



**Tuesday, January 21, 2025**  
**Kingsport City Schools Board of Education Work Session - 6:00 PM**

**Administrative Support Center, Tennessee Room (3rd Floor)**  
**400 Clinchfield Street**  
**Kingsport, TN 37660 Phone: (423) 378-2102**

1. **CALL TO ORDER**
2. **SPECIAL PRESENTATION**
  - 2.1. School Board Appreciation Week Presentation (Dr. Andy True)
3. **REPORTS**
  - 3.1. Quarterly Financial Report for 1st Quarter FY 2024-2025 (Mr. David Frye)
  - 3.2. Kingsport City Schools Annual Report Presentation (Dr. Andy True/Ms. Marybeth Kench)
  - 3.3. Policy Report (Dr. Andy True)
  - 3.4. BOE Committee Reports (Mrs. Melissa Woods)
  - 3.5. Superintendent Report (Dr. Chris Hampton)
4. **ADJOURNMENT**



STATE OF TENNESSEE  
**PROCLAMATION**  
BY THE GOVERNOR

**WHEREAS**, offering an excellent public education system is an important part of helping to ensure every student can graduate high school prepared to begin a secondary education and/or join the workforce; and

**WHEREAS**, school board members support and appreciate the efforts of students, educators, and administrators who diligently work toward educational success; and

**WHEREAS**, voters in each district elect school board members to be their voice as challenges arise and subsequent decisions are made on behalf of students in their communities; and

**WHEREAS**, we appreciate all who serve on school boards across the state and their dedication to quality public education in Tennessee;

**NOW, THEREFORE**, I, Bill Lee, Governor of the State of Tennessee do hereby proclaim January 25-February 1, 2025 as

*School Board Appreciation Week*

in Tennessee and encourage all citizens to join me in this worthy observance.



**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the official seal of the State of Tennessee to be affixed at Nashville on this eighteenth day of November 2024.

*Bill Lee*

Governor

*Lee Bergitt*

Secretary of State

## MEMORANDUM

TO: Board of Education  
Dr. Chris Hampton, Superintendent of Schools

FROM: David J. Frye, Chief Finance Office DJF

DATE: January 21, 2025

SUBJECT: First Quarter - FY 2024-2025 Financial Update

Attached to this memo are revenue and budget summaries for fiscal year 2024-2025, as of September 30, 2024. Our revenues are coming in as expected, for this time of the year. Our expenditures are roughly at 20% of budget, which is in line for this time of year. I will elaborate on some specifics that you need to be aware of in the following:

### REVENUE

#### **State Revenues**

The current estimate of TISA funds is based on the FY 2025 April estimate of \$47,029,700. The July final allocation was \$47,066,500. This final allocation is \$36,800 more than the April estimate. There was also an additional amount of \$775,000 estimated for Outcomes funding. The first payment of outcomes funding will be \$779,665. Based on the FY 2024 Outcomes funding payments, I would estimate an additional \$30,000 will be received. As of September 30, 2024, we have received \$9,413,292 which is 20% of the final allocation amount.

#### **County Revenue**

- **Current Year Property Taxes:** Based upon information in the Sullivan County budget document, we should receive approximately \$14,494,890 in Current Year Property Taxes. The estimate is \$14,600,000. The KCS estimate was further reduced by a TIF adjustment that has been estimated to be \$325,000. This is a net estimate of \$14,275,000. This may result in a potential shortfall of \$100,000. Preliminary information shows that Kingsport ADA % may increase which result in additional funds. Similar information from Hawkins County shows that we should receive approximately \$427,371 in Current Year Property Taxes. The estimate is \$375,000. This results in a potential surplus of \$52,371. As of September 30, we have received no current property tax revenue. Approximately 60 percent of property tax revenues are received during the third quarter of the year. I will update the Board as more information becomes available.
- **Sales Tax:** Through September we have received 25.0 % of the estimated amount for the year. This is \$54,420 more than last year and represents a 1.4 % increase from the same time period last year.

## **Charges for Services**

- Tuition – Regular Students: We are currently billing approximately \$24,000 per month for tuition. That amount over a 10 month period would equal \$240,000. The estimate is \$420,000. This would leave us \$180,000 short of the estimate.
- Early Childhood Fees: At this time we have collected 22.5% of the anticipated revenues for the year. This is \$22,015 more than was collected at this time last year. The budget is 21.0% expended. At this time these programs have a deficit of \$66,679. The Palmer program has a deficit of \$29,131, the Washington program has a deficit of \$8,895 and the Adams program has a deficit of \$29,653.
- After-School Programs: At this time we have collected 20.0 % of the estimated revenue for the year. The budget is 21.1 % expended. As of September 30, there is a deficit of \$1,470.

## **Other Local Revenues**

All of these revenue sources appear to be in line with expectations.

## **Other Sources**

Fund Balance Appropriation: As of September 30, 2024 there has been a total of \$3,117,679 appropriated from the Unreserved Fund Balance. This consists of an appropriation \$598,079 that represents open purchase orders from FY 2024 that were carried forward to the FY 2025 budget and the FY 2025 budget was adjusted by this amount. There was \$2,519,600 that was appropriated to fund an additional 4% cost of living increase.

Also included with this update is a comparison of revenues as of September 30, 2023 and 2024. I do not have any specific comments about this spreadsheet, but would be glad to address any questions or concerns that you may have.

## EXPENDITURES

At his time, I am not aware for any expenditures that are not occurring as budgeted. Although due to carryover ESSER funds there are some expenses that will be under budget. At the end of FY 2024 there were unspent ESSER funds of \$1,497,197. These fund were required to be spent on eligible expenses prior to September 30, 2024. Of this amount \$1,485,138 was spent on items that were budgeted in the FY 2026 operating budget. These expenses included:

Technology Devices	\$215,481
Testing Materials	94,971
Instructional Software	150,080
Substitutes	92,881
Nurses	199,299
Counselors	312,215
Interventionists	233,582
Instructional Design Specialists	186,629

