referral to outside agency
- 14 • In-school suspension
- 15 • Transfer
- 16 • Detention
- 17 • Suspension from school-sponsored activities or from riding school bus
- 18 • Corporal punishment
- 19 • Restricting school related honors student is otherwise due
- 20 • Out-of-school suspension not to exceed ten (10) days
- 21 • In-school counseling
- 22 • Out-of-school counseling
- 23 • Implement Behavioral Intervention Plans

24
25 **MISBEHAVIORS: Level III**

26 Acts directly against persons or property but whose consequences *do not seriously endanger* the health
27 or safety of others in the school.

28
29 *Examples* (not an exclusive listing):

- 30
- 31 • Continuation of unmodified Level I and II behaviors
- 32 • Fighting (simple)
- 33 • Vandalism (minor)
- 34 • Use, possession, sale, distribution, and/or being under the influence of tobacco, drugs, drug
- 35 paraphernalia, and/or alcohol
- 36 • Stealing
- 37 • Threats to others
- 38 • Victimization of any student (Harassment [Sexual, Racial, Ethnic, Religious], Bullying, Cyber-
- 39 bullying, and/or Hazing)

40
41 *Disciplinary Procedures:*

- 42
- 43 • Student is referred to principal for appropriate disciplinary action.
- 44 • Principal meets with student and teacher.

- 1 • Principal hears accusation by accusing party and permits offender the opportunity of explaining
- 2 conduct.
- 3 • Principal takes appropriate disciplinary action.
- 4 • Principal may refer incident to director of schools and make recommendations for consequences.
- 5 • If student's program is to be changed, adequate notice shall be given to the student and his/her
- 6 parent(s)/guardian(s) of the charges against him, his/her right to appear at a hearing and to be
- 7 represented by a person of his/her choosing.
- 8 • Any change in school assignment is appealable to the Board.
- 9 • Record of offense and disciplinary action maintained by principal or director of schools

10
11 *Disciplinary Options:*

- 12 • In-school suspension
- 13 • Detention
- 14 • Corporal punishment
- 15 • Restitution from loss, damage or stolen property
- 16 • Out-of-school suspension not to exceed ten (10) days
- 17 • Social adjustment classes
- 18 • Transfer
- 19 • Long term out-of-school suspension
- 20 • Alternative School
- 21 • In-school counseling
- 22 • Out-of-school counseling
- 23 • Implement Behavioral Intervention Plans

24
25
26 **MISBEHAVIORS: Level IV**

27 Acts which result in violence to another's person or property or which *pose a threat* to the safety of

28 others in the school. These acts are so serious that they usually require administrative actions which

29 result in the immediate removal of the student from the school, the intervention of law enforcement

30 authorities or action by the Board.

31
32 If a student's action poses a threat to the safety of others in the school, a teacher, principal, school

33 employee, or school bus driver may use reasonable force when necessary to prevent bodily harm or death

34 to another person.^{4 7}

35
36 *Examples (not an exclusive listing):*⁸

- 37
- 38 • Unmodified Level I, II and III behaviors
- 39 • Death threat (hit list)
- 40 • **Threat of mass violence on school property or at a school-related activity***
- 41 • Extortion
- 42 • Bomb threat*
- 43 • Possession/use/transfer of dangerous weapons
- 44 • Assault that results in bodily injury upon any teacher, principal, administrator, any other
- 45 employee of the school, or a school resource officer*

- 1 • Aggravated assault*
- 2 • Vandalism
- 3 • Theft/possession/sale of stolen property
- 4 • Arson
- 5 • Possession of unauthorized substances (i.e. any controlled substance, controlled substance
- 6 analogue, or legend drug)*
- 7 • Use/transfer of unauthorized substances
- 8 • Victimization of any student (Harassment [Sexual, Racial, Ethnic, Religious], Bullying, Cyber-
- 9 bullying, and/or Hazing)

10
11 *Disciplinary Procedures:*

- 12
- 13 • Principal confers with appropriate staff members and with the student.
- 14 • Principal hears accusation by accusing party and permits offender opportunity of explaining
- 15 conduct.
- 16 • Parent(s)/Guardian(s) are notified as soon as possible.
- 17 • Law enforcement officials are contacted.
- 18 • Incident is reported and recommendations made to the director of schools.
- 19 • Complete and accurate reports are submitted to the director of schools.
- 20 • Student is given hearing before disciplinary hearing authority.

