

Hamilton County Department of Education
Policy-Committee Meeting
June 17, 2024 6:00 PM
3074 Hickory Valley Road
Chattanooga, TN 37421

I. Call to Order - Dr. Joe Wingate, Chairman

II. Discussion of Second Read Policies

III. Adjourn

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Attendance	Descriptor Code: 6.200	Issued Date: 08/02/18
		Rescinded:	Revised: 05/09/24

STATEMENT

The Hamilton County Board of Education believes in the establishment of a tradition of regular school attendance for each student. This establishes the first step toward a successful academic career culminating in a high school diploma and this is an essential concept to learn for the job market.

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

RECORDING

The Hamilton County Department of Education has a state approved system for maintaining attendance records for each student enrolled in the district.

It shall be the duty of the principal or teacher of all public and non-public schools to report promptly to the director of schools or his/her designated representative, the names of all children who have withdrawn from school or who have been absent three (3) days. (This means a total of (3) three days during the school year and not necessarily (3) three consecutive days.)

The director of schools or designee shall oversee the entire attendance program, which shall include The Attendance Supervisor shall oversee the entire attendance program, which shall include: ¹

1. All accounting and reporting procedures and their dissemination;
2. Providing documentation of enrollment status upon request for students applying for new or reinstatement of driver's permit or license; and
3. Notifying the Department of Safety whenever a student with a driver's permit or license withdraws from school.
4. Report all children who have been absent for five days without an adequate excuse and have failed to show improved attendance with support through the *Tiered Attendance Interventions* to the Juvenile Judge.
5. Ensuring that all school-age children attend school.

The principal or designee shall be responsible for ensuring that:

1. Attendance is checked and reported daily for each class;
2. Written excuses are submitted and documented for absences and tardiness;
3. System-wide procedures for accounting and reporting are followed;
4. Notification in writing is provided to the director of schools and the parents of the student of any action taken by the school.

EXCUSED ABSENCES

1 Conditions for which a student's absence may be excused are:

- 2
- 3 1. **Personal Illness:** Students are excused who are sick and whose attendance would be detrimental
- 4 to their health and the health of other students. A physician's statement may be required.
- 5 2. **Death in Immediate Family:** Students may be excused for three (3) days in the event of a death
- 6 in their immediate families including mother, father, stepparent, brother, sister, or grandparent.
- 7 Extenuating circumstances may require a longer period of excused absence.
- 8 3. **Family Illness:** Students having an illness in the family which requires them to give temporary
- 9 help will be excused from attendance after receipt of a physician's statement concerning the
- 10 necessity of the student's assistance.
- 11 4. **Religious Holiday:** Students shall be excused on special or recognized religious holidays
- 12 regularly observed by that particular faith. Prior approval is required should these days occur
- 13 while school is in session.²
- 14 5. **Personal:** Students who are absent for a good cause such as a doctor or dental appointment which
- 15 cannot be scheduled at times other than school hours, court appearances, etc. may be excused
- 16 upon proof of appointment. Prior approval by the parent or guardian and the principal or his
- 17 designee is required.
- 18 6. **Approved School-Sponsored Activities:** Students shall be marked present when participating
- 19 in a school-sponsored activity away from the school building.
- 20

21 All other reasons for absence, including out-of-school suspensions and failing to report a reason, will be
22 deemed an unexcused absence. Ten (10) consecutive or fifteen (15) total unexcused absences during any
23 semester renders a student ineligible to retain a driver's permit or license, or to obtain such if of age.

24 **EXPLANATION OF ABSENCES**

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26
27 By law students must attend school daily. HCDE will allow parent/guardian excuses to serve as
28 documentation for three (3) personal illness days only. After three (3) parent/guardian excused personal
29 illness days, parents must provide medical services documentation for the following: personal illness,
30 family illness, or personal (as defined above). To avoid student absences being recorded as unexcused,
31 a written statement signed and dated by the parent/guardian and any medical documentation should be
32 presented to the appropriate school official within five (5) days of the student returning to school.

33 **HABITUAL TRUANCY**

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36 Truancy is defined as an absence for an entire school day, a major portion of the school day, or the major
37 portion of any class or activity during the school day for which the student is scheduled. A student who
38 accumulates three (3) three days of unexcused absences may be deemed habitually truant.⁷

39
40 The principal must report the names of all students who have withdrawn from school or who have
41 accumulated three (3) days of unexcused absences to the Director of Schools or designee. Upon a
42 student's accumulation of three (3) days of unexcused absences, the principal or designee will serve
43 written notice that the child's attendance at school is required by law to the parent, guardian, or other
44 person having control of a child subject to compulsory attendance.⁷

~~Ten (10) consecutive or fifteen (15) total unexcused absences during any semester renders a student ineligible to retain a driver's permit or license, or to obtain such if of age. The principal shall be responsible for notifying, in writing, the director of schools and the parents of the student of any action taken by the school.~~

District personnel will intervene to address habitual truancy using a Tiered Attendance Intervention support structure for students and their families, as detailed below.

*Progressive Truancy Plan*³

A student who is absent five (5) days without adequate excuse shall be reported to the Director of Schools or his/her designee who will, in turn, provide written notice to the parent(s)/guardian(s) of the student's absence. If a parent/guardian does not provide documentation within adequate time excusing those absences or request an attendance hearing, then the Director of Schools shall implement the progressive truancy plan described below prior to referral to juvenile court.

~~*Progressive Truancy Plan*³~~

Tier One

Tier One of the Progressive Truancy Plan shall apply to all students within the district and include schoolwide prevention-oriented supports to assist with satisfactory attendance. These supports shall include, but are not limited to:

1. Parents and students will be notified of attendance expectations and the Truancy Plan in the Student Handbook;
2. ~~At three (3) unexcused absences, parents and students will be made aware of the number of absences and that five (5) unexcused absences will begin Tier Two.~~ A conference with the student and parent, guardian, or other person having control of the student;
3. A resulting attendance contract, to be signed by the student, parent/guardian, and the attendance supervisor/designee. The contract shall include:
 - a. A specific description of the school's attendance expectations for the student;
 - b. The period for which the contract is effective; and
 - c. Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court.
4. Regularly scheduled follow-up meetings to discuss the student's progress

Tier Two

Tier Two of the progressive truancy plan shall apply to students who have accumulated five (5) unexcused absences and shall be implemented after the accumulation of five (5) unexcused absences but before referral to a juvenile court. Tier Two includes:

1. ~~A conference with the student and parent, guardian, or other person having control of the student;~~

- 1 ~~2. A resulting attendance contract, to be signed by the student, parent/guardian, and the attendance~~
 2 ~~supervisor/designee. The contract shall include:~~
 3 ~~a. A specific description of the school's attendance expectations for the student;~~
 4 ~~b. The period for which the contract is effective; and~~
 5 ~~c. Penalties for additional absences and alleged school offenses, including~~
 6 ~~additional disciplinary action and potential referral to juvenile court.~~
 7 ~~3. Regularly scheduled follow up meetings to discuss the student's progress; and~~
 8 4. A school employee shall conduct an individualized assessment detailing reasons the student has
 9 been absent from school. This employee may refer the student to counseling, community-based
 10 services, or other services to address the student's attendance problems.