**KINGSPORT CITY SCHOOLS  
DETAIL REVENUE ESTIMATES  
FISCAL YEAR 2024 - 2025**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2024-2025 ESTIMATED	2024-2025 ACTUAL	INCREASE (DECREASE)
<b>FEDERAL DIRECT FUNDS</b>				
141-0000-336.76-40	ROTC REIMBURSEMENT	\$ 88,000	\$ 16,120	\$ (71,880)
<b>TOTAL FEDERAL DIRECT FUNDS</b>		<b>\$ 88,000</b>	<b>\$ 16,120</b>	<b>\$ (71,880)</b>
<b>FEDERAL FUNDS THROUGH STATE:</b>				
141-0000-337.71-43	EDUCATION OF HANDICAPPED ACT High Cost Funds	\$ 0	\$ 0	\$ 0
<b>TOTAL FEDERAL FUNDS THROUGH STATE</b>		<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>
<b>STATE EDUCATION FUNDS:</b>				
141-0000-338.65-10	TN INVESTMENT IN STUDENT ACHIEVEMENT April Estimate \$47,029,700 Allowance for Future Adjustment - (\$46,000) Includes \$775,000 in Outcomes Funding Received \$775,000 in FY 2024	\$ 47,758,700	\$ 9,413,292	\$ (38,345,408)
141-0000-338.65-90	OTHER STATE EDUCATION FUNDS On-Behalf insurance payments - \$350,000 Paid Parental Leave Funding - \$225,000	575,000	0	(575,000)
141-0000-338.66-10	CAREER LADDER	38,400	0	(38,400)
<b>TOTAL STATE FUNDS</b>		<b>\$ 48,372,100</b>	<b>\$ 9,413,292</b>	<b>\$ (38,958,808)</b>
<b>COUNTY REVENUE:</b>				
141-0000-339.01-10	CURRENT PROPERTY TAX Includes a 2.5% increase is assessed value Includes a TIF Adjustment of (\$325,000)	\$ 14,650,000	\$ (246)	\$ (14,650,246)
141-0000-339.01-20	TRUSTEE'S COLLECT/PR YR	450,000	202,655	(247,345)
141-0000-339.01-30	CIRCUIT CLK & MSTR/PR YR	250,000	49,928	(200,072)
141-0000-339.01-40	INTEREST AND PENALTY	175,000	35,562	(139,438)
141-0000-339.01-50	PICK UP TAXES	400,000	187	(399,813)
141-0000-339.02-10	LOCAL OPTION SALES TAX Current Year Estimate \$15,050,000 FY 25 estimate is 3.0% above the FY 24 estimated actual amount.	15,500,000	3,870,072	(11,629,928)
141-0000-339.02-40	WHEEL TAX	14,000	4,207	(9,793)
141-0000-339.03-90	OTHER STATUTORY LOCAL TAX	75,000	1,116	(73,884)
<b>TOTAL COUNTY REVENUE</b>		<b>\$ 31,514,000</b>	<b>\$ 4,163,481</b>	<b>\$ (27,350,519)</b>

**KINGSPORT CITY SCHOOLS  
DETAIL REVENUE ESTIMATES  
FISCAL YEAR 2024 - 2025**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2024-2025 ESTIMATED	2024-2025 ACTUAL	INCREASE (DECREASE)
<b>CHARGES FOR SERVICES:</b>				
141-0000-349.35-11	TUITION-REG DAY STUDENT	\$ 420,000	\$ 47,565	\$ (372,435)
141-0000-349.35-81	FEES - PALMER CENTER ECLC	307,800	61,367	(246,433)
141-0000-349.35-82	FEES - WASHINGTON ECLC	365,000	85,213	(279,787)
141-0000-349.35-83	FEES - WASHINGTON DAY CARE	164,000	38,687	(125,313)
141-0000-349.35-84	FEES - ADAMS DAY CARE	90,000	18,340	(71,660)
141-0000-349.35-85	FEES - ADAMS ECLC	402,900	95,740	(307,160)
141-0000-349.35-87	FEES - JOHNSON DAY CARE	100,000	13,875	(86,125)
<b>TOTAL CHARGES FOR SERVICES</b>		<b>\$ 1,849,700</b>	<b>\$ 360,787</b>	<b>\$ (1,488,913)</b>
<b>OTHER LOCAL REVENUES:</b>				
141-0000-369.41-20	LEASE/RENTALS	\$ 5,000	\$ 450	\$ (4,550)
141-0000-369.49-90	OTHER LOCAL REVENUE	860,000	161,558	(698,442)
	Includes \$760,000 for e-rate funds			
	Includes \$20,000 for 1:1 fees			
	Includes \$80,000 for miscellaneous			
141-0000-369.49-91	ACTIVITIES PAYMENTS	80,000	7,504	(72,496)
<b>TOTAL OTHER LOCAL REVENUES</b>		<b>\$ 945,000</b>	<b>\$ 169,512</b>	<b>\$ (775,488)</b>
<b>OTHER SOURCES:</b>				
141-0000-392.01-00	FUND BALANCE APPROPRIATIONS	\$ 3,117,679	\$ 0	\$ (3,117,679)
141-0000-399.98-00	FEDERAL PROJECTS- INDIRECT COSTS	75,000	29,983	(45,017)
141-0000-399.98-10	CITY GENERAL FUND TRANSFERS	11,245,300	2,811,325	(8,433,975)
141-0000-399.98-11	CITY GENERAL FUND TRANSFERS - DEBT	4,443,150	819,144	(3,624,006)
<b>TOTAL OTHER SOURCES</b>		<b>\$ 18,881,129</b>	<b>\$ 3,660,452</b>	<b>\$ (15,220,677)</b>
<b>TOTAL GENERAL PURPOSE REVENUE</b>		<b>\$ 101,649,929</b>	<b>\$ 17,783,644</b>	<b>\$ (83,866,285)</b>

**KINGSPORT CITY SCHOOLS  
 DETAIL REVENUE  
 2023-2024 COMPARED TO 2024-2025  
 AS OF SEPTEMBER 30, 2024**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2023-2024 ACTUAL	2024-2025 ACTUAL	OVER (UNDER)
<b>FEDERAL DIRECT FUNDS</b>				
141-0000-336.76-40	ROTC REIMBURSEMENT	\$ 13,589	\$ 16,120	\$ 2,531
<b>TOTAL FEDERAL DIRECT FUNDS</b>		<b>\$ 13,589</b>	<b>\$ 16,120</b>	<b>\$ 2,531</b>
<b>FEDERAL FUNDS THROUGH STATE:</b>				
141-0000-337.71-43	EDUCATION OF THE HANDICAPPED ACT	\$ 0	\$ 0	\$ 0
141-0000-337.75-90	OTHER FEDERAL THROUGH STATE	0	0	0
<b>TOTAL FEDERAL FUNDS THROUGH STATE</b>		<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>
<b>STATE EDUCATION FUNDS:</b>				
141-0000-338.65-11	TN INVESTMENT IN STUDENT ACHIEVEMEN	\$ 9,222,094	\$ 9,413,292	\$ 191,198
141-0000-338.65-90	OTHER STATE EDUCATION FUNDS	900	0	(900)
141-0000-338.66-10	CAREER LADDER	1,163	0	(1,163)
<b>TOTAL STATE FUNDS</b>		<b>\$ 9,224,157</b>	<b>\$ 9,413,292</b>	<b>\$ 189,135</b>
<b>COUNTY REVENUE:</b>				
141-0000-339.01-10	CURRENT PROPERTY TAX	\$ 2,661	\$ (246)	\$ (2,907)
141-0000-339.01-20	TRUSTEE'S COLLECT/PR YR	244,278	202,655	(41,623)
141-0000-339.01-30	CIRCUIT CLK & MSTR/PR YR	55,283	49,928	(5,355)
141-0000-339.01-40	INTEREST AND PENALTY	39,495	35,562	(3,933)
141-0000-339.01-50	PICK UP TAXES	46	187	141
141-0000-339.02-10	LOCAL OPTION SALES TAX	3,815,652	3,870,072	54,420
141-0000-339.02-40	WHEEL TAX	4,378	4,207	(171)
141-0000-339.03-90	OTHER STATUTORY LOCAL TAX	986	1,116	130
<b>TOTAL COUNTY REVENUE</b>		<b>\$ 4,162,779</b>	<b>\$ 4,163,481</b>	<b>\$ 702</b>

