

Hamilton County Department of Education
Policy Committee Meeting
December 10, 2024 4:30 PM
3074 Hickory Valley Road
Chattanooga, TN 37421

I. Call to Order

II. Review of Policies Between First and Second Reads

A. Policy 3.205 Security

III. Review of December First Read Policies

A. Policy 5.305 Family and Medical Leave

Policy 5.3023 Paid Parental Leave

IV. Policy 1.700 School District Goals

V. Policy 1.501 Visitors to the Schools

VI. Legislative Agenda - Ben Connor

VII. Adjourn

Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: Security	Descriptor Code: 3.205	Issued Date: 11/15/18
		Rescinded:	Revised: 12/19/24

1
2 The director of schools shall establish procedures as required to adequately protect school property
3 which shall include, but not be limited to:

- 4
- 5 1. Closing and securing teacher work areas when being left unattended or at the end of the day;
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- 7 2. Denying students permission to use the classrooms, laboratories, gymnasiums or other school
8 facilities or equipment without appropriate faculty supervision;
- 9
- 10 3. Controlling the issuance of building keys and master keys; and
- 11
- 12 4. Developing programs which contribute to the proper care and use of school facilities and
13 equipment.
- 14

15 ~~The principal shall call School Resource Officers, School Safety Officers, and/or law enforcement~~
16 ~~officials in cases involving illegal entry, theft or vandalism.~~

17
18 ~~The principal shall notify the director of schools within 48 hours after each case of vandalism, theft,~~
19 ~~building damage and illegal entry.~~

20
21 ~~The director of schools, or his/her representative, is authorized to sign a criminal complaint and to~~
22 ~~press charges against trespassers, perpetrators of vandalism against school property.~~

23 REPORTING REQUIREMENTS¹

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25
26 A teacher who observes or otherwise has knowledge of an assault and battery or an act of vandalism
27 endangering life, health, or safety committed by a student on school property shall immediately report
28 such action to the principal of the school. A fight not involving the use of a weapon or a fight that does
29 not result in a serious personal injury to one or more of the persons involved must only be reported to
30 the school administration.

31
32 A principal who has knowledge of illegal entry, theft, damage to school property, assault and battery, or
33 an act of vandalism endangering life, health, or safety committed by a student on school property, or
34 who receives report of such action, shall immediately report such action to law enforcement and to the
35 director of schools.

36
37 School administrators must promptly report to law enforcement and investigate any reported threat of
38 mass violence made by a student on school property or at a school-related activity. For purposes of this
39 policy, a threat of mass violence means any act which a reasonable person would conclude could lead to
40 the serious bodily injury or death of two (2) or more persons.² As part of this investigation, school
41 officials must convene a threat assessment team, to include representatives of law enforcement, per Tenn.
42 Code Ann. 49-6-2701.

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Legal References:

- 1. TCA 49-6-4301 (a)
- 2. TCA 39-16-517 (a)(1)

Cross References:

Visitors to the Schools 1.501

Hamilton County Board of Education			
Monitoring: Review: Annually in June	Descriptor Term: Family and Medical Leave	Descriptor Code: 5.305	Issued Date: 12/15/16
		Rescinded:	Revised: 01/18/24

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2 HCDE complies with the Federal Family and Medical Leave Act guidelines in accordance with
3 United States Department of Labor Regulations 29 CFR Part 825.

4
5 **PURPOSE**

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7 To provide up to twelve (12) weeks of unpaid leave for the birth and care of the newborn child
8 of an employee, for placement with the employee of a child for adoption or foster care, to
9 care for an immediate family member (spouse, parent or child); to take medical leave when the
10 employee is unable to perform the essential functions of his/her job position because of a serious
11 health condition, or because of any qualifying exigency arising out of the fact that the employee’s
12 spouse, child, or parent is a covered military member on active duty (or has been notified of an
13 impending call or order to active duty) in support of a contingency operation.