11 Tier Three

12 Tier Three shall be implemented if the interventions under Tier Two are unsuccessful.

13 Tier Three may consist of one or more of the following:

- 14 1. School-based community services;
 15 2. Participation in a school-based restorative justice program;
 16 ~~3. Referral to a school-based teen court; or~~
 17 4. Courses outside of school hours designed to improve attendance and behavior.

18 If any tier of progressive truancy intervention is unsuccessful, and the school can document that the
 19 student's parent or guardian is unwilling to cooperate with the truancy intervention requirements
 20 outlined in the plan, the director of schools/designee may report the student's absences to the juvenile
 21 judge without first having to implement subsequent intervention tiers, if any. ³

22 **PROCEDURAL DUE PROCESS**

23 The established policy should be reviewed periodically to ensure that procedural due process is provided.

- 24 1. Prior to its enactment, notice of the rules, regulations, and penalties are provided to students and
 25 parents.
 26 2. All students receive a written copy of the policy. Students who arrive during the school year also
 27 receive the policy.
 28 3. Policy is to be enforced by all in a fair, consistent, nondiscriminatory manner.
 29 4. The policy provides for exceptions through an impartial hearing and appeals process.
 30 5. Announce policy at student assemblies and parent meetings.

31 Legal References:

- 32 1. TCA 49-6-3006
 33 2. TCA 49-6-2904(b)(5)
 34 3. TCA 49-6-3009

35 Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Home Schools	Descriptor Code: 6.202	Issued Date: 09/19/13
		Rescinded:	Revised: 05/09/24

1
2 A "home school" is a school conducted by parent(s) or legal guardians for their own children. Home
3 schools which teach K-12 where the parents are associated with an organization that conducts church-
4 related schools (*as defined by §49-50-801*) which are supervised by such organization, and which
5 administer standardized achievement tests at the same time tests are given in their regular day schools
6 are exempt from the following provisions but must follow procedures issued by the State Department of
7 Education.¹

8
9 A parent wishing to conduct a home school, except as defined above, shall meet the following
10 requirements:

- 11
12 1. Provide notice to the Director of Schools or his/her designee by August 1 before the
13 commencement of each school year of the intent to conduct a home school;
- 14
15 2. Submit to the director of schools the name, number, age, grade level of children involved,
16 location of the school, curriculum to be offered, proposed hours of instruction, qualifications of
17 the parent/teacher, whether a college preparatory or general course of education will be taught in
18 grades 9-12, and a description of the courses to be taught each year;
- 19
20 3. Maintain attendance records, subject to inspection of the local Director of Schools or his/her
21 designee;
- 22
23 4. Submit attendance records to the Director of Schools or his/her designee at the end of each school
24 year;
- 25
26 5. Provide instruction for at least four (4) hours per day for the same number of instructional days
27 as are required by state law for public schools;
- 28
29 6. Possess a high school diploma, GED, or HiSET in order to conduct classes in grades 9-12, or
30 submit proof of State Department of Education
- 31
32 7. Cooperate in the administration to home school students of appropriate tests by the
33 Commissioner of Education, his/her designee or by a professional testing service in grades five
34 (5), seven (7), and nine (9);
- 35
36 8. Take action according to state law if home school student falls behind appropriate grade level;
- 37
38 9. Submit proof to the director of schools that the home school student has been vaccinated as
39 required by law;
- 40
41 10. Submit proof to the director of schools that other health services and examinations as require by
42 law have been received by the home school student; and

1
2 11. In the event of illness or inadequacy of the home school parent-teacher to teach a specific subject,
3 employ a tutor having the same qualifications as required of parent/teacher.
4

5 If one or more of these requirements are not met, the Board authorizes the director of schools to take
6 formal action to bring the child into compliance with the compulsory attendance law (until the child has
7 reached age 17), either in the home school or in a public, private or church-related school.
8

9 It shall be the policy of this Board that public school facilities shall be available for home school
10 instruction only when all of the following conditions exist:
11

- 12 1. Special needs courses are being taught which require services unavailable to the home school
13 student;
- 14
- 15 2. These services cannot be provided through any means other than the public schools;
- 16
- 17 3. Requests for services are made known by the home school parent when notice is given to the
18 Director of Schools of the intent to conduct a home school;
- 19
- 20 4. The Director of Schools investigates request and makes recommendations to the Board;
- 21
- 22 5. No overcrowding, additional expenses including providing transportation, or other special
23 situations which interfere with the normal operation of the school system shall be incurred; and
24
- 25 6. Approval by the Board on a case-by-case basis.
- 26

27 The Director of Schools, through the attendance supervisor, shall have the attendance records of the
28 home school inspected at least two (2) times each school year in order to provide assistance in
29 implementing the Compulsory Attendance Law.
30

31 If a home school student falls more than one (1) year behind his/her appropriate grade level in his/her
32 comprehensive test score for two (2) consecutive tests, and if a certified teacher who would have taught
33 the child at his/her grade level determines through appropriate means that the student does not have a
34 learning disability, the director of schools shall require the parents to enroll the child in a public, private,
35 or church-related school.
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Legal References:

- 45 1. TCA 49-6-3050

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: School Admissions	Descriptor Code: 6.203	Issued Date: 06/20/13
		Rescinded:	Revised: 05/09/24

1
2 Any student entering school for the first time must present:

- 3
4 1. A birth certificate or officially acceptable evidence of date of birth at the time of registration;
- 5
6 2. Evidence of a current medical examination.¹ There shall be a complete medical examination of
7 every student entering school for the first time. This applies to ~~kindergarten, first grade and other~~
8 ~~students for whom there is no health record~~ every student entering schools for the first time;
- 9
10 3. Evidence of state-required immunization;²
- 11
12 4. Proof of residence;
- 13
14 5. In the case of a child not living with both parents:
- 15
16 a. If the child lives with a divorced parent, a copy of the parenting plan; or
- 17
18 b. If the child lives with a custodian or guardian, a copy of an appropriate court order; or
- 19
20 c. If the child lives with an appointed caregiver, a properly executed power of attorney
- 21 setting forth some extreme hardship that renders the parent or guardian unable to care for
- 22 the child; provided that the school administration shall have the authority to inquire into
- 23 the validity of the hardship and the residence of the caregiver; and further provided that
- 24 the Superintendent of Schools or his designee shall have final authority to determine the
- 25 validity of any power of attorney.

26 Students will be enrolled in the name that appears on their birth certificate or certificate of birth by

27 adoption if the adoption occurs prior to student's school registration. Name changes due to marriage or

28 court order will be entered on the student's record upon receipt of appropriate documents.⁴ If the parent

29 does not have or cannot obtain a birth certificate, then the name used on the records of such student will

30 be the same as that shown on documents which are acceptable to the school principal as proof of date of

31 birth.⁵

32 A student may transfer into the school system at any time during the year if his/her parent(s) caregiver

33 or legal guardian moves his/her residence into the school district. Students may be disenrolled if the

34 parent/caregiver/guardian gives a false address.