**KINGSPORT CITY SCHOOLS  
DETAIL REVENUE  
2023-2024 COMPARED TO 2024-2025  
AS OF SEPTEMBER 30, 2024**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2023-2024 ACTUAL	2024-2025 ACTUAL	OVER (UNDER)
<b>CHARGES FOR SERVICES:</b>				
141-0000-349.35-11	TUITION-REG DAY STUDENT	\$ 66,035	\$ 47,565	\$ (18,470)
141-0000-349.35-81	FEES - PALMER CENTER ECLC	63,190	61,367	(1,823)
141-0000-349.35-82	FEES - WASHINGTON ECLC	72,660	85,213	12,553
141-0000-349.35-83	FEES - WASHINGTON DAY CARE	47,988	38,687	(9,301)
141-0000-349.35-84	FEES - ADAMS DAY CARE	12,020	18,340	6,320
141-0000-349.35-85	FEES - ADAMS ECLC	84,455	95,740	11,285
141-0000-349.35-87	FEES - JOHNSON DAY CARE	18,650	13,875	(4,775)
<b>TOTAL CHARGES FOR SERVICES</b>		<b>\$ 364,998</b>	<b>\$ 360,787</b>	<b>\$ (4,211)</b>
<b>OTHER LOCAL REVENUES:</b>				
141-0000-369.41-20	LEASE/RENTALS	\$ 588	\$ 450	\$ (138)
141-0000-369.49-90	OTHER LOCAL REVENUE	364,617	161,558	(203,059)
141-0000-369-4991	ACTIVITY PAYMENTS	10,202	7,504	(2,698)
<b>TOTAL OTHER LOCAL REVENUES</b>		<b>\$ 375,407</b>	<b>\$ 169,512</b>	<b>\$ (205,895)</b>
<b>OTHER SOURCES:</b>				
141-0000-399.98-00	OPERATING TRANSFERS- INDIRECT COSTS	\$ 17,841	\$ 29,983	\$ 12,142
141-0000-399.98-10	CITY GENERAL FUND TRANSFERS	2,811,325	2,811,325	0
141-0000-399.98-20	CITY GENERAL FUND TRANSFERS - DEBT	408,366	819,144	410,778
<b>TOTAL OTHER SOURCES</b>		<b>\$ 3,237,532</b>	<b>\$ 3,660,452</b>	<b>\$ 422,920</b>
<b>TOTAL GENERAL PURPOSE REVENUE</b>		<b>\$ 17,378,462</b>	<b>\$ 17,783,644</b>	<b>\$ 405,182</b>