14
15 **ELIGIBILITY**

16
17 Employees eligible for leave are those who have worked for at least 1,250 hours during the
18 previous 12 months prior to the start of the leave and have worked for HCDE for at least 12
19 months.¹

20
21 **FAMILY AND MEDICAL LEAVE**

22
23 Employees shall submit a request for leave to ~~contact~~ the Human Resources department in
24 accordance with the procedure for requesting any leave of absence. The Human Resources
25 department ~~to will~~ determine if the employee qualifies for FMLA leave and if the requested
26 reason for leave qualifies as Family and Medical Leave. If the leave is foreseeable, the employee
27 shall give 30 days’ notice prior to the start date of the leave. If the leave is not foreseeable, the
28 employee shall notify Human Resources as soon as practicable, ~~but within two (2) business~~
29 days before leave commences. Please note that when an employee does not provide timely or
30 sufficient notice of the need for FMLA leave and does not have a reasonable excuse for such
31 delay, HCDE may delay or, in some cases, deny the employee’s FMLA leave.

32
33 Furthermore, ~~W~~when certification is requested, the employee shall return the completed
34 certification within 15 calendar days after receipt of the form, unless there are unusual
35 circumstances preventing timely completion and return. When an employee makes diligent,
36 good faith efforts but is still unable to meet the deadline for submission, the employee is entitled
37 to additional time to provide the certification.

38 If the employee fails or refuses to timely return a certification or any medical documentation at
39 all without good cause, HCDE can deny FMLA protections for the leave following the

~~expiration of the 15-calendar day period until a complete and sufficient certification is provided. However, the leave taken during the 15-calendar day period of absence beginning the day the completed certification was received is designated as FMLA protected leave. the leave shall not be treated as authorized under FMLA. The district reserves the right to designate leave as FMLA if provided with adequate medical documentation and/or information concerning the leave.~~

HCDE uses the fixed 12-month fiscal year from July 1 to June 30 for leave calculations. Employees on a leave of absence from HCDE may not work for another employer during the time of leave.

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

Special rules apply to school employees which affect the taking of intermittent leave, leave on a reduced schedule, or return from a leave near the end of an academic term (semester), by instructional employees. These are stated in greater detail below.

~~Upon return from FMLA, most employees will be restored to their original or equivalent position reduced schedule or return from a leave near the end of an academic term (semester), by instructional employees. These are stated in greater detail below.~~

Upon return from FMLA, most employees will be restored to their original or equivalent position with equivalent pay and benefits. An employee returning from medical leave shall provide medical certification of his or her ability to return to work.

MATERNITY/PATERNITY LEAVE

1. Relationship between FMLA leave and leave available under T.C.A. 4-21-408: FMLA leave shall run concurrently with leave provided under the T.C.A. 4-21-408, which affords eligible employees leave for a period not to exceed four (4) months for the adoption, pregnancy, childbirth, and nursing of a newborn child.²

2. An employee who goes on maternity or paternity leave pursuant to T.C.A. 4-21-408 shall use all or a portion of the employee's accumulated sick or annual leave for maternity or paternity leave purposes. Please note that this excludes state paid parental leave (for eligible certificated employees) which may be used at any time during the 12-month period following the qualifying event. In order to be eligible to use sick leave, the employee must submit a written request accompanied by a statement from the physician verifying pregnancy. Upon verification in the form of a written statement from an adoption agency or other entity handling an adoption, an employee may also be allowed to use leave for adoption of a child (dependent upon the age of the child) for up to twelve weeks. If both adoptive parents are employed by the district, however, only one (1) parent is entitled to use such leave.³

- Spouses who are both eligible employees of the school district are limited to a combined total of twelve
- (12) workweeks of FMLA leave in a single twelve (12) month period for:

- 84 • The birth of a child,
- 85 • Placement of a child with the employee for adoption or foster care, or
- 86 • Care for a parent with a serious health condition.⁴

87

88 Spouses who both work for HCDE also share a total of 26 workweeks of FMLA to care for a
89 military member with a serious injury or illness.⁵

90 Spouses who both work for HCDE may each use a total 12 workweeks of FMLA leave for:

- 91 • Their own serious health condition
- 92 • To care for a spouse or child with a serious health condition, or
- 93 • Due to a qualifying exigency⁵.