21
22 *Disciplinary Options:*

- 23
- 24 • Out-of-school suspension
- 25 • Alternative schools
- 26 • Other hearing authority or Board action which results in appropriate placement

27
28 * **Designates zero tolerance offenses.** ~~Suspension for a period of not less than one (1) calendar year~~
29 ~~subject to modification by the director of schools on a case-by-case basis.~~

30
31 **ADDITIONAL GUIDELINES:**

- 32
- 33 1. A student shall not be suspended solely because charges are pending against him/her in juvenile
- 34 or other court.
- 35 2. A principal shall not impose successive short term suspensions that cumulatively exceed ten (10)
- 36 days for the same offense.²
- 37 3. A teacher or other school official shall not reduce or authorize the reduction of a student's grade
- 38 because of discipline problems except in deportment or citizenship.
- 39 4. A student shall not be denied the passing of a course or grade promotion solely on the basis of
- 40 absences except as provided by board policy.
- 41 5. A student shall not be denied the passing of a course or grade promotion solely on the basis of
- 42 failure to:
 - 43 a) pay any activity fee;
 - 44 b) pay a library or other school fine; or
 - 45 c) make restitution for lost or damaged school property.

Legal Reference:

1. TCA 49-6-~~4002~~ to 4005
2. TCA 49-6-3024
3. TCA 49-6-2801
4. TCA 49-6-4002
5. TCA 49-6-4109
6. TCA 49-6-4009
7. ~~TCA 49-6-3007(h)(3)~~ TCA 49-6-2802
8. ~~TCA 49-6-4008~~ TCA 39-16-517; TCA 49-6-3401(g);
Public Acts of 2023, Chapter No. 299
9. ~~Public Acts of 2019, Chapter No. 421~~

Cross References:

Traffic and Parking Controls 3.403
Procedural Due Process 6.302
Student Discrimination, Harassment, Bullying,
Cyber-bullying, and Intimidation 6.304
Title IX & Sexual Harassment 6.3041
Interference/Disruption of School Activities
6.306
Bus Safety and Conduct 6.308
Zero Tolerance Offenses 6.309
Dress Code 6.310
Detention 6.315
Suspension/Expulsion/Remand 6.316
Safe Relocation of Students 6.4081

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Corporal Punishment	Descriptor Code: 6.314	Issued Date: 07/09/18
		Rescinds: 6.314	Issued: 12/14/09

- 1 Any principal, assistant principal or teacher with approval of the principal may use corporal punishment
2 in a reasonable manner against any student for good cause in order to maintain discipline and order
3 within the public schools in accordance with the following guidelines:¹
- 4 1. Corporal punishment shall be administered only after other less stringent measures have failed,
5 or if the conduct of a student is of such nature that corporal punishment is the only reasonable
6 form of punishment under the circumstances. **Prior to administering the punishment, the**
7 **student's teacher or principal shall document that he/she has:**
 - 8 a. **Acted to address the student's behavior;**
 - 9 b. **Provided consequences to the student to address the behavior;**
 - 10 c. **Consulted with the student's parent/guardian; and**
 - 11 d. **Considered the need to conduct an evaluation to determine whether the student has a**
12 **disability per federal law.²**
 - 13 2. The instrument to be used in administering corporal punishment shall be approved by the
14 principal and the punishment shall take place in the principal's office or other such place out of
15 the view of other students;
 - 16 3. Corporal punishment shall be reasonable and administered in the presence of another
17 professional employee;
 - 18 4. The nature of the punishment will be such that it is in proportion to the gravity of the offense, the
19 apparent motive and disposition of the offender, and the influence of the offender's example and
20 conduct on others; and
 - 21 5. If a student has a disability, corporal punishment shall be administered only when the school has
22 received written parental permission. The parental permission must include the type of corporal
23 punishment that is allowed and the circumstances under which it is permitted. This information
24 will be kept on file at the school. It may be revoked at any time; and
 - 25 6. The principal shall notify the parent(s)/guardian(s) any time corporal punishment is used.
- 26 A disciplinary record shall be maintained and shall contain the name of the student, the type of
27 misconduct, the type of corporal punishment administered, the name of the person administering the
28 punishment, the name of the witness present and the date and time of punishment.
-