35

36 Unless a student enrolls in a school of choice, e.g., magnet school, open enrollment school, or charter

37 school, the student will be assigned to the appropriate school based upon the Board of Education's zoning

38 plan and the actual residence of the student's custodial parent, caregiver, or legal guardian. If the

39 student's parents, caregiver, or guardians have joint custody or some other arrangement whereby the

40 student occupies more than one residence during the course of a month, then the student will be assigned

41 to a school based upon the residence where the student spends most of the school nights during any given

42 month. In the case of a hardship, the parent, caregiver, or guardian may appeal the assignment to the

1 ~~Superintendent~~ Director of Schools or his/~~her~~ designee whose decision shall be final. In the case of a
2 child who spends an equal number of school nights with each parent, the parents shall designate which
3 residence shall be used for purposes of determining school assignment.
4

5 When a student enrolls in a school of choice, that student commits to attending that school for the entire
6 school year. Absent unusual circumstances, the student may not withdraw from a school of choice before
7 the end of the school year and enroll back into his or her zoned school. In the case of a hardship, the
8 parents, caregiver, or guardians may ask the Superintendent of Schools or his/her designee to waive this
9 policy. The ~~Superintendent's~~ Director of School's or his/her designee decision shall be final.
10

11 Parents of students who enter school who have been judged delinquent for an offense involving murder,
12 rape, robbery, kidnapping, aggravated assault, reckless endangerment, or aggravated sexual battery in
13 Tennessee or any other state shall notify the principal in writing. Parents of students who enter school
14 who have been judged delinquent for an offense involving voluntary manslaughter, criminally negligent
15 homicide, sexual battery by an authority figure, statutory rape by an authority figure, prohibited weapon,
16 unlawful carrying or possession of a firearm, carrying weapons on school property, carrying weapons
17 on public recreational buildings and grounds. handgun possession or providing handguns to juveniles in
18 Tennessee shall notify the principal in writing. This information shall be shared only with school
19 employees who have responsibility for classroom instruction of the student. Such information is
20 otherwise confidential and shall not be released to others except as required by law. The written
21 notification shall not become a part of the student's record.⁴
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37 Legal References:

- 38 TCA 49-6-3008(b)
- 39 1. TRR/MS 0520-1-3-.08(2)(a)
- 40 2. TCA 49-6-5004(a)
- 41 3. TCA 49-6-5001(c)
- 42 4. TCA 49-6-5106

Cross References:

- Student Transportation 3.400
- Homeless Students 6.503
- Students in Foster Care 6.505

Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term: Attendance of Non-Resident Students	Descriptor Code: 6.204	Issued Date: 08/20/09
		Rescinded:	Revised: 05/09/24

1
2 Students residing outside of Hamilton County may attend Hamilton County schools subject to
3 the following requirements:

4
5 1. Non-resident students must make application to attend a Hamilton County school at least two
6 (2) weeks prior to the first day of school. After two (2) weeks prior to the beginning of school and
7 thereafter during the remainder of the school year, students wishing to transfer into the system
8 must also have the approval of the sending system.

9
10 2. Any such application must be approved by the Director of Schools or his/her designee, who
11 shall have the discretion to decide whether to admit any non-resident student on a case-by-case
12 basis, provided, however, that he shall give specific consideration to whether space is available at
13 the school the non-resident student has requested.¹ If space is not available at the requested school,
14 the Director of Schools or his/her designee may offer a space at an alternate school in Hamilton
15 County.

16
17 3. Non-resident students must pay a tuition fee established annually by the Board. Tuition may not
18 exceed per student, per annum, an amount equal to the amount of funds ~~actually~~ used for school
19 purposes by the school system per student during the preceding school year minus any funds
20 received from the state or from the student's resident system.² Students that require specialized
21 services will be assessed for said service in addition to required tuition payments. Tuition may be
22 paid in ten (10) equal installments. Failure to pay tuition for two (2) consecutive months shall
23 result in the student's loss of eligibility to attend any county school.

24
25 4. When accepted at a specific school, the non-resident's enrollment at that school will be
26 guaranteed only for the upcoming school year if space is available at the school the non-resident
27 requested. During this period of time, brothers and sisters will be assured of enrollment at the same
28 school. Non-resident students must reapply each year for readmission into Hamilton County
29 Schools.

30
31 5. Students who become residents of the school system will be refunded any unused portion of the
32 tuition on a pro-rata basis.

33
34 6. Non-resident students seeking a School Choice/Magnet placement will automatically be placed
35 on the waitlist. After all waitlisted residents have been placed in School Choice/Magnet seats,
36 ~~only then will~~ non-residents on the waitlist will be considered for an unfilled School
37 Choice/Magnet seat.

38 7. If an employee of the Hamilton County school system resides outside Hamilton County, the
39 children of that employee may attend Hamilton County Schools tuition-free at the school or within
40 the feeder system of the school to which that employee is assigned to work.³ In the event the
41 employee works at the central office, W. 40th Street, or the Dodds Avenue location, then the
42 employee's children may attend whichever school is the closest geographically to the employee's
43 primary place of assignment.

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Legal References:

- 68 1. TCA 49-6-3104; TCA 49-6-3105;
69 TRR/MS 0520-1-3-.03(11)(f-i)
- 70 2. TCA 49-6-3003; TCA 49-6-403(f)
- 71 3. TCA 49-6-403(f)

Cross References:

Foreign Exchange Students 6.502

Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term: Student Assignments	Descriptor Code: 6.205	Issued Date: 04/20/17
		Rescinded:	Revised: 05/09/24

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TO SCHOOLS

Students, including kindergarten, shall attend the school to which they are assigned. Parents who wish to have their child attend a school other than his or her assigned school may apply/be entered into the lottery for School Choice and/or magnet schools applications open by the end of November of each school year.¹

TO CLASSES

The principal shall be responsible for assigning all students to classes.

Students who enter the system from another school system are to be placed by the principal in the grade and/or level as indicated by records from the form school. If the student’s placement is inappropriate in the grade or level assigned, he/she may be reassigned by the principal to another grade level. Parents shall be kept advised.

The principal shall separate an alleged victims of child sexual abuse from an alleged perpetrator if the abuse allegedly occurred while the child was under the supervision or care of the school. If available and appropriate, a child shall be reassigned if a request is made by the child’s parent or custodian and the perpetrator has been: (1) substantiated by the Department of Children’s Services; (2) adjudicated by a juvenile court to have committed the child sexual abuse; or (3) criminally charged.

Legal References:
1. TCA 49-6-3102(i)

Cross References:
Public Acts of 2015, Chapter No. 286

Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term: Code of Behavior and Discipline	Descriptor Code: 6.300	Issued Date: 12/16/04
		Rescinded:	Revised: 05/09/24

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The Director of Schools or his/her designee shall be responsible for all overall implementation and supervision of the Board’s Code of Acceptable Behavior and Discipline **(COAB)** and shall ensure that students at all schools are subject to a uniform and fair application of the COAB.

The principal of each school shall be responsible for implementation and administration in his/her school and shall apply the COAB uniformly and fairly to each student at the school without partiality and discrimination.

The Board delegates to the Director of Schools or his/her designee the responsibility of developing more specific codes of behavior and discipline that are appropriate for each level of school, namely, elementary, middle, and senior high. The development of each code shall involve principals and faculty members of each level of school and shall be consistent with the content of the Board’s Code.

A copy of the COAB shall be posted at each school and ~~guidance~~ school counselors shall be supplied copies for discussion with students. The code shall be referenced in all school handbooks. All teachers, administrative staff, and parents shall be provided electronic copies of the COAB.¹ A parent/guardian for the student must acknowledge that they have reviewed and understood the COAB during the registration and enrollment process. In grades 6-12, students must also acknowledge the COAB, and schools are responsible for ensuring this process is complete as well as maintaining appropriate records.