94

95 **+**

96 **LEAVE FOR MILITARY FAMILY MEMBERS**

97

- 98 1. Qualifying Exigency Leave - Eligible employees are entitled to up to twelve (12) work
99 weeks of leave because of any “qualifying exigency” arising out of the fact that the
100 spouse, son, daughter, or parent of the employee, as defined under the FMLA, is on active
101 duty, or has been notified of an impending call to active duty or has been notified of an
102 impended call to active-duty status in the Armed Forces.

103 Qualifying exigencies may include:

- 104 a. Issues arising from the service member’s short notice deployment;
- 105 b. Military events and related activities (e.g., official ceremonies, support programs);
- 106 c. Making or updating financial and legal arrangements;
- 107 d. Attending counseling;
- 108 e. Taking up to fifteen (15) days leave to spend time with a covered service member
109 who is on short-term rest and recuperation leave during deployment; or
- 110 f. Attending post-deployment activities.⁵

- 111 2. Military Caregiver Leave- An eligible employee who is the spouse, son, daughter, parent,
112 or next of kin of a covered service member or covered veteran with a serious injury or
113 illness is entitled to up to twenty-six (26) workweeks of leave in a “single twelve (12)
114 month period.” A covered service member is a current member of the Armed Forces,
115 including a member of the National Guard or Reserves, who is undergoing medical
116 treatment, recuperation, or therapy, is otherwise in out-patient status, or is otherwise on
117 the temporary disability retired list for a serious injury or illness.

118

119 A covered veteran is an individual who was a member of the Armed Forces at any time during the
120 period of five (5) years preceding the date of the medical treatment, recuperation, or therapy that
121 has a serious injury or illness who is currently receiving medical treatment, recuperation, or
122 therapy.

123

124 The calculation of this five (5) year period shall not include the interval of October 28, 2009, through
125 March 8, 2013. The “single twelve (12) month period” for military caregiver leave begins on the first
126 day the employee takes leave for this reason and ends twelve (12) months later. An eligible
127 employee is limited to a combined total of twenty-six (26) workweeks of leave to provide care
128 for a covered service member. The maximum of twenty-six (26) workweeks may include no more
129 than twelve (12) work weeks of leave that is taken for the birth and care of a newborn child, for

130 the placement of a child for adoption or foster care, for care of a parent who has a serious health
131 condition, or for the employee's own serious
132 health condition.⁶

133

134 **INTERMITTENT LEAVE**

135

136 Eligible employees may take FMLA leave intermittently when medically necessary to
137 care for a seriously ill family member, because of the employee's own serious health condition,
138 or for the care for a newborn, a newly adopted child, or a newly placed foster care child.
139 When an employee request foreseeable leave for planned medical treatment and the employee
140 would be on leave for greater than 20% of the total number of working days in the period
141 during which the leave would extend, the school district may require that such employee elect
142 either to take the leave for periods of a particular duration, not to exceed the duration of the
143 planned medical treatment, or to transfer temporarily to an available alternative position
144 offered by the school district for which the employee is qualified and that has equivalent
145 pay and benefits and better accommodates recurring periods of leave.⁷

146

147 **RESTRICTIONS**

148

149 1. Notice Requirements

150 a. Employee Notice⁸ - For foreseeable leave, the employee shall provide the
151 Director of Schools with at least thirty (30) days written notice before the
152 beginning of the anticipated leave.

153 2. Certification Requirement⁹

154 a. HCDE may require that a request for leave be supported by certification
155 issued by a healthcare provider with the following information:

156 i. The date on which the serious health condition commenced;

157 ii. The probable duration of the condition;

158 iii. The appropriate medical facts within the knowledge of the
159 healthcare provider regarding the condition; and

160 iv. A statement that the eligible employee is needed to care for the son,
161 daughter, spouse, or parent and an estimate of the amount of time that such
162 employee is needed.

163 b. If there is any reason to doubt the validity of the certification provided,
164 HCDE reserves the right to require, at the expense of the school district, an
165 opinion of a second health care provider.