- 1 Disciplinary records shall be filed in the school office and made available to parents/**guardians** or
- 2 students, whichever is appropriate.
- 3 **The Director of Schools shall develop administrative procedures to implement this policy, including**
- 4 **applicable recordkeeping and reporting requirements.**

Legal References:

1. ~~TCA 49-6-4103; TCA 49-6-4104; TCA 49-6-4402; Public Acts of 2018, Chapter No.~~
2. **20 USCA § 1400 et. Seq.; Public Acts of 2023, Chapter No. 275**

Cross References:

~~Code of Behavior- Conduct 6.300~~
~~Discipline Procedures 6.313~~
Student Records 6.600-603

Marshall County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Student Surveys, Analyses, and Evaluations	Descriptor Code: 6.4001	Issued Date: 07/10/23
		Rescinds: 6.4001	Issued: 11/10/14

1 Surveys, analyses, and evaluations for research purposes shall be allowed by the Board when the project
2 is viewed as contributory to greater understanding of the teaching-learning process, the project does not
3 violate the goals of the Board, and the disruption of the regular school program is minimal. ~~Surveys~~
4 ~~conducted for agencies, organizations or individuals must have the recommendation of the director of~~
5 ~~schools and the approval of the Board as to content and purpose.~~ The director of schools shall develop
6 administrative procedures for approving requests for conducting surveys, analyses, or evaluations **by**
7 **agencies, organizations, or individuals.** The requests shall outline what is to be done, who is to be
8 involved and how the results will be used and distributed.¹

9 Prior to the dissemination of a survey, analysis, or evaluation to students, parents/guardians shall be
10 notified of ~~their ability~~ the **opportunity** to review the materials.¹ Such notification shall include
11 information indicating the purpose of the survey, analysis, or evaluation as well as who will have access
12 to the results. **The survey, analysis, or evaluation shall only be administered to students under the age of**
13 **eighteen (18) whose parent(s)/guardian(s) provide written, informed, and voluntarily signed consent. A**
14 **student who is eighteen (18) years of age or older may participate after he/she provides written, informed,**
15 **and voluntarily signed consent.** ~~Following such notification and prior to the administration of the survey,~~
16 ~~analysis, or evaluation, parents/guardians may opt their child out of participation.~~ The director of schools
17 shall develop procedures for granting such parental requests.¹ ~~and to implement the other provisions of~~
18 ~~this policy.~~⁵

19 No student shall be required, as part of any program, to submit to a survey, analysis or evaluation that
20 reveals information concerning:^{2,5-1,2}

- 21 1. mental or psychological problems of the student or the student's family;
- 22 2. sexual behavior or attitudes;
- 23 3. illegal, anti-social, self-incriminating, or demeaning behavior;
- 24 4. critical appraisals of other individuals with whom respondents have close family relationships;
- 25 5. legally privileged relationships;
- 26 6. income; or
- 27 7. the collection of student biometric data involving the analysis of facial expressions, EEG brain
28 wave patterns, skin conductance, galvanic skin response, heart-rate variability, pulse, blood
29 volume, posture, and eye-tracking⁶³

30 without the prior consent of the student (if the student is an adult or emancipated minor), or in the case
31 of an unemancipated minor, without the prior consent of the parent/**guardian.**⁵

32 The collection of the following student data is strictly prohibited:⁷⁻⁴

- 33 1. political affiliation or voting history;

2. religious practices; and
3. firearm ownership.