Legal References:
1. TCA 49-6-4001, et.al.
1996

Cross References:
Student and Employee Safe Environment Act of

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Rights and Responsibilities	Descriptor Code: 6.301	Issued Date: 12/16/04
		Rescinded:	Revised: 05/09/24

1
2 The Board expects all ~~school staff~~ **employees**, students and parents/**guardians** to assume the
3 responsibility for appropriate behaviors in the school.

4
5 Each student has the right to:

- 6
- 7 1. Have the opportunity for a free education in the most appropriate learning environment;
- 8 2. Be secure in his/her person, papers, and effects against unreasonable searches and seizure;
- 9 3. Expect that the school will be a safe place;
- 10 4. Have an appropriate environment conducive to learning;
- 11 5. Not be discriminated against on the basis of sex, race, color, creed, religion, national origin or
12 disabilities¹; and
- 13 6. Be fully informed of school rules and regulations.
- 14 7. Fair communication with teachers, administration, bus drivers, and other staff; to have a safe and
15 respectful relationship that will nurture their academic process.
- 16

17 Each student has the responsibility to: ²

- 18
- 19 1. Attend school daily, be prepared for class, and complete assignments to the best of their ability;
- 20 2. Be punctual and present each day of school;
- 21 3. Dress and groom in a manner that meets reasonable standards of health, cleanliness, modesty,
22 and safety;
- 23 4. Know and adhere to reasonable rules and regulations established by the Board;
- 24 5. Respect the human dignity and work of every other individual;
- 25 6. Refrain from libel, slanderous remarks, and obscenity in verbal and written expression;
- 26 7. Study and maintain the best possible level of academic achievement;
- 27 8. Know and obey school and bus rules and instructions given by the school principal and staff;
- 28 9. Tell school staff about any dangerous behavior or activity that occurs on or off school grounds
29 or on the bus if it may result in disruption to the educational setting;
- 30 10. Bring only those materials to school or onto the bus that are allowed;
- 31 11. Behave respectfully toward everyone in the school community;
- 32 12. Respect the authority of school administrators, teachers and other authorized personnel in
33 maintaining discipline in the school and at school-sponsored activities;
- 34 13. Refrain from behavior which would lead to physical or emotional harm or disrupts the
35 educational process;
- 36 14. Report when peers are carrying weapons or anything else that may be perceived as a threat. Assist
37 in creating a classroom environment that encourages a sense of learning and support by
38 denouncing offensive and demeaning behavior;
- 39 15. Accept responsibility for their actions. Students who feel they have been disciplined unfairly
40 should respectfully approach a staff member to discuss the situation;

- 1 16. Maintain and/or improve the school environment, preserve school and private property, and
2 exercise care while using school facilities;
- 3 17. Refrain from using loud voices, profanity, and/or obscene gestures, and respect the rights and
4 safety of others;
- 5 18. Follow the law and school rules as to the possession or the use of alcohol, illegal drugs and other
6 unauthorized substances or materials; and
- 7 19. Possess on school grounds only those materials which are acceptable under the law, Board policy
8 and school rules and accept the consequences for articles stored in one's locker or vehicle.

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36 Legal References:

- 37 1. 20 U.S.C. § 1703
- 38 2. TCA 49-6-3401

Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term: Alcohol and Drug Use	Descriptor Code: 6.307	Issued Date: 12/16/04
		Rescinded:	Revised: 05/09/24

1
2 In order to protect the rights of students, to safeguard the learning environment, and to contribute
3 to a “Drug-Free” community, the Board’s plan for dealing with alcohol and drugs¹ shall include
4 the following:

- 5 1. Appropriate ways for handling alcohol/drug-related medical emergencies;
- 6 2. Guidelines for reporting alcohol/drug incidents and illegal activities;
- 7 3. Guidelines for referral of students who may have an alcohol/drug problem and/or are
8 considered "high risk" to agencies and other sources of appropriate help;
- 9 4. Effective working relationships with appropriate community agencies, such as
10 alcohol/drug service providers, law enforcement agencies, and judicial officials.

11 Through the use of state guidelines, the Director of Schools or his/her designee shall be responsible
12 for:

- 13 1. Developing and implementing an appropriate curriculum on alcohol and drug education
14 for students;
- 15 2. Providing adequate information and training for all staff personnel as appropriate to their
16 responsibilities;
- 17 3. Implementing the relevant portions of the Drug-Free Youth Act² by:
18 a. Informing all students in grades seven (7) through twelve (12) of its provisions;
19 b. Distributing to all such students a pamphlet describing the law;
20 c. Including the teaching of the components of the law in the annual pre-school year in-
21 service training for teachers and principals; and
- 22 4. Developing administrative rules and guidelines for the school system to effectively
23 respond to alcohol and drug situations that may occur at school or school-sponsored
24 events.

25 Students will not possess, distribute or be under the influence of illegal drugs or alcoholic
26 beverages in school buildings or on school grounds, in school vehicles or buses, or at any school-
27 sponsored activity at any time, whether on or off school grounds.

28 Students will not market or distribute any substance which is represented to be or is substantially
29 similar in color, shape, size, or markings to a controlled substance in school buildings or on school
30 grounds, in school vehicles or buses, or at any school-sponsored activity at any time, whether on
31 or off school grounds.³

32 Upon information that a student is suspected of violating this policy, the principal of the school
33 shall be notified immediately. If it is determined that board policy has indeed been violated, the
34 principal shall notify the student's parent or guardian and the appropriate law enforcement
35 officials.⁴ A student who unlawfully possesses any narcotic, stimulant, prescription drug, or other
36 controlled substance shall be subject to suspension for a period of not less than one (1) calendar
37 year. The director of schools shall have the authority to modify this suspension requirement on a
38 case-by-case basis.⁵

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54 Legal References:

- 55 1. TRR/MS 0520-1-3-.08(2)(d)
- 56 2. TCA 55-10-701 et seq.
- 57 3. TCA 39-17-417
- 58 4. TCA 49-6-4209
- 59 5. TCA 49-6-4018
- 60 6. TCA 49-6-4018

Cross References:

Drug-Free Workplace 1.804
Suspensions 6.316

Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term: Student Disciplinary Procedures	Descriptor Code: 6.3021	Issued Date: 01/16/20
		Rescinded:	Revised: 05/09/24

1
2 Any administrator may suspend any student from school, from any school-related activity on or
3 off campus, from a specific class or classes (i.e., in-school suspension), or from riding a school
4 bus for any misconduct prejudicial to good order and discipline, including, but not limited to, any
5 misconduct described more particularly in the Board’s Code of Acceptable Behavior and
6 Discipline or Zero Tolerance policies, or any misconduct that violates the law.¹

7
8 **PROCEDURES FOR SUSPENSIONS²**

9
10 Unless the student’s continued presence in the school, class, or school-related activity presents
11 an immediate danger to the student or other persons or property, no principal shall suspend any
12 student until that student has been advised of the nature of his/her misconduct, questioned about
13 it, and allowed to give an explanation.

14
15 Upon suspension of any student, including an in-school suspension in excess of one (1) day, the
16 principal shall make an immediate attempt to contact the parent or guardian to inform him or her
17 of the suspension, the reason for the suspension, and any conditions on readmission to the school.
18 Within twenty-four (24) hours, the principal shall provide this same information in writing to the
19 ~~Chief Operations Officer (COO)~~ Community Superintendent or his/her designee.