166 3. Period Near the End of an Academic Term (Professional Employees)

167 a. If leave is taken more than five (5) weeks prior to the end of the term, the
168 Director of Schools may require the employee to continue taking leave until the end of
169 the term if the leave is at least three (3) weeks in duration and the return to
170 employment would occur during the three (3) week period before the end of the
171 term.

172 b. If the leave is taken within five (5) weeks prior to the end of the term, the
173 Director of Schools may require the employee to continue taking leave until the end of
174 the term if the leave is greater than two (2) weeks duration and the return to
175 employment would occur during the two (2) week period before the end of the term.

176

EMPLOYMENT AND BENEFITS

Family and Medical Leave shall run concurrently with Tennessee Maternity Leave, OJI, HCDE sick leave, personal leave, paid parental leave⁴, and/or paid vacation time. After using all accrued paid leave, then an employee's Family and Medical Leave shall be without pay².

If eligible, an employee may apply for Short Term Disability. To submit a claim, the employee you must be on approve leave of absence with HCDE, exhaust all paid leave, and meet the 7-day elimination/waiting period.

~~If the employee returns to work, the employee shall be restored to the same position of employment or an equivalent position with no loss of benefits, pay, or other terms of employment and is entitled to seniority, sick leave, and other benefits the employee would have enjoyed before the employee left. The employee's health benefits will continue during the leave unless the employee fails to pay his or her portion of the premiums in a timely manner.~~

~~The Board may recover the premium(s) paid if the employee fails to return from leave after the period of leave has expired and/or the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.~~

~~If an employee on FMLA leave fails to make employee premium for insurances, HCDE may cancel the employee's coverage. Employees with paid leave available will have premiums continuously deducted from their paycheck, but employees who have exhausted paid leave are responsible for remitting premium payments. If a payment is not made on time, the employee will be notified that their coverage will be cancelled for failure to pay and issued notice of continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA).~~

~~HCDE may recover the premium(s) paid as the employer if the employee fails to return from leave after the period of leave has expired and/or the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.~~

RETURN FROM LEAVE

When the employee returns to work from FMLA Leave, the employee shall be restored to the same position of employment or an equivalent position with no loss of benefits, pay, or other terms of employment and is entitled to seniority, sick leave, and other benefits the employee would have enjoyed before the employee went on FMLA Leave.

Generally, upon return from FLMA leave, employees may be restored to their original or equivalent position reduced schedule or return from a leave near the end of an academic term (semester), by instructional employees.

If an employee is returning from a leave of absence and is requesting an accommodation in accordance with their return, they should make such a request prior to their return, as soon as reasonable and practical.

CERTIFIED EMPLOYEE PAID LEAVE FOR BIRTH OR ADOPTION OF CHILD

Eligible licensed employees (teacher, principal, supervisor, or other individual required to hold

~~a valid license of qualification for employment in an LEA and who has been employment full-time for at least twelve (12) consecutive months may be granted absence from work with pay for a period of time equal to six (6) work weeks after the birth or still birth of the employee's child or the employee's adoption of a newly placed minor child upon giving thirty (30) days' notice. If the employee learns of the birth, still birth, or adoption less than thirty (30) days in advance of the event, the employee must give notice as soon as possible in order to be granted leave. This leave shall run concurrently with FMLA leave. The six (6) weeks of paid leave are not required to be taken consecutively, provided that all six weeks of leave are taken within twelve (12) months of the birth, still birth, or adoption.¹⁰~~

KEY EMPLOYEES

Certain key employees may not be eligible to return to the same or similar position upon returning from FMLA leave, if such denial is necessary to prevent substantial and grievous economic injury to HCDE. A key employee is a salaried employee who is among the highest paid ten percent (10%) of the employees employed by HCDE.