COLLECTING, DISCLOSING OR USING INFORMATION FOR MARKETING³⁵

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

If any collected information is to be marketed or sold, parents/guardian(s) will be directly notified at least annually at the beginning of the school year of the specific or approximate dates when such information will be collected. Parents/guardian(s), upon request, may inspect any instrument used to collect personal information for the purpose of marketing or selling that information before the instrument is administered or distributed to the student. All parents/guardian(s) and students of appropriate age may decline to provide the information requested.

This portion of the policy does not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for or to students or educational institutions to the extent allowed by law, such as the following:⁴

- College or other postsecondary education recruitment or military recruitment.
- Book clubs, magazines and programs providing access to low-cost literary products.
- Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.
- The sale by students of products or services to raise funds for school-related or education-related activities; or
- Student recognition programs.

Legal References:

1. TCA 49-2-211; **Public Acts of 2023, Chapter No. 353**
2. 20 USCA § 1232h
3. ~~No Child Left Behind, Part F § 1061(1)(E)&(F) &(2)~~
TCA 49-1-706
4. ~~No Child Left Behind, Part F § 1061(4)(A)~~
TCA 49-1-705
5. ~~TCA 49-2-211~~
20 USCA § 1232h(c)(1); 20 USCA § 1232h(c)(4)

Cross Reference:

Testing Programs 4.700

Marshall County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Extracurricular Activities	Descriptor Code: 4.300	Issued Date: 01/11/00
		Rescinds: IDE	Issued: 09/09/93

- 1 The following guidelines shall be followed in administering the student activities program:
- 2 1. The Board shall initially approve each specific extracurricular activity so that proper support and
3 supervision may be assured.
 - 4 2. The principal, after obtaining the recommendation of the faculty and the director of schools, shall
5 determine which clubs and organizations will be permitted.
 - 6 3. Each student activity must be under the guidance and direction of a Board-approved staff member.
 - 7 4. All student activities must have the approval of the principal.
 - 8 5. Student activities occurring before or after regularly scheduled school hours must be under the
9 supervision of the principal or his/her designee.
 - 10 6. Secret organizations shall not be operated in any school.
 - 11 7. **Extracurricular activities during vacation periods shall be restricted to regularly scheduled athletic
12 programs and major events which cannot be scheduled otherwise.**
 - 13 8. A student shall not be required to attend a school-sponsored student activity that is scheduled at a
14 time which conflicts with his religious practices.
 - 15 9. School-sponsored student activities during vacation periods shall be restricted to regularly scheduled
16 athletic programs and major events or activities which cannot be scheduled otherwise.
 - 17 10. Student groups shall not participate in state or national activities which are not listed as approved
18 activities by regional accrediting associations or state and national principals' associations without
19 the approval of the director of schools.
 - 20 11. A student on out-of-school suspension shall not be permitted to participate in ~~school-sponsored~~
21 **extracurricular** activities.
 - 22 12. Activities which restrict participation because of race, color, religion, sex, disabilities, or national
23 origin are strictly forbidden.¹⁻²
 - 24 13. Activities sponsored by outside groups or agents will be approved only if they are co-sponsored by
25 the school.

26

27 **STUDENT CLUBS & ORGANIZATIONS³**

28 **All students under the age eighteen (18) shall present a signed and dated statement from their**
29 **parent/guardian before joining any club or organization or participating in activities of a club or**
30 **organization. The Director of Schools shall develop administrative procedures outlining this**
31 **recordkeeping process.**

32

Legal Reference:

1. ~~20 U.S.C. § 1703~~ TCA 49-6-1002(c)
2. 34 CFR § 106.41
3. Public Acts of 2023, Chapter No. 353

Cross References:

Interscholastic Athletics 4.301
Field Trips and Excursions 4.302
~~Student Clubs and Organizations 6.702~~
Special Use of School Vehicles 3.402
Attendance 6.200

Marshall County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Family and Medical Leave	Descriptor Code: 5.305	Issued Date: 08/12/19
		Rescinds: 5.305	Issued: 07/09/18

1 PURPOSE

2 To entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child,
3 and for the care of a child, spouse, or parent who has a serious health condition.