**KINGSPORT CITY SCHOOLS  
BUDGET SUMMARY  
FISCAL YEAR 2024 - 2025**

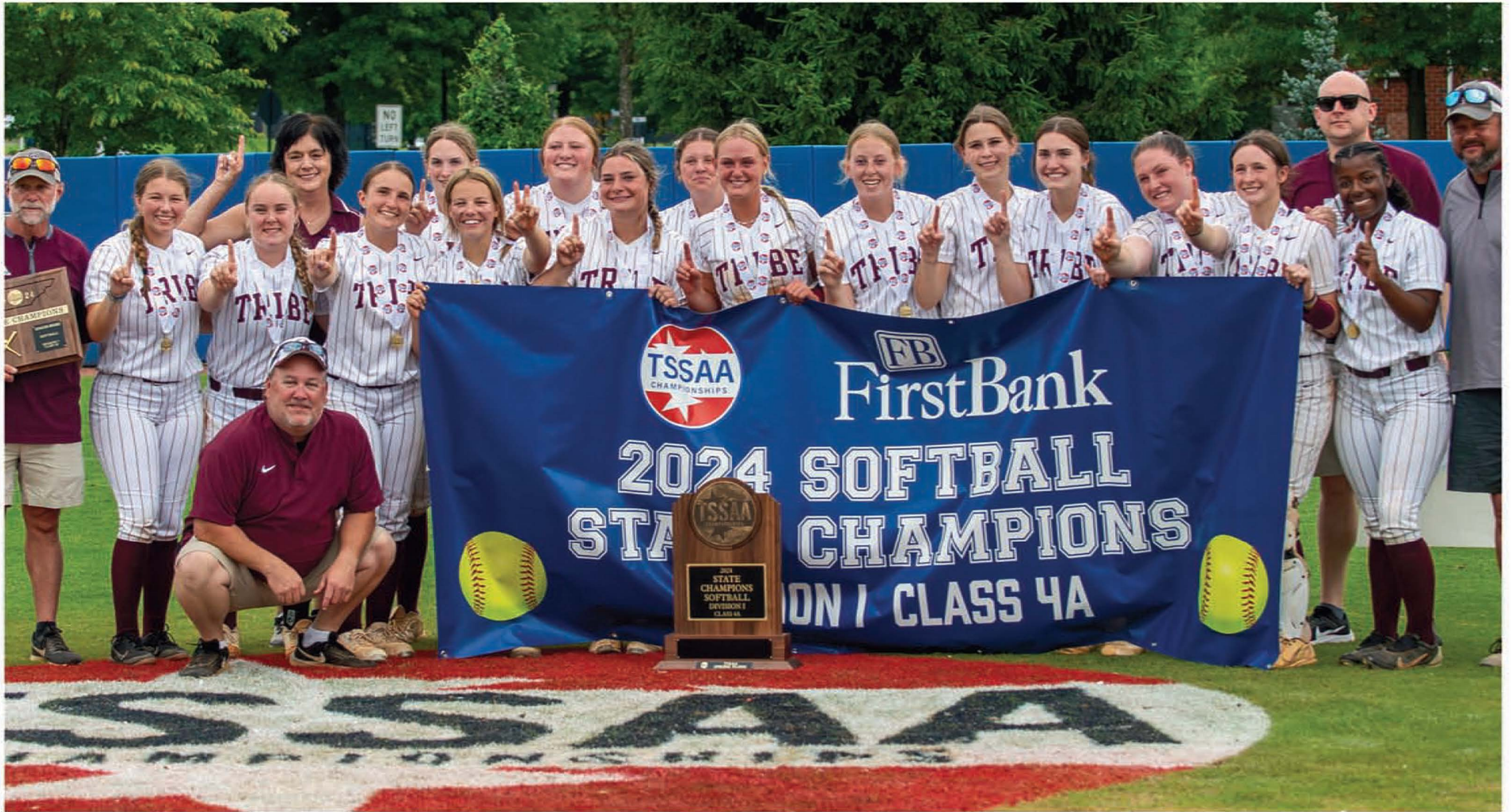
SERIES	2024-2025 BUDGET	2024-2025 ACTUAL	DOLLAR CHANGE	PERCENT CHANGE
<b>INSTRUCTION:</b>				
REGULAR EDUCATION PROGRAM	\$ 47,283,450	\$ 8,733,785	\$ (38,549,665)	(81.53)
SPECIAL EDUCATION PROGRAM	7,856,450	1,438,821	(6,417,629)	(81.69)
VOCATIONAL EDUCATION PROGRAM	1,979,170	409,427	(1,569,743)	(79.31)
<b>TOTAL INSTRUCTION</b>	<b>\$ 57,119,070</b>	<b>\$ 10,582,033</b>	<b>\$ (46,537,037)</b>	<b>(81.47)</b>
<b>SUPPORT SERVICES:</b>				
<b>STUDENTS:</b>				
ATTENDANCE	\$ 108,200	\$ 20,187	\$ (88,013)	(81.34)
HEALTH SERVICES	1,566,900	119,310	(1,447,590)	(92.39)
OTHER STUDENT SUPPORT	3,900,720	731,642	(3,169,078)	(81.24)
<b>TOTAL STUDENT SUPPORT</b>	<b>\$ 5,575,820</b>	<b>\$ 871,139</b>	<b>\$ (4,704,681)</b>	<b>(84.38)</b>
<b>INSTRUCTIONAL STAFF:</b>				
REGULAR EDUCATION PROGRAM	\$ 5,063,846	\$ 774,122	\$ (4,289,724)	(84.71)
SPECIAL EDUCATION PROGRAM	1,104,154	200,418	(903,736)	(81.85)
VOCATIONAL EDUCATION PROGRAM	251,100	52,400	(198,700)	(79.13)
TECHNOLOGY	2,997,131	1,018,168	(1,978,963)	(66.03)
<b>TOTAL INSTRUCTIONAL STAFF</b>	<b>\$ 9,416,231</b>	<b>\$ 2,045,108</b>	<b>\$ (7,371,123)</b>	<b>(78.28)</b>
<b>GENERAL ADMINISTRATION:</b>				
BOARD OF EDUCATION SERVICES	\$ 1,305,000	\$ 276,290	\$ (1,028,710)	(78.83)
OFFICE OF THE SUPERINTENDENT	1,194,400	253,373	(941,027)	(78.79)
<b>TOTAL GENERAL ADMINISTRATION</b>	<b>\$ 2,499,400</b>	<b>\$ 529,663</b>	<b>\$ (1,969,737)</b>	<b>(78.81)</b>

**KINGSPORT CITY SCHOOLS  
BUDGET SUMMARY  
FISCAL YEAR 2024 - 2025**

SERIES	2024-2025 BUDGET	2024-2025 ACTUAL	DOLLAR CHANGE	PERCENT CHANGE
<b>SCHOOL ADMINISTRATION:</b>				
OFFICE OF THE PRINCIPAL	\$ 4,923,600	\$ 1,251,605	\$ (3,671,995)	(74.58)
<b>TOTAL SCHOOL ADMINISTRATION</b>	<u>\$ 4,923,600</u>	<u>\$ 1,251,605</u>	<u>\$ (3,671,995)</u>	(74.58)
<b>BUSINESS ADMINISTRATION:</b>				
FISCAL SERVICES	\$ 665,592	\$ 176,197	\$ (489,395)	(73.53)
HUMAN RESOURCES	499,300	135,705	(363,595)	(72.82)
<b>TOTAL BUSINESS ADMINISTRATION</b>	<u>\$ 1,164,892</u>	<u>\$ 311,902</u>	<u>\$ (852,990)</u>	(73.22)
<b>OPERATION AND MAINT. OF PLANT:</b>				
OPERATION OF PLANT	\$ 6,712,877	\$ 1,444,363	\$ (5,268,514)	(78.48)
MAINTENANCE OF PLANT	3,494,010	954,116	(2,539,894)	(72.69)
<b>TOTAL OPERATION/MAINT OF PLANT</b>	<u>\$ 10,206,887</u>	<u>\$ 2,398,479</u>	<u>\$ (7,808,408)</u>	(76.50)
<b>STUDENT TRANSPORTATION:</b>				
TRANSPORTATION	\$ 3,041,077	\$ 876,001	\$ (2,165,076)	(71.19)
<b>TOTAL STUDENT TRANSPORTATION</b>	<u>\$ 3,041,077</u>	<u>\$ 876,001</u>	<u>\$ (2,165,076)</u>	(71.19)
<b>TOTAL SUPPORT SERVICES</b>	<u>\$ 36,827,907</u>	<u>\$ 8,283,897</u>	<u>\$ (28,544,010)</u>	(77.51)
<b>OPERATION OF NON- INSTRUCTIONAL SERVICES:</b>				
COMMUNITY SERVICES	\$ 1,580,728	\$ 381,371	\$ (1,199,357)	(75.87)
<b>TOTAL OPERATION OF NON- INSTRUCTIONAL SERVICES</b>	<u>\$ 1,580,728</u>	<u>\$ 381,371</u>	<u>\$ (1,199,357)</u>	(75.87)