20
21 The student shall not be sent home before the end of the school day unless the parent or guardian
22 has been contacted.

23
24 **SUSPENSIONS IN EXCESS OF FIVE (5) DAYS:³**

25
26 For any suspension in excess of five (5) days, whether in-school or out-of-school, the principal
27 shall develop a behavioral intervention plan. If the student is one with a disability, the principal
28 shall notify the case manager and collaborate with the student’s IEP team or Section 504
29 committee.

30
31 **SUSPENSIONS IN EXCESS OF TEN (10) DAYS:⁴**

32
33 If at the time of the suspension, the principal determines that an offense has been committed which,
34 in the judgment of the principal, would justify a suspension for more than ten (10) days, he/she
35 may suspend the student unconditionally for a specified period of time or upon such terms and
36 conditions as are deemed reasonable.

37 The principal shall immediately give written or actual notice to the parent or guardian and the
38 student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must
39 be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the
40 parent or guardian, the student, or any person holding a teaching license who is employed by the
41 school system if requested by the student. The appeal from this decision shall be to the
42 Disciplinary Hearing Authority per Board Policy No. 6.3022.

43
44 If the suspension occurs during the last ten (10) days of any term or semester, the student shall be
45 permitted to take such final examinations or submit such required work as necessary to complete
46 the course of instruction for that semester, subject to conditions prescribed by the principal.⁵

47
48 Students found to be eligible for special education shall only be suspended in accordance with
49 Board Policy No. 6.3023 governing such suspensions.

50
51 **IN-SCHOOL SUSPENSIONS⁶**

52
53 For purposes of this Policy, in-school suspensions include any removal of a student from a regular
54 class or classes and assigning that student to a restricted class, night school, or some other program
55 at the same school.

56
57 Personnel responsible for in-school suspension will see that each student is supervised at all times
58 and has textbooks and classwork assignments from his/her regular teachers. Students given in-
59 school suspension shall be required to complete academic assignments and shall receive credit for
60 work completed.

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Legal References:
70 1. T.C.A. § 49-6-3401(a) and (b)
71 2. T.C.A. § 49-6-3401(c)
72 3. T.C.A. § 49-6-3401(c)(3)
73 4. T.C.A. § 49-6-3401(c)(4)
74 5. T.C.A. § 49-6-3401(d)
75 6. T.C.A. § 49-6-3401(b)

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Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term: Student Disciplinary Appeals	Descriptor Code: 6.3022	Issued Date: 10/17/19
		Rescinded:	Revised: 05/09/24

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DISCIPLINARY HEARING AUTHORITY¹

A Disciplinary Hearing Authority (DHA) will conduct hearings for students who have been suspended for more than ten (10) school days. The DHA will have the authority to determine accountability for any disciplinary case and, subject to the provisions of T.C.A. § 49-6-3401 and Board Policy Nos. 6.300 and 6.301, appropriate consequences.

CONSTITUTION OF THE DHA

The DHA will operate under the office of the Chief of Equity each year in July, the Board will appoint up to ~~nine (9)~~ **eleven (11)** licensed employees to serve on the DHA. Four members of the DHA will constitute a quorum for the hearing of any case.

The Chief of Equity or his/her designee shall appoint a chair of the DHA from the members appointed by the Board. The chair will be trained appropriately in the conduct of disciplinary hearings.

The chair shall schedule a hearing within forty-eight (48) hours of the timely request of a student, parent, guardian, or teacher acting on the student’s behalf. In no event will the hearing be scheduled more than ten (10) days after the commencement of the suspension.

The chair shall assign members of the DHA to sit on the panel hearing each case. The chair is responsible for having the hearing recorded or transcribed.

CONDUCT OF THE HEARING

During the hearing, the chair will announce on the record the purpose of the hearing, including the nature of the offense, the date the offense occurred, and the date the appeal was lodged. The chair will ask each member of the DHA to introduce himself/herself on the record and will then ask the administrators and the students to introduce themselves as well. The chair will then describe the process the DHA will observe during the course of the hearing.

The administration will set forth the basis for its belief that the student is accountable for misconduct warranting a suspension in excess of ten (10) days. This explanation may consist of a summary of any investigation presented by the charging administrator, or it may consist of one or more witnesses as the administration deems appropriate. The DHA may ask such questions as it deems necessary to ensure a clear understanding of the case. Neither the student nor his parents/guardians may cross-examine the administration or the administration’s witnesses. After

40 the administration has presented its charges and the DHA has questioned the administrators and
41 their witnesses to their satisfaction, the student may respond. The student may speak on his/her
42 behalf and may call such witnesses as are willing to speak for the student. The DHA may question
43 the student and anyone speaking on the student's behalf.

44
45 While the student may have counsel present during the hearing, counsel may not examine or cross-
46 examine any witnesses, nor may counsel advocate on behalf of the student.²

47
48 After the administration and the student have both explained their respective positions, the DHA
49 shall retire to deliberate off the record and to make a decision. The first issue for the DHA to
50 decide is whether the student engaged in the misconduct alleged. If the DHA sustains the
51 allegation, then, except in the case of a zero-tolerance offense set forth in Board Policy No. 6.309,
52 the DHA has the authority to decide the appropriate consequence within the scope set forth in
53 Board Policy No. 6.300, which provides for the student Code of Acceptable Behavior and
54 Discipline.

55
56 Upon reaching a decision, the DHA shall reconvene on the record and shall announce one of the
57 following decisions³:

- 58
59 1. To affirm the decision of the school principal;
60 2. To order the removal of the suspension unconditionally;
61 3. To order removal of the suspension upon such terms and conditions as it deems
62 reasonable;
63 4. To remand the student to an alternative placement; or
64 5. To suspend the student for a specified period of time.

65
66 The DHA shall provide the student, parent/guardian, and administration ~~of~~ with its written decision
67 no later than five (5) days after the hearing. As part of this notice, the DHA shall explain the right
68 of the parties to appeal to the Chief of Equity, as the designee of the director of schools, and the
69 Board. In the case of a zero-tolerance offense, the notice shall indicate that the ~~Chief of Equity~~
70 Director of Schools has the sole discretion whether to modify the statutory 365-day suspension.

71 72 **APPEAL TO THE CHIEF OF EQUITY OFFICE⁴**

73
74 Any student, parent/guardian, or administrator who is dissatisfied with the decision of the DHA
75 has the right to lodge an appeal with the Chief of Equity, who shall serve as the designee of the
76 director of schools. He/she shall have broad discretion to decide a student's accountability and
77 appropriate consequences. ~~He/she shall have sole discretion to modify 365 day suspensions~~
78 ~~established by state law and Board policy.~~

79 80 **APPEAL TO THE BOARD OF EDUCATION⁵**

81
82 If the student, parent/guardian, or administrator is dissatisfied with the decision of the DHA and
83 Chief of Equity, he/she may request the Board review the decision. As part of any such review,
84 the Chief of Equity and the chair of the DHA shall prepare the record, a summary of the

85 proceedings and explanation of any decision, and a summary of the position of the administration
86 and the student or parent/guardian, and submit these to the Board under seal.