4 ELIGIBILITY

5 Anyone who has been employed for at least twelve (12) months by the school system and anyone who
6 has at least 1,250 hours of service (hours used for leave, even FMLA leave, shall not be credited for
7 service for purposes of FMLA eligibility¹) during the previous twelve-month period shall be eligible to
8 use FMLA leave.²

9 GENERAL PRINCIPLES

10 An eligible employee shall be granted, upon request, up to twelve (12) weeks unpaid leave during a fixed
11 calendar year for the following reasons:

- 12 1. the birth of a child;
- 13 2. the placement of a child with the employee for adoption or foster care;
- 14 3. a serious health condition of the employee that makes the employee unable to perform the
15 essential functions of his or her job position;
- 16 4. the care of a spouse, child, parent, or next of kin of the employee who has a serious health
17 condition; and
- 18 5. any qualifying circumstances arising out of the fact that a spouse, child, or parent of the employee
19 is on covered active duty, or has been notified of an impending call or order to covered active
20 duty, in the Armed Forces.

21 Granting of leave under this policy shall be subject to, and in accordance with, the provisions of
22 applicable federal and state laws. An employee may substitute accrued paid leave for unpaid time. Use
23 of accrued paid leave shall run concurrently with and be counted toward the employee's total period of
24 FMLA leave.

25 MATERNITY/PATERNITY LEAVE

- 26 1. *Relationship between FMLA leave and Tennessee Maternity Act leave* – FMLA leave shall run
27 concurrently with leave provided under the Tennessee Maternity Act, which affords eligible
28 employees leave for a period not to exceed four (4) months for the adoption, pregnancy,
29 childbirth and nursing of a newborn child.³

- 1 2. *Teachers' Sick Leave* – In accordance with state law, any teacher who goes on maternity or
 2 paternity leave shall be allowed to use all or a portion of the teacher's accumulated sick or annual
 3 leave for maternity leave purposes. In order to be eligible to use sick leave, written request of the
 4 teacher accompanied by a statement from the teacher's physician verifying pregnancy shall be
 5 submitted. Upon verification by a written statement from an adoption agency or other entity
 6 handling an adoption, a teacher may also be allowed to use accumulated leave for adoption of a
 7 child. If both adoptive parents are teachers employed by the district, however, only one (1) parent
 8 is entitled to use such leave.⁴
- 9 3. *Spouses who are both eligible employees of the school district are limited to a combined total of*
 10 twelve (12) workweeks of FMLA leave in a single twelve (12) month period if the leave is taken
 11 for birth and care of a newborn child, for placement of a child for adoption or foster care, or to
 12 care for a parent who has a serious health condition. Under certain circumstances, spouses who
 13 share leave for the birth or adoption of a child may be eligible for limited amounts of additional
 14 leave for other qualifying FMLA reasons.⁵
- 15 4. *Paid Parental Leave* – Under state law, an additional six (6) work weeks of paid leave is available
 16 to eligible employees after a birth, stillbirth, or adoption of a newly placed minor. An eligible
 17 employee taking leave under this provision shall not be required to utilize any other type of
 18 accrued leave during this period. Eligible employees include teachers, principals, supervisors,
 19 or other individuals required by law to hold a valid license of qualification for employment who
 20 have been employed with a school district full time for at least twelve (12) consecutive months.