Legal References:

1. 29 USC 2611
2. TCA 4-21-408
- ~~3.~~ TCA 49-5-710
- ~~3.4.~~ TCA 8-50-814
- ~~5.~~ 29 CFR 825.120(a)(3)
- ~~6.~~ CFR 630.1204
- ~~4.7.~~ 29 CFR 825.127
- ~~5.8.~~ 29 CFR 825.126
- ~~6.9.~~ 29 CFR 825.124, 825.127
- ~~7.~~ 10. 29 CFR 825.202; 29 CFR 825.601
- ~~8.~~ 11. 29 CFR 825.302-825.304
- ~~9.~~ 12. 29 CFR 825.305 to 825.313
- ~~7.~~ Pub. Ch. 399 (2023)

Cross References:

Hamilton County Board of Education			
Monitoring: Review: Annually in December	Descriptor Term: Paid Parental leave	Descriptor Code: 5.3023	Issued Date: 12/21/24
		Rescinded:	Revised: 01/18/24

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Paid parental leave (PPL) is a benefit that allows eligible licensed employees to receive six paid weeks of leave during the twelve-month period after a birth or stillbirth of the employee’s child or the employee’s adoption of a newly placed minor child¹.

Employees shall give notice of the need for leave at least thirty (30) days in advance of the qualifying event. If the employee is unable to provide at least thirty days’ notice, the employee shall give the notice as soon as reasonably possible.

For the purpose of calculating service anniversary dates, absence from work due to utilizing leave granted pursuant to this policy is considered full-time employment.

Leave used by an employee pursuant to this policy will not be charged to sick, annual, or other leave the employee may have accumulated. Leave used pursuant to this policy will count toward and run concurrently with the employee’s use of Family and Medical Leave Act (FMLA) leave and maternity or paternity leave².

ELIGIBILITY¹

An eligible employee shall meet the following eligibility criteria:

At the time of the qualifying event (birth, adoption, or stillbirth), the employee must have been employed by a Tennessee public school or public charter school full-time for at least 12 consecutive months.

During the entirety of the 12 months of full-time employment immediately preceding the commencement of the leave, the employee must have served in one or more positions that required him/her to hold a valid license for the position(s), and the employee must have held the license required for the position(s). If, at any point during that 12-month period, the employee serves in a position for which no license is required, the employee is ineligible for this leave. Please note that employees on a permit are ineligible because a permit is a temporary emergency credential and is not considered a valid license of qualification for employment purposes. An employee in a teaching position must hold an educator license in order to be eligible.

Leave Allowance

An eligible employee will be granted six (6) weeks (30 work days) of paid leave under this policy during the twelve-month period following the qualifying event. The leave days taken pursuant to this policy do not need to be taken consecutively. An employee will receive no more than six (6) weeks (30 work days) of paid leave during one twelve-month period, even if the employee experiences more than one qualifying event (birth, stillbirth, or adoption) during one twelve-month period. Leave only applies to

1 base pay. Any supplemental pay such as coaching, stipends, differentiated compensation, etc. does not
2 apply. [MD1]

3
4 In order to be eligible for adoptive leave, an employee must submit to HCDE [MD2] a statement from a
5 state-licensed child-placing agency verifying the adoption. In the event the adoption process is not
6 completed, then the approval of leave will be is rescinded. This leave does not apply in the case of a
7 stepchild or adult adoption. [MD3]

8
9 Leave granted pursuant to this section must be used within twelve (12) months of the qualifying event.

10
11 Leave Transfer

12
13 PPL does not accrue and expires within a twelve-month period; it cannot be transferred to other school
14 districts. HCDE can verify if it issued PPL to an employee, and it will be up to the employee's new
15 district to recertify the employee for PPL.

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27 Legal References:

- 28 1. TCA § 8-50-814
- 29 2. TCA § 4-21-408

Cross References:

Hamilton County Board of Education

Monitoring: Review: Annually in September	Descriptor Term: Visitors to the Schools	Descriptor Code: 1.501	Issued Date: 12/16/04
		Rescinded:	Revised: 08/15/24

1 Except on occasions, such as school programs, athletic events, open house and similar public events,
2 all visitors will report directly to the school office when entering the school and will sign in via
3 the visitor management system whenever available. Authorization to visit elsewhere in the building
4 or on the school campus will be determined by the principal/designee. Guest passes shall be
5 issued for all persons other than students and employees of the school. ¹