87
88 The Board, at its next regular meeting, shall vote whether to sustain the decision on the record, to
89 reverse or modify the decision on the record, or to grant a new hearing. The Board does not have
90 the jurisdiction to modify the consequences for a zero-tolerance offense. If the Board votes to grant
91 a new hearing, any such hearing shall be closed to the public unless the student or parent/guardian,
92 within five (5) days, requests that the hearing be open. Any such hearing shall operate as would
93 any DHA hearing except that, in the event of an open hearing, the Board shall not retire to
94 deliberate. At the conclusion, the Board may affirm the decision of the Chief of Equity or modify
95 the decision of the Chief of Equity, to include the imposition of a more severe consequence.

96

97 **OVERSIGHT OF THE STUDENT DISCIPLINARY PROCESS**

98

99 The Chief of Equity shall establish procedures pursuant to which all cases of discipline are
100 overseen by his/her office. These procedures will include means whereby principals report any
101 suspension, including in-school suspensions in excess of one day, to his/her office; forms whereby
102 parents/guardians are aware of their students' suspension and their rights to appeal; and a process
103 whereby the panels of the DHA are aware of similar cases within the district that might serve as
104 precedent to ensure consistent application of the Board's Code of Acceptable Behavior and other
105 Board policies. Legal References:

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Legal References:

115 1. T.C.A. § 49-6-3401(c)(4) and (5)

116 2. Newsome v. Batavia Local School District, 842 F.2d 920 (6th Cir. 1988)

117 3. T.C.A. § 49-6-3401(6) ⁴ T.C.A. § 49-6-3401(6) ⁵ T.C.A. § 49-6-3401(6)

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Homeless Students	Descriptor Code: 6.503	Issued Date: 05/18/17
		Rescinded:	Revised: 05/09/24

~~Under federal law,~~ HCS will ensure that all homeless students shall have equal access to the same free, appropriate public education as provided to other children and youth. They must be included in state and district-wide assessments and accountability systems.

Information regarding this policy will be included in the Hamilton County Student Handbook which will be distributed to all students annually and upon enrollment. Information about the rights of homeless children and youth will be posted in every school in the system as well as other places where homeless children and families receive services.

A. Definitions

Homeless children and youth refer to children and youth who are otherwise legally entitled to or eligible for a free public education, including preschool, yet who lack a fixed, regular, and adequate nighttime residence, including:

- ~~Children and youth~~ **students** who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reasons; **students** are living in motels, hotels, campgrounds, or trailer parks due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.
- ~~Children and youth~~ **students** youth who have a primary nighttime residence that is a private or public place not designed for or ordinarily used as regular sleeping accommodations for human beings.
- ~~Children and youth~~ **students** who are living in a car, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory ~~Children and youth~~ **students** who are living in ~~a situation~~ **circumstances** described above.

A child or youth shall be considered homeless for as long as he or she is in a living situation described that is not fixed, regular, and adequate. Eligibility for McKinney-Vento services will be evaluated at the beginning of every school year.

Unaccompanied youth means a youth not in the physical custody of a parent or guardian, who is also living in a homeless situation as defined above.

~~*Enroll and enrollment* mean attending school and participating fully in school activities.~~

School of origin means the school the child or youth attended when permanently housed, or the last school attended. This includes the designated receiving school at the next grade level for all feeder schools when a student completes the final grade level served by the school of origin. Preschools are also considered schools of origin when they establish a feeder school pattern.

1 The Liaison is the staff person designated by the Hamilton County Schools as the person responsible for
2 carrying out the duties assigned to the liaison by the McKinney-Vento Act. The liaison is to assist
3 homeless children and youth to enroll and succeed in school and ensure that homeless children and youth
4 receive educational services for which they are eligible, including Head Start and Even Start programs,
5 preschool programs (if offered to others), and referrals to health care, dental, mental health and other
6 appropriate services.

7 8 **B. Identification**

9
10 In collaboration with school personnel and community organizations, the liaison designated for the
11 school system will identify homeless children in the district, both in and out of school. The liaison will
12 train school personnel on possible indicators of homelessness, sensitivity in identifying homeless
13 families and youth, and procedures for forwarding information ~~indication~~ indicating homelessness to the
14 liaison. The liaison will also instruct school registrars and secretaries to inquire about possible
15 homelessness upon ~~the~~ enrollment in school. Community partners in identification may include the
16 following: family and youth shelters, soup kitchens, motels, campgrounds, drop-in centers, welfare
17 departments, and other social services agencies, street outreach teams, faith-based organizations, truancy
18 and attendance officers, local homeless coalitions, and legal services.

19 20 **C. School Selection**

21
22 Each homeless child has the right to remain at his or her school of origin or to attend the school for which
23 the child is zoned based upon where the child is actually living. Maintaining a student in his or her school
24 of origin is important for both the student and our district. Therefore, in determining the school that is in
25 the ~~child's or youth's~~ student's best interest to attend, school personnel must presume that staying in the
26 school of origin is in the child's or youth's best interest unless it is against the wishes of the parent,
27 guardian, or unaccompanied homeless youth. Student-centered factors must be considered, including
28 factors related to the impact of mobility on the achievement, education, health, and safety of the student.
29 Students may remain at their schools of origin the entire time they are homeless and until the end of any
30 academic year in which they acquire stable housing. The same applies if a ~~child or youth~~ student loses
31 his or her housing between academic years.

32
33 In determining what is in the child's best interest, the school system will within parameters set forth by
34 the McKinney Vento Act comply with the request made by a parent or guardian or unaccompanied youth
35 regarding school selection. If a school decided not to allow the child to enroll at the school selected by
36 the parent, guardian, or unaccompanied youth, the school will provide a written explanation of the
37 school's decision to the parent, guardian, or unaccompanied youth. The written explanation must also
38 inform the parent or guardian of his/her right to appeal the decision. The parent or guardian, or
39 unaccompanied youth shall be referred to the liaison who shall carry out the dispute process.

40 41 **D. Enrollment**

42
43 Consistent, uninterrupted education is vital for academic achievement. Due to the realities of
44 homelessness and mobility, homeless students may not have school enrollment documents readily
45 available. Nonetheless, the school selected for enrollment must immediately enroll any homeless child.
46

1 Enrollment may not be denied or delayed due to lack of any 1 document normally required for
2 enrollment, including:

- 3
- 4 • Proof of residency, including residency affidavit
- 5 • Transcripts/school records (The enrolling school must contact the student's previous school to
6 obtain school records. Initial placement of students whose records are not immediately available
7 can be made based on the student's age and information gathered from the student, parent, and
8 previous schools or teachers.)
- 9 • Immunizations or immunization/health/medical. physical records. Health records may often be
10 obtained from previous schools or state registries, and school-or community-based clinics can
11 initiate immunizations when needed. Students coming from areas where natural disasters have
12 occurred may never be able to provide immunization records, but it should be assumed that they
13 had the immunizations necessary to attend public school in their state.
- 14 • Proof of custody of guardianship
- 15 • Birth certificate
- 16 • Any other document requirements
- 17 • Unpaid school fees
- 18 • Lack of uniforms or clothing that conforms to dress codes
- 19 • Missing application or enrollment deadlines during any period of homelessness
- 20 • Any factor related to the student's
- 21 •
- 22 • living situation

23
24 Homeless unaccompanied youth must also be immediately enrolled in school. They must either enroll
25 themselves or be enrolled by a parent, non-parent caretaker, older sibling, or liaison.