21
 22 Employees shall provide notice to the school district thirty (30) days prior to the intended use of
 23 the leave. If the employee learns about the need for leave less than thirty (30) days in advance,
 24 the employee shall give notice as soon as reasonably possible in order to be eligible for the paid
 25 leave. This paid leave does not need to be taken consecutively; however, the paid leave shall be
 26 used within twelve (12) months of the qualifying event. The leave shall run concurrently with
 27 FMLA leave.⁶

28 29 LEAVE FOR A SERIOUS HEALTH CONDITION ⁶⁷

30
 31 Eligible employees, upon request, shall be granted up to twelve (12) weeks of unpaid leave when he/she
 32 is unable to work because of a serious health condition or to care for an immediate family member with
 33 a serious health condition. Granting of such leave shall be subject to the provisions of applicable federal
 34 and state laws. Employees shall contact Human Resources to determine if the reason for leave qualifies
 35 as Family and Medical Leave. If the leave is foreseeable, the employee shall give thirty (30) days' notice.
 36 If the leave is not foreseeable, the employee shall notify Human Resources as soon as practicable –
 37 generally, either the same or next business day.

38 39 LEAVE FOR MILITARY FAMILY MEMBERS

- 40
 41 1. *Qualifying Exigency Leave*⁷⁸ – Eligible employees are entitled to up to twelve (12) workweeks
 42 of leave because of any “qualifying exigency” arising out of the fact that the spouse, son,
 43 daughter, or parent of the employee, as defined under the FMLA, is on active duty, or has been
 44 notified of an impending call to active duty, or has been notified of an impending call to active
 45 duty status, in the Armed Forces. Qualifying exigencies may include:
 46 a. issues arising from the service member's short notice deployment;

- 1 b. military events and related activities (e.g. official ceremonies, support programs);
- 2 c. making or updating financial and legal arrangements, attending counseling;
- 3 d. taking up to fifteen (15) days leave to spend time with a covered service member who is
- 4 on short-term rest and recuperation leave during deployment; or
- 5 e. attending post-deployment activities.
- 6 2. *Military Caregiver Leave*⁸⁹ – An eligible employee who is the spouse, son, daughter, parent, or
- 7 next of kin of a covered service member or covered veteran with a serious injury or illness is
- 8 entitled to up to twenty-six (26) workweeks of leave in a “single twelve (12) month period.” A
- 9 covered service member is a current member of the Armed Forces, including a member of the
- 10 National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is
- 11 otherwise in out-patient status, or is otherwise on the temporary disability retired list, for a serious
- 12 injury or illness.

13 A covered veteran is an individual who was a member of the Armed Forces at any time during

14 the period of five (5) years preceding the date of the medical treatment, recuperation, or therapy

15 that has a serious injury or illness who is currently receiving medical treatment, recuperation, or

16 therapy.

17 The calculation of this 5-year period shall not include the interval of October 28, 2009, through

18 March 8, 2013. The “single twelve (12) month period” for military caregiver leave begins on the

19 first day the employee takes leave for this reason and ends twelve (12) months later. An eligible

20 employee is limited to a combined total of twenty-six (26) workweeks of leave to provide care

21 for a covered service member. The maximum of twenty-six (26) workweeks may include no

22 more than twelve (12) workweeks of leave that is taken for the birth and care of a newborn child,

23 for placement of a child for adoption or foster care, for care of a parent who has a serious health

24 condition, or for the employee’s own serious health condition.

25 **INTERMITTENT LEAVE**⁹¹⁰

26 Eligible employees may take FMLA leave intermittently when medically necessary to care for a

27 seriously ill family member, or because of the employee’s own serious health condition, or for the care

28 for a newborn, a newly adopted child, or a newly placed foster care child. When a licensed employee

29 requests foreseeable leave for planned medical treatment and the employee would be on leave for greater

30 than 20% of the total number of working days in the period during which the leave would extend, the

31 school may require that such employee elect either to take the leave for periods of a particular duration,

32 not to exceed the duration of the planned medical treatment or to transfer temporarily to an available

33 alternative position offered by the school system for which the employee is qualified, and that has

34 equivalent pay and benefits and better accommodates recurring periods of leave.