6
7 In order to maintain the conditions and atmosphere suitable for learning, no other person shall enter
8 onto the grounds or into the school buildings during the hours of student instruction except students
9 assigned to that school, the staff of the school or district, parents/guardians of students, and other
10 persons with lawful and valid business on the school premises. The principal/designee, in consultation
11 with their supervisor, has the authority to exclude from the school premises any persons disrupting the
12 educational programs in the classroom or in the school, disturbing the teachers or students on the
13 premises, or on the premises for the purpose of committing an illegal act.²

14
15 The Principal/designee or other appropriate administrators shall engage law enforcement officials
16 when he/she believes the situation warrants such measures. Any administrator who engages law
17 enforcement officials for good cause and in the scope of his/her authority shall be provided a defense
18 and indemnification in the event a complaint is made against the administrator for such action.

19
20 Persons who come onto school property shall be under the jurisdiction of the site administrator/designee.
21 Individuals who come onto school property or who contact employees on school or district
22 business are expected to behave accordingly. The Director of Schools shall develop a Visitor Code of
23 Conduct to be reviewed by the board attorney and then approved by the Board.³ Specifically, actions
24 that are prohibited by the Visitor Code of Conduct include, but are not limited to:

- 25
- 26 1. Excessive Cursing and use of obscenities;
- 27 2. Disrupting or threatening to disrupt school or office operations;
- 28 3. Acting in an unsafe manner that could threaten the health or safety of others;
- 29 4. Verbal or written statements or gestures indicating intent to harm an individual or
30 property;
- 31 And
- 32 5. Physical attacks intended to harm an individual or substantially damage property
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34 The Visitor Code of Conduct will be posted on the HCDE's website as well as the website for each
35 HCDE school. Copies of the Visitor's Code of Conduct shall be provided to all school employees.
36 Each school's entrance shall have a copy of the Visitor Code of Conduct posted prominently along with
37 the phone number of someone in the school's administration who can answer questions about the Visitor
38 Code of Conduct.³

39
40 Parents/guardians shall be provided with a printed copy of the Visitor Code of Conduct on an annual
41 basis, along with the phone number of a school administrator who can answer questions about the Code

1 of Conduct. Parent's guardians shall sign a statement annually acknowledging that they have read and
2 understood the Visitor's Code of Conduct.³
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5 **PARENTS/LEGAL GUARDIANS WHO ARE SEXUAL OFFENDERS OR SEXUAL** 6 **PREDATORS**

7
8 In the event an identified parent or legal guardian of a student is listed on the sexual offender registry,
9 he/she can still be granted *limited* access to the building, while being escorted by school district
10 personnel. The building administrator will decide when and where the person can go and who will
11 supervise his/her visit.
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14 Parents/guardians listed on the sexual offender registry may only be present on school property when
15 children are present in accordance with Tennessee law and with the express permission of the School
16 District. By state law, parents/guardians on the registry are required to notify school officials of **their**
17 **status in writing upon enrollment of their child.**⁴ After notification, the school administrator may
18 allow this person on campus for official business.

- 19 • Tennessee Code §40-39-211(d)(2) allows for a parent or guardian to attend a conference for the
20 student at the school upon written permission or a request from the school's principal and allows
21 parents/guardians to pick up or drop off a child at the school.
- 22 •
- 23 • Failure to follow these procedures may result in parents or guardians being banned from
24 district buildings.
- 25 • The parent or guardians will not be permitted to mingle with students or walk through the school
26 unescorted.
- 27 • Parents/guardians who require a teacher conference shall be encouraged to do so when other
28 children are not in class and separated from the student population.
- 29 • If the parent/guardian indicates that there is a mistake regarding their inclusion on the registry,
30 they will be encouraged to contact the state
31 listing their name to rectify the matter. Staff members may choose to give the parent/guardian a
32 printout of the alert, if desired.
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40 Legal References

- 41
- 42 1. TCA 49-2-303(b)(4)
- 43 2. TCA 49-6-2008; TCA 39-14-406
- 44 3. Pub. Ch. 810 (2024)
- 45 4. TCA 40-39-211(d)
- 46

- 1 Cross References
- 2 5. Security – Board Policy 3.205
- 3
- 4