26
27 The school at which the homeless student enrolls shall immediately contact the last school attended to
28 obtain academic or relevant records. If the child needs immunizations or medical records, the school
29 shall contact the liaison. The liaison shall assist in obtaining immunizations or medical records, as
30 necessary.

31 32 **E. Transportation**

33
34 Without appropriate transportation, a student may not be able to continue attending his or her school of
35 origin. To avoid such forced school transfers, at the parent's, guardian's or unaccompanied youth's
36 request, transportation shall be provided to and from the school of origin for a homeless child.
37 Transportation shall be provided for the entire time the child or youth has a right to attend that school,
38 as defined above, including during pending disputes. The liaison shall request transportation to and from
39 the school of origin for unaccompanied youth.

40
41 School contacts and the liaison shall assist in arranging transportation requests. If a homeless student is
42 living and attending school in this district, the Hamilton County Schools shall arrange transportation. If
43 the homeless student is living in this district but attending school in another, or attending school in this
44 district but living in another, the Hamilton County Schools will seek a shared reimbursement of
45 transportation expenses from the other school district or, if applicable, be financially responsible for a

1 portion of the other school districts expenses in transporting the homeless student. Inter-district disputes
2 shall not result in a student in transition missing school. If such a dispute arises, this district will arrange
3 transportation and immediately bring the matter to the attention
4 of the State Coordinator for the Education of Homeless Children and Youth.

5
6 Homeless students shall also be provided with other transportation services comparable to those offered
7 to housed students.

8 9 **F. Services**

10
11 All homeless children and youth in Hamilton County Schools will be enrolled and receive instruction in
12 the same schools and classrooms as all other students enrolled. They will not be isolated or stigmatized
13 by any activities of the school system. Homeless children shall be provided appropriate services
14 comparable to services offered to other students in the school, including:

- 15 • Transportation
- 16 • Title I
- 17 • Educational services for which the student meets eligibility criteria, including special education
18 and related services and programs for English language learners.
- 19 • Vocational and technical education programs
- 20 • Gifted and talented programs
- 21 • School nutrition programs
- 22 • Before and after school care (if offered and available to others)

23
24 The Hamilton County Schools will follow state procedures to ensure that homeless children and youth
25 who are out of school are identified and accorded equal access to appropriate secondary education and
26 support services. School personnel shall refer homeless children to appropriate health care services,
27 including dental and mental health services. The liaison will assist the school in making such referrals,
28 as necessary. The liaison and school personnel must inform unaccompanied homeless youth of their
29 status as independent students for college financial aid and that they may obtain assistance to receive
30 verification for the FAFSA.

31
32 School personnel must also inform parents of all educational and related opportunities available to their
33 children and provide parents with meaningful opportunities to participate in their children's education.
34 All parent information required by any provision of this policy must be provided in a form, manner, and
35 language understandable to each parent.

36 37 **G. Disputes**

38
39 If a dispute arises over any issue covered in this policy, including eligibility, the homeless student shall
40 be immediately admitted to the school in which enrollment is sought, pending final resolution of the
41 dispute. The student shall also have the right to all appropriate educational services, transportation, and
42 school nutrition programs.

43
44 The school where the dispute arises shall provide the parent, guardian, or unaccompanied youth with a
45 written explanation of its decision and the right to appeal and shall immediately refer the parent or youth
46 to the liaison. The liaison shall ensure the student is enrolled in the school of his or her choice,

1 46 within the parameters of the McKinney-Vento Act and receiving other services to which he or she is
2 entitled and shall resolve the dispute as expeditiously as possible. The parent, guardian, or
3 unaccompanied youth shall be given every opportunity to participate meaningfully in the resolution of
4 the dispute. The liaison shall keep records of all disputes in order to determine whether particular issues
5 or schools are repeatedly delaying or denying the enrollment of children and youth in
6 transition.

7
8 The parent, guardian, ~~or~~ unaccompanied youth, or school district may appeal the liaison's decision as
9 provided in the state's dispute resolution process.

10 **H. Free Meals**

11
12
13 To help ensure that children and youth in transition are available for learning, the U.S. Department of
14 Agriculture has determined that all homeless children are automatically eligible for free meals. On the
15 day a homeless child enrolls in school, the enrolling school must submit the student's name to the food
16 services office.

17 **I. Title I**

18
19
20 Homeless children are automatically eligible for comparable Title I services, regardless of what school
21 they attend. The Hamilton County School System shall reserve such funds as are necessary to provide
22 services comparable to those provided to Title I students to homeless children attending non-
23 participating schools. The amount reserved shall be determined by a formula based upon the per-pupil
24 Title I expenditure and developed jointly with the liaison and the Title I director. Reserved funds will be
25 used to provide educational-related support services to homeless children.

26
27 Our district's Title I plan will be coordinated with our McKinney-Vento services, through collaboration
28 between the Title I director and the liaison. Homeless children shall be assessed, reported on, and
29 included in accountability systems, as required by federal law and U.S. Department of Education
30 regulations and guidance.

31 **J. Training**

32
33
34 The school system liaison will conduct training and awareness activities for the appropriate school
35 system employees. The training and activities will be designed to increase staff awareness of
36 homelessness, facilitate identification and immediate enrollment, ensure compliance with this policy,
37 and increase sensitivity to homeless children and youth. The liaison has appointed the school social
38 workers/truancy officer as the building point of contact for homeless education. The building-level
39 contact will lead and coordinate their school's compliance with this policy and the McKinney-Vento Act
40 and will receive training from the district liaison at least annually.

41 **K. Coordination**

42
43
44 The Hamilton County School System and its liaison shall coordinate with and seek support from the
45 state coordinator for the Education of Homeless Children, local social service agencies and other

1 agencies or programs providing services to homeless children and families in order to eliminate barriers
2 to the identification, enrollment, attendance and academic success of homeless children and
3 youth.

4
5 **L. Pre-school**

6
7 Homeless children between the ages three (3) and five (5) before August 15 who also have disabilities,
8 will be referred for pre-school services under the Individuals with Disabilities Education Act (IDEA).
9 Homeless children with disabilities under age three (3) will be referred for at-risk services under Part C
10 of IDEA and screened to determine if referrals for additional Part C services are appropriate. The liaison
11 will collaborate with Head Start and Even Start programs and other preschool programs within the
12 district to ensure that children in transition can access those programs.

13
14 **M. Privacy**

15
16 Schools must treat information about a homeless child’s or youth’s living situation as a student education
17 record, subject to all the protections of the Family Educational Rights and Privacy Act (FERPA).