35 **RESTRICTIONS**

36 1. Notice Requirements

- 37 a. *Employee Notice*^{10 11} – For foreseeable leave, the employee shall provide the director of
- 38 schools with at least thirty (30) days written notice before the beginning of the anticipated
- 39 leave.
- 40 b. *District Notice* – Once it has been established that the leave requested qualifies for
- 41 FMLA, the director of schools/designee shall notify the employee within three (3)

1 business days (absent extenuating circumstances) that any leave taken pursuant to state
2 leave statutes (paid vacation leave, personal leave, sick leave, or workers' compensation)
3 shall run concurrently with FMLA leave.¹¹ The notice may be given orally or in writing.
4 If the notice is oral, it shall be confirmed in writing, no later than the following pay day.¹²

5 ¹³

6 2. Certification Requirement¹³⁻¹⁴

- 7 a. The director may require that a request for leave be supported by certification issued by
8 a health care provider with the following information:
- 9 i. the date on which the serious health condition commenced;
 - 10 ii. the probable duration of the condition;
 - 11 iii. the appropriate medical facts within the knowledge of the health care provider
12 regarding the condition; and
 - 13 iv. a statement that the eligible employee is needed to care for the son, daughter,
14 spouse, or parent and an estimate of the amount of time that such employee is
15 needed.
- 16 b. If there is any reason to doubt the validity of the certification provided, the director may
17 require, at the expense of the school system, an opinion of a second health care provider.

18 3. Period Near the End of an Academic Term (Professional Employees)¹⁴⁻¹⁵

- 19 a. If leave is taken more than five (5) weeks prior to the end of the term, the director of
20 schools may require the employee to continue taking leave until the end of the term if the
21 leave is at least three (3) weeks of duration and the return of employment would occur
22 during the three (3) week period before the end of the term.
- 23 b. If the leave is taken five (5) weeks prior to the end of the term, the director of schools
24 may require the employee to continue taking leave until the end of the term if the leave
25 is greater than two (2) weeks duration and the return to employment would occur during
26 the two (2) week period before the end of the term.

27 **REQUIREMENTS OF THE BOARD**¹⁵⁻¹⁶

- 28 1. The employee shall be restored to the same position of employment or an equivalent position
29 with no loss of benefits, pay, or other terms of employment.
- 30 2. The employee shall be kept under any group health plan for the duration of the leave.
- 31 3. The board may recover the premium paid under the following conditions:
- 32 a. The employee fails to return from leave after the period of leave has expired.
 - 33 b. The employee fails to return to work for a reason other than the continuation, recurrence,
34 or onset of a serious health condition or other circumstances beyond the control of the
35 employee.

Legal References:

1. *Hinson v. Tecumseh Products Co.*, 2000 U.S. App. LEXIS 26778, at *1-10 (6th Cir. Oct. 17, 2000)
2. ~~Federal Family and Medical Leave Act 1993~~, 29 U.S.C.A. § 2601, 2611-2619
3. TCA 49-5-702; TCA 4-21-408
4. TCA 49-5-710(a)(2); **TCA 8-50-802(a)(4)**
5. 29 CFR § 825.120(a)(3)
6. **Public Acts of 2023, Chapter No. 399**
7. 29 CFR § 825.113
8. 29 CFR § 825.126
9. 29 CFR § 825.124; 29 CFR § 825.127
10. 29 CFR § 825.202
11. 29 CFR § 825.302-825.304
12. 29 CFR § 825.207
13. OP Tenn. Atty Gen 94-006 (Jan 13, 1994); *Plant v. Morton International, Inc.*, 212 F. 3d 929, 932 (6th Cir. 2000)
14. 29 CFR § 825.305-825.313
15. 29 CFR § 825.602
16. 29 U.S.C.A. § 2614

Cross References:

Sick Leave 5.302
Long Term Leaves 5.304