**KINGSPORT CITY SCHOOLS  
BUDGET SUMMARY  
FISCAL YEAR 2024 - 2025**

SERIES	2024-2025 BUDGET	2024-2025 ACTUAL	DOLLAR CHANGE	PERCENT CHANGE
<b>CAPITAL OUTLAY:</b>				
REGULAR CAPITAL OUTLAY	\$ 1,021,024	\$ 215,079	\$ (805,945)	(78.93)
<b>TOTAL CAPITAL OUTLAY</b>	<b>\$ 1,021,024</b>	<b>\$ 215,079</b>	<b>\$ (805,945)</b>	<b>(78.93)</b>
<b>DEBT SERVICE:</b>				
DEBT SERVICE	\$ 4,971,200	\$ 1,165,499	\$ (3,805,701)	(76.55)
<b>TOTAL DEBT SERVICE</b>	<b>\$ 4,971,200</b>	<b>\$ 1,165,499</b>	<b>\$ (3,805,701)</b>	<b>(76.55)</b>
<b>OTHER USES:</b>				
TRANSFERS	\$ 130,000	\$ 36,528	\$ (93,472)	(71.90)
<b>TOTAL OTHER USES</b>	<b>\$ 130,000</b>	<b>\$ 36,528</b>	<b>\$ (93,472)</b>	<b>(71.90)</b>
<b>TOTAL-GENERAL PURPOSE</b>	<b>\$ 101,649,929</b>	<b>\$ 20,664,407</b>	<b>\$ (80,985,522)</b>	<b>(79.67)</b>



# Kingsport City Schools Annual Report

2023-2024 | [www.k12k.com](http://www.k12k.com)

# **KINGSPORT BOARD OF EDUCATION POLICY RECOMMENDATIONS**

## **For: Initial Review**

**January 21, 2025 - Board of Education Work Session**

---

### **Revised Policies considered for adoption on 1<sup>st</sup> Reading**

#### **REVISED POLICY – 1<sup>st</sup> Reading**

##### **4.603 – Promotion and Retention**

The State Board of Education updated regulation 0520-01-03-.16 at its November meeting. Parents/guardians who choose to retain their K-2 student must submit a written request within thirty days of the end of the school year. If the student is not eligible for voluntary retention under state law, the district is now required to respond to the parent/guardian in writing. TSBA has added a provision on this requirement to model policy.

#### **REVISED POLICY – 1<sup>st</sup> Reading**

##### **5.118 – Background Investigations**

In 2018, the Tennessee General Assembly passed a law requiring background checks every five years for teachers or other positions requiring proximity to children. This requirement was intended to be removed for district employees upon acceptance into the Federal Bureau of Investigation RAP Back program. As Tennessee has now been accepted into this program, employees must be enrolled in it. Other categories of individuals who may have proximity to children (IE. contractors) may continue to go through the regular background check process or the district may choose to enroll them in the rap back program as well. TSBA has updated model policy with provisions outlining these options.

# Kingsport City Board of Education

Monitoring: <b>Review: Annually, in November</b>	Descriptor Term: <b>Promotion and Retention</b>	Descriptor Code: <b>4.603</b>	Issued Date: <b>11/12/24</b>
		Rescinds: <b>4.603</b>	Issued: <b>10/11/22</b>

1 Students shall progress in sequential order from grade to grade. The professional staff shall place students  
2 at the grade level best suited for them academically, socially and emotionally. Retentions may be made  
3 when, in the judgment of the teacher, such retentions are in the best interest of the students. Decisions to  
4 retain are subject to review and approval of the principal after consultation with the teacher. However,  
5 no student enrolled in the third grade shall be promoted unless the student has shown a basic  
6 understanding of curriculum and ability to perform the skills required in the subject of reading as  
7 demonstrated by the student's grades or standardized test results. This requirement shall not apply to  
8 students who are participating in a Board approved research-based intervention prior to the beginning of  
9 the next school year or to students who have IEPs pursuant to 20 U.S.C. § 1400 et seq.<sup>1</sup>

10 In order to enhance the opportunity for remediation, students with problems shall be identified as early  
11 as possible in the school year. Parents shall be notified when problems are identified and shall be  
12 informed periodically of remedial efforts and given progress reports.

13 Before a student is retained, the parents shall be informed in writing and shall have the opportunity to  
14 participate in a conference at least six (6) weeks before the end of the school year.

15 Students who have difficulty in achieving the requirements for promotion may be considered for  
16 retention. Schools shall identify these students by February 1st.

17 The following factors shall be considered in making a decision on promotion and retention:<sup>2</sup>

18 1. *Mastery of essential competencies.* Students shall have mastered essential skills sufficiently to  
19 ensure a likelihood of success at the next grade level.

20 2. *Special procedures for special students.* Students who have been identified as having special  
21 problems, including high risk students and others with special needs, shall be given special  
22 consideration. Placement of students with IEPs shall be determined by the IEP-Team.

23 3. *Flexible placement.* Use of conditional promotion, remedial summer programs, assignment to  
24 transitional classes, and other approaches to meeting the needs of students shall be given  
25 consideration.

26 4. *Attendance.* Attendance shall become a relevant factor only when excessive absenteeism  
27 becomes an educational problem.

28 5. *Conduct.* Retention shall not be used as a disciplinary measure.

29 6. *Previous retention.* Except under unusual circumstances, students shall not be retained more  
30 than once in the same grade.

1 7. *Grade level.* Retention shall be considered more appropriate in grades K-3.

2 8. *Assessments.* The results of local or state assessments, if applicable.

3 9. *Maturity.* Social and emotional maturity.

4 When a student is considered for retention, the student's parent(s)/guardian(s) shall be notified within  
5 fifteen (15) calendar days, and an individualized promotion plan shall be developed to help the student  
6 avoid retention. The plan shall be developed in coordination with the student's teachers and may also  
7 include input from the student's parent(s)/guardian(s), school counselor, or other appropriate school  
8 personnel. A copy of the plan will be provided to the student's parent(s)/guardian(s).<sup>3,4</sup>

9 Once the decision to retain has been made:

- 10 1. A report of each student retained shall be made to the director of schools;  
11 2. Documentation verifying student deficiencies shall be placed in the student's record;

12 Students may be identified for retention after the February 1st deadline if the delay in identifying a  
13 student is due to:<sup>5</sup>

- 14 1. Date of enrollment;  
15 2. Additional information acquired after results of local assessment, screening, or monitoring are  
16 released

17 *K – 3 Reading Notification*

18 If it is determined through a student's overall performance or a state or local assessment that a student  
19 in grades kindergarten through three (K-3) is not meeting grade-level standards in reading, the  
20 student's parent(s)/guardian(s) shall be notified within fifteen (15) calendar days of such  
21 determination.

22 **VOLUNTARY RETENTION**

23 A parent/guardian of a student enrolled in kindergarten through second grade may choose to retain  
24 his/her student in the current grade if:

- 25 1. The student has a documented academic or behavioral delay; and  
26 2. The parent/guardian believes that retention may benefit the student.<sup>11</sup>

27 **This information shall be submitted in writing within thirty (30) days of the end of the school year.**  
28 **The district shall send written notice to the parent/guardian confirming whether the student is eligible**  
29 **for retention under state law.**

30 **RETENTION<sup>5</sup>**

31 A student may be retained when such retention is in the best interests of the student or when retention  
32 is required per additional requirements for students in third and fourth grade.