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38 Legal References:

- 39 1. McKinney Vento Education Assistance
40 Improvements Act of 2001, Part C, 721

38 _____
38 Cross References:

- 39 Student Transportation 3.400
40 Parental Involvement 4.502
41 Promotion and Retention 4.603
42 School Admissions 6.203
43 Migrant Students 6.504
44

Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term: Students in Foster Care	Descriptor Code: 6.505	Issued Date: 04/20/17
		Rescinded:	Revised: 05/09/24

1
2 The Hamilton County School System shall provide all students in foster care, to include those
3 awaiting foster care placement, with a free and appropriate public education.
4

5 **ENROLLMENT**

6
7 Students in foster care, to include those awaiting foster care placement, shall be immediately
8 enrolled, even if the student is unable to produce records normally required for enrollment (i.e.,
9 academic records, immunization records, health records, proof of residency), or missed the
10 district’s application or enrollment deadlines.¹

11
12 **PLACEMENT**

13
14 The district, the child welfare agency, the foster care liaison, and the principal shall determine
15 whether placement in a particular school is in a student’s best interest.⁵ Other parties, including
16 the student, foster parents, and biological parents (if appropriate), shall be consulted. If the child
17 has an IEP or a Section 504 plan, the relevant school staff members shall participate in the best
18 interest decision process. This determination shall be made as quickly as possible to prevent
19 educational disruption.

20
21 Placement shall be determined based on the student’s best interest. At all times, a strong
22 presumption that keeping the student in the school of origin is in the student’s best interest shall
23 be maintained.² For the purposes of this policy, school of origin shall mean the school in which
24 the student was enrolled, including a preschool/Pre-K program, at the time of placement in foster
25 care or at the time of a placement change if the student is already placed in foster care.³

26
27 When determining placement, student-centered factors including, but not limited to, the following
28 shall be considered:

- 29
- 30 1. Preferences of the student;
 - 31 2. Preferences of the student’s parent(s) or education decision maker(s);
 - 32 3. The student’s attachment to the school, including meaningful relationships with staff and
33 peers;
 - 34 4. Placement of the student’s siblings;
 - 35 5. Influence of the school climate on the student, including safety;
 - 36 6. The availability and quality of the services in the school to meet the student’s educational
37 needs;
 - 38 7. History of school transfers and how they have impacted the student;

- 39 8. How the length of the commute would impact the student;
- 40 9. Whether the student is receiving special education and related services, and if so, the
- 41 availability of those required services in a school other than the school of origin; and
- 42 10. Whether the student is an EL and is receiving language services, and, if so, the availability
- 43 of those required services in a school other than the school of origin.

44
45 Transportation costs should not be considered when determining a student’s best interest

46
47 If it is not in the student’s best interest to attend the school of origin, the director or his/her

48 designee shall provide a written explanation of the reasons for the determination. The written

49 explanation shall include a statement regarding the right to appeal the placement decision. If the

50 placement decision is appealed, the district shall refer the student to the district coordinator/foster

51 care liaison for children in foster care, who shall carry out the dispute resolution process as

52 expeditiously as possible and in accordance with the law.² Until the dispute is resolved, to the

53 extent feasible, the student shall remain in his/her school of origin.²

54
55 **TRANSPORTATION** ^{3,4}

56
57 The district shall collaborate with the local child welfare agency to develop and implement clear

58 and written procedures governing how transportation to a student’s school of origin shall be

59 provided, arranged, and funded. This transportation will be provided for the duration of the

60 student’s time in foster care.

61
62 The Director of Schools or his/her designee shall develop administrative procedures to provide for

63 transportation of students in foster care.⁵ These procedures must ensure that students in foster care

64 needing transportation to their schools of origin will promptly receive that transportation in a cost-

65 effective manner and in accordance with federal law;

66
67 If there are additional costs incurred in providing transportation to the school of origin, the district

68 will provide such transportation if:

- 69 • the local child welfare agency agrees to reimburse the district for the cost of such
- 70 transportation;
- 71 • the district agrees to pay for the cost; or
- 72 • the district and local child welfare agency agree to share the cost.⁴

73
74
75 The district will ensure that a student in foster care, to include a student awaiting foster care

76 placement, remains in his/her school of origin while any disputes regarding transportation costs

77 are being resolved.

78
79 _____

80 Legal References:

81 1. Elementary and Secondary Education

82 Act (ESEA), as amended by ESSA (Pub.

83 L. 114-95) § 1111(g)(1)(E)(ii)-(iii)

Cross References:

- 84 2. Elementary and Secondary Education
- 85 Act (ESEA), as amended by ESSA (Pub.
- 86 L. 114-95), § 1111 (g)(1)(E)(i)(iv)
- 87 3. Elementary and Secondary Education
- 88 Act (ESEA), as amended by ESSA (Pub.
- 89 L. 114-95), § 1111 (g)(1)(E)
- 90 4. Elementary and Secondary Education
- 91 Act (ESEA), as amended by ESSA (Pub.
- 92 L. 114-95), § 1112 (c)(5)(B)(i)
- 93 5. TCA 499-6-3901

Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term: Homebound Instruction Program Guidelines	Descriptor Code: 6.506	Issued Date: 04/19/07
		Rescinded:	Revised: 05/09/24

The Board of Education recognizes the importance of providing hospital or homebound instruction to students who are physically unable to attend class for an extended period of time. The Department of Education, therefore, shall implement a Homebound Instruction Program according to this policy.

Eligibility

Any school-age person enrolled in a Hamilton County school is eligible for homebound instruction provided the following conditions are met:

1. The student must obtain a homebound request form from the school he or she regularly attends.
2. A licensed physician must sign the medical form stating that the student is unable to attend school because of pregnancy or a serious health or orthopedic impairment, but will benefit from instruction. The physician must state that:
 - a. The student is expected to be absent from school due to the condition for at least two (2) weeks following the date of certification.
 - b. The student has no contagious disease that would endanger the health of the teacher or for which contagious disease precautions (e.g., quarantine) have been taken.
3. If the student is confined to a hospital and the above conditions are met, instruction will be provided in the hospital and, if necessary, will be continued when the student goes home.
4. ~~Pregnant~~ **S**tudents may be approved for up to six (6) weeks of homebound instruction, the dates of which are to be designated by a physician.
 - a. If, in the opinion of the physician, a student suffers complications from the pregnancy and is unable to return to class following the expiration of the initial six (6) weeks, the physician may certify the need for up to an additional two (2) weeks of homebound instruction.
 - b. The physician may recertify the need for additional homebound instruction in successive increments of not more than two (2) weeks.
 - c.

Program

1. The homebound program will consist of three (3) hours of instruction per week by a certified and properly endorsed teacher.
2. The homebound teacher will develop the instructional program for the homebound or hospitalized student in collaboration with the classroom teacher(s).

- 40 3. The homebound teacher will ~~evaluate the student's progress and provide grades for the~~
41 ~~term of home or hospital instruction to the school administrator~~ serve as an instructor and
42 liaison between the student and school.
- 43 4. The student on homebound may not be employed.
- 44 5. The student on homebound instruction may not participate in extra-curricular activities
45 (sports, clubs, school events, plays, recitals, etc.) while on homebound status unless the
46 student can participate virtually. Participation in in-person extra-curricular activities may
47 resume after the student is released from doctor's care and the student is capable of
48 attending school daily.
- 49 6. Attendance at homebound services will be reported to the Attendance Office. The
50 homebound teacher must be notified if the student must be absent.
- 51 7. Parent/Legal guardian must be present during homebound instruction.
- 52 8. Parent/Legal Guardian will give sufficient notice to the homebound teacher if the student
53 is unable to meet for scheduled instruction. Homebound may be discontinued after two (2)
54 canceled sessions or "no shows" unless sufficient excuse is provided.

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Legal References:

- 74 1. 22 CFR §514.2
- 75 2. Immigration and Nationality Act § 214(3)(m)(1)
- 76

Cross References:

School Admissions 6.203