33 *Decision of Retention – General<sup>6</sup>*

1 If a student is retained, the Director of Schools/designee shall develop an individualized academic  
2 remediation plan within thirty (30) calendar days after the beginning of the next school year. A copy of  
3 the plan shall be provided to the student’s parent(s)/guardian(s) within ten (10) calendar days of its  
4 development. The plan shall include at least one of the following strategies:

- 5 1. Adjustment to the current instructional strategies or materials;
- 6 2. Additional instructional time;
- 7 3. Individual tutoring;
- 8 4. Modification to the student’s classroom assignment to ensure the student receives instruction  
9 from a teacher with a level of overall effectiveness of above expectations (level 4) or  
10 significantly above expectations (level 5); or
- 11 5. Attendance or truancy interventions.

12 A student shall not be retained more than once in any grade. The progress of students who are retained  
13 shall be closely monitored and reported to parent(s)/guardian(s) at least three (3) times during the  
14 school year in which the student is retained. The Director of Schools shall develop procedures to  
15 ensure appropriate recordkeeping of students who are retained.

#### 16 ***Decision of Retention – Third Grade<sup>7</sup>***

17 Third grade students shall not be promoted to the next grade unless they are determined to be  
18 proficient (i.e., receive a performance level rating of “on track” or “mastered”) in English language arts  
19 (ELA) based on the student’s most recent TCAP test.

20 Students who are not proficient in ELA may still be promoted if the following conditions are met:

- 21 1. A student in third grade receiving a performance level rating of “approaching” on the ELA  
22 portion of the student’s most recent TCAP test may be promoted if:
  - 23 a. The student is an English language learner and has received less than two (2) full years  
24 of ELA instruction;
  - 25 b. The student was previously retained in grades K-3;
  - 26 c. The student is retested before the next school year and scores proficient in ELA;
  - 27 d. The student attends a learning loss bridge camp before the next school year, maintains a  
28 ninety percent (90%) attendance rate, and demonstrates adequate growth on the post-  
29 test at the end of the camp;
  - 30 e. The student receives tutoring for the entirety of the next school year in accordance with  
31 state law; or
  - 32 f. Beginning with the 2023-2024 school year, the student demonstrates proficiency in  
33 ELA standards by scoring within the fiftieth percentile on the most recently  
34 administered state-provided benchmark assessment and the district provides tutoring  
35 services to the student during the entire fourth grade school year and notifies the  
36 student’s parent/guardian, in writing, of the benefits of enrolling the student in summer  
37 programming.
- 38 2. A student in third grade receiving a performance level rating of “below” on the ELA portion of  
39 the student’s most recent TCAP test may be promoted if:
  - 40 a. The student is an English language learner and has received less than two (2) full years  
41 of ELA instruction;

- 1 b. The student was previously retained in grades K-3;
- 2 c. The student is retested before the next school year and scores proficient in ELA; or
- 3 d. The student attends a learning loss bridge camp before the next school year, maintains a
- 4 ninety percent (90%) attendance rate, and receives tutoring for the entirety of the next
- 5 school year in accordance with state law.

#### 6 *Decision of Retention – Fourth Grade*<sup>7</sup>

7 Students in the following categories may be promoted to fifth grade if they demonstrate adequate  
8 growth on the fourth-grade ELA portion of the TCAP test:

- 9 1. A student who was promoted to fourth grade due to receiving tutoring for the entirety of the
- 10 fourth-grade school year; and
- 11 2. A student who was promoted to fourth grade due to attending a learning loss bridge camp while
- 12 maintaining a ninety percent (90%) attendance rate and receiving tutoring for the entirety of the
- 13 fourth grade school year.

14 If a student that was promoted to fourth grade under one of the provisions above does not demonstrate  
15 adequate growth on the fourth-grade ELA portion of the TCAP test, then the following shall occur:

- 16 1. The student's principal shall convene a conference consisting of the following parties: the
- 17 student's parent(s)/legal guardian, the student's ELA teacher, and the student's principal.
- 18 2. The conference shall review the student's fourth grade ELA performance to determine if the
- 19 student should be promoted to fifth grade.
- 20 3. At the conclusion of the conference, a majority of the parties shall agree to one of the
- 21 following:
- 22 a. The student will be promoted to fifth grade and be assigned a tutor for the entirety of
- 23 the student's fifth-grade year; or
- 24 b. The student will be retained in fourth grade. A student shall not be retained more than
- 25 once in fourth grade.

#### 26 *Decision of Retention – Students with Disabilities*<sup>8</sup>

27 Retention and promotion decisions shall be made on a case-by-case basis and in consultation with the  
28 student's IEP and/or 504 team to determine whether the student's performance on the ELA portion of  
29 TCAP was due to the student's disability. The school district shall not retain a student with a disability  
30 or a suspected disability that impacts their ability to read.

#### 31 **APPEALS**<sup>4,9</sup>

32 When a student is identified for retention, the parent(s)/guardian(s) shall be notified about the decision  
33 to retain the student and provided with information on the right to appeal the decision. Appeals shall be  
34 made to the district Retention Review Team committee prior to May 15. The student and his/her  
35 parent(s)/guardian(s) shall be provided written or actual notice of the appeal hearing and shall be given  
36 the opportunity to address the committee. The committee shall conduct a hearing prior to May 30 to  
37 determine if the student will be promoted and issue such decision within five (5) business days of the  
38 date of the appeal hearing. Upon notification of the committee decision, the principal shall send written  
39 notification to the Superintendent of Schools/designee and the parent(s)/guardian(s). The notification

1 shall advise parent(s)/guardian(s) of their right to appeal such action to the Superintendent of  
2 Schools/designee.

3 The appeal to the Superintendent of Schools/designee shall be heard no later than ten (10) business  
4 days after the request for appeal is received. A decision shall be issued within five days. The action of  
5 the Superintendent of Schools/designee shall be final.

6 For students where retention is required per the additional requirements for students in third and fourth  
7 grade, parent(s)/guardian(s) may appeal this decision directly to the Department of Education in  
8 accordance with state law.<sup>10</sup>

---

#### Legal References

1. [20 USCA § 1400 et seq.; 29 U.S.C. § 794 \(Section 504\); TRR/MS 0520-01-03-.16; TCA 49-6-3115](#)
2. [TRR/MS 0520-01-03-.16\(5\)](#)
3. [TRR/MS 0520-01-03-.16\(6\)](#)
4. [TRR/MS 0520-01-03-.16\(6\)\(e\)](#)
5. [TRR/MS 0520-01-03-.16\(4\)](#)
6. [TRR/MS 0520-01-03-.16\(6\)\(g\)](#)
7. [TRR/MS 0520-01-03-.16\(7\)](#)
8. [29 U.S.C. § 794 \(Section 504\); 20 USCA § 1400 et seq.; TRR/MS 0520-01-03-.16\(7\)\(e\); Public Acts of 2024, Chapter No. 989](#)
9. [TRR/MS 0520-01-03-.16\(3\); TRR/MS 0520-01-02-.17\(7\); TCA 49-6-3102\(e\)\(1\)](#)
10. [TRR/MS 0520-01-03-.16\(7\)\(f\)](#)
11. [Public Acts of 2024, Chapter No. 829](#)

---

#### Cross References

Credit Recovery 4.210  
Grading System 4.600  
Reporting Student Progress 4.601  
Attendance 6.200  
Student Assignments 6.205  
Homeless Students 6.503  
Student Records 6.600

Click here to choose a school board.

Monitoring: <b>Review: Annually, in December</b>	Descriptor Term: <b>Promotion and Retention</b>	Descriptor Code: <b>4.603</b>	Issued Date:
		Rescinds:	Issued:

1 *General*

2 All promotion and retention decisions shall be made on a case-by-case basis and comply with state and  
3 federal law. All decisions shall be made in consultation with a student's IEP and/or 504 team, if  
4 applicable.<sup>1</sup>

5 Students who have difficulty in achieving the requirements for promotion may be considered for  
6 retention. Schools shall identify these students by February 1<sup>st</sup>. Factors used to identify students for  
7 retention shall include:<sup>2</sup>

- 8 1. Ability to perform at the current grade level;
- 9
- 10 2. Results of local assessments, screening, or monitoring tools;
- 11
- 12 3. State assessments, as applicable;
- 13
- 14 4. Home Literacy Reports;<sup>3</sup>
- 15
- 16 5. Overall academic achievement of the student;
- 17
- 18 6. Likelihood of success with more difficult material if promoted to the next grade;
- 19
- 20 7. Attendance record; and
- 21
- 22 8. The student's maturity.

23 Students may be identified for retention after the February 1<sup>st</sup> deadline if the delay in identifying a  
24 student is due to:<sup>4</sup>

- 25 1. Date of enrollment;
- 26
- 27 2. Additional information acquired after results of local assessment, screening, or monitoring are  
28 released; or
- 29

30 **3. [Insert additional limited situations based on needs in your district.]**

31 **VOLUNTARY RETENTION<sup>5</sup>**

1 A parent/guardian of a student enrolled in kindergarten through second grade may choose to retain  
2 his/her student in the current grade level if:

- 3 1. The student has a documented academic or behavioral delay; and
- 4
- 5 2. The parent/guardian believes that retention may benefit the student.

6 This information shall be submitted in writing within thirty (30) days of the end of the school year. The  
7 district shall send written notice to the parent/guardian confirming whether the student is eligible for  
8 retention under state law.

## 9 **PROMOTION PLANS<sup>6</sup>**

10 When a student is identified for retention, the student's parent(s)/guardian(s) shall be notified within  
11 fifteen (15) calendar days, and an individualized promotion plan shall be developed to help the student  
12 avoid retention. The plan shall be developed in coordination with the student's teachers, IEP or 504  
13 team, if applicable, and may also include input from the student's parent(s)/guardian(s), school  
14 counselor, or other appropriate school personnel.

15 Promotion plans shall incorporate evidence-based strategies, including expectations and measurements  
16 that will verify whether a student has made sufficient progress to be promoted to the next grade level,  
17 and be tailored to the student's learning needs. Promotion plans for students in third and fourth grade  
18 will include additional requirements for promoting students in these grades. A copy of the plan will be  
19 provided to the student's parent(s)/guardian(s), and the school shall offer the opportunity for a parent-  
20 teacher conference to discuss the plan. If a student is not making progress on the promotion plan, then  
21 the strategies shall be modified. Parent(s)/guardian(s) shall be provided with any changes to the  
22 promotion plan.

23 A student who demonstrates sufficient academic progress according to his/her promotion plan shall be  
24 promoted to the next grade level unless retention is required per additional requirements for students in  
25 third and fourth grade.<sup>7</sup>

26 If a student has not demonstrated sufficient academic progress according to his/her promotion plan by  
27 the end of the school year, the student shall be eligible to enroll in a summer reading or learning  
28 program, if available. Parent(s)/guardian(s) shall be notified of a decision for retention at least ten (10)  
29 calendar days prior to the start of the next school year if the student was enrolled in a summer program.  
30 However, if the student wasn't enrolled in a summer program, the parent(s)/guardian(s) shall be  
31 notified of a decision for retention at least thirty (30) calendar days prior to the start of the next school  
32 year.<sup>8</sup>

## 33 **RETENTION<sup>7</sup>**

34 A student may be retained when such retention is in the best interests of the student or when retention  
35 is required per additional requirements for students in third and fourth grade.

### 36 *Decision of Retention – General<sup>9</sup>*

1 If a student is retained, the Director of Schools/designee shall develop an individualized academic  
2 remediation plan within thirty (30) calendar days after the beginning of the next school year. A copy of  
3 the plan shall be provided to the student’s parent(s)/guardian(s) within ten (10) calendar days of its  
4 development. The plan shall include at least one of the following strategies:

- 5 1. Adjustment to the current instructional strategies or materials;
- 6
- 7 2. Additional instructional time;
- 8
- 9 3. Individual tutoring;
- 10
- 11 4. Modification to the student’s classroom assignment to ensure the student receives  
12 instruction from a teacher with a level of overall effectiveness of above expectations (level  
13 4) or significantly above expectations (level 5); or
- 14
- 15 5. Attendance or truancy interventions.

16 A student shall not be retained more than once in any grade. The progress of students who are retained  
17 shall be closely monitored and reported to parent(s)/guardian(s) at least three (3) times during the  
18 school year in which the student is retained. The Director of Schools shall develop procedures to  
19 ensure appropriate recordkeeping of students who are retained.

#### 20 *Decision of Retention – Third Grade*<sup>10</sup>

21 Third grade students shall not be promoted to the next grade unless they are determined to be  
22 proficient (i.e., receive a performance level rating of “on track” or “mastered”) in English language arts  
23 (ELA) based on the student’s most recent TCAP test.

24 Students who are not proficient in ELA may still be promoted if the following conditions are met:

- 25 1. A student in third grade receiving a performance level rating of “approaching” on the ELA  
26 portion of the student’s most recent TCAP test may be promoted if:
  - 27 a. The student is an English language learner and has received less than two (2) full years  
28 of ELA instruction;
  - 29 b. The student was previously retained in grades K-3;
  - 30 c. The student is retested before the next school year and scores proficient in ELA;
  - 31 d. The student attends a learning loss bridge camp before the next school year, maintains a  
32 ninety percent (90%) attendance rate, and demonstrates adequate growth on the post-  
33 test at the end of the camp;
  - 34 e. The student receives tutoring for the entirety of the next school year in accordance with  
35 state law; or
  - 36 f. Beginning with the 2023-2024 school year, the student demonstrates proficiency in  
37 ELA standards by scoring within the fiftieth percentile on the most recently  
38 administered state-provided benchmark assessment and the district provides tutoring  
39 services to the student during the entire fourth grade school year and notifies the  
40 student’s parent/guardian, in writing, of the benefits of enrolling the student in summer  
41

1 programming.

2  
3 2. A student in third grade receiving a performance level rating of “below” on the ELA portion of  
4 the student’s most recent TCAP test may be promoted if:

- 5  
6 a. The student is an English language learner and has received less than two (2) full years  
7 of ELA instruction;
- 8 b. The student was previously retained in grades K-3;
- 9 c. The student is retested before the next school year and scores proficient in ELA; or
- 10 d. The student attends a learning loss bridge camp before the next school year, maintains a  
11 ninety percent (90%) attendance rate, and receives tutoring for the entirety of the next  
12 school year in accordance with state law.

13 *Decision of Retention – Fourth Grade*<sup>10</sup>

14 Students in the following categories may be promoted to fifth grade if they demonstrate adequate  
15 growth on the fourth-grade ELA portion of the TCAP test:

- 16 1. A student who was promoted to fourth grade due to receiving tutoring for the entirety of the  
17 fourth-grade school year; and
- 18  
19 2. A student who was promoted to fourth grade due to attending a learning loss bridge camp while  
20 maintaining a ninety percent (90%) attendance rate and receiving tutoring for the entirety of the  
21 fourth grade school year.

22 If a student that was promoted to fourth grade under one of the provisions above does not demonstrate  
23 adequate growth on the fourth-grade ELA portion of the TCAP test, then the following shall occur:

- 24 1. The student’s principal shall convene a conference consisting of the following parties: the  
25 student’s parent(s)/legal guardian, the student’s ELA teacher, and the student’s principal.  
26
- 27 2. The conference shall review the student’s fourth grade ELA performance to determine if the  
28 student should be promoted to fifth grade.  
29
- 30 3. At the conclusion of the conference, a majority of the parties shall agree to one of the  
31 following:
- 32 a. The student will be promoted to fifth grade and be assigned a tutor for the entirety of  
33 the student’s fifth-grade year; or
- 34 b. The student will be retained in fourth grade. A student shall not be retained more than  
35 once in fourth grade.

36 *Decision of Retention – Students with Disabilities*<sup>11</sup>

37 Retention and promotion decisions shall be made on a case-by-case basis and in consultation with the  
38 student’s IEP and/or 504 team to determine whether the student’s performance on the ELA portion of  
39 TCAP was due to the student’s disability. The school district shall not retain a student with a disability  
40 or a suspected disability that impacts their ability to read.

1 **APPEALS**<sup>8,12</sup>

2 When a student is identified for retention, the parent(s)/guardian(s) shall be notified about the decision  
 3 to retain the student and provided with information on the right to appeal the decision. Appeals shall be  
 4 made to a committee appointed by the principal within **[insert number of days]**. The student and his/her  
 5 parent(s)/guardian(s) shall be provided written or actual notice of the appeal hearing and shall be given  
 6 the opportunity to address the committee. The committee shall conduct a hearing within **[insert number  
 7 of days]** to determine if the student will be promoted and issue such decision within **[insert number of  
 8 days]**. Upon notification of the committee decision, the principal shall send written notification to the  
 9 Director of Schools/designee and the parent(s)/guardian(s). The notification shall advise  
 10 parent(s)/guardian(s) of their right to appeal such action within **[insert number of days]** to the Director  
 11 of Schools/designee.

12 The appeal shall be heard no later than ten (10) business days after the request for appeal is received. A  
 13 decision shall be issued within **[insert number of days]**.

14 Within five (5) business days of the Director of Schools/designee rendering a decision, the student's  
 15 parent(s)/guardian(s) may request a hearing by the Board, and the Board shall review the record.  
 16 Following the review, the Board may affirm or overturn the decision of the Director of Schools/designee.  
 17 The action of the Board shall be final.

18 For students where retention is required per the additional requirements for students in third and fourth  
 19 grade, parent(s)/guardian(s) may appeal this decision in accordance with state law.<sup>13</sup>

---

Legal References

1. [20 USCA § 1400 et seq.; 29 U.S.C. § 794 \(Section 504\); TRR/MS 0520-01-03-.16; TCA 49-6-3115](#)
2. [TRR/MS 0520-01-03-.16\(5\)](#)
3. [TCA 49-1-905\(e\)](#)
4. [TRR/MS 0520-01-03-.16\(4\)](#)
5. [TCA 49-6-314; TRR/MS 0520-01-03-.16\(6\)](#)
6. [TRR/MS 0520-01-03-.16\(6\)](#)
7. [TRR/MS 0520-01-03-.16\(6\)\(f\)](#)
8. [TRR/MS 0520-01-03-.16\(6\)\(e\)](#)
9. [TRR/MS 0520-01-03-.16\(6\)\(g\)](#)
10. [TRR/MS 0520-01-03-.16\(7\)](#)
11. [29 U.S.C. § 794 \(Section 504\); 20 USCA § 1400 et seq.; TRR/MS 0520-01-03-.16\(7\)\(e\); Public Acts of 2024, Chapter No. 989](#)

Cross References

- Credit Recovery 4.210
- Grading System 4.600
- Reporting Student Progress 4.601
- Attendance 6.200
- Student Assignments 6.205
- Homeless Students 6.503
- Student Records 6.600

12. [TRR/MS 0520-01-03-.16\(3\); TRR/MS 0520-01-02-.17\(7\); TCA 49-6-3102\(e\)\(1\)](#)
13. [TRR/MS 0520-01-03-.16\(7\)\(f\)](#)

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-03  
ACADEMIC AND INSTRUCTIONAL REQUIREMENTS**

**0520-01-03-.16 PROMOTION AND RETENTION.**

- (1) The academic program implemented in each public school shall be designed to help students achieve the expectations of the grade-level State Board approved Tennessee Academic Standards and meet the requirements for promotion to the next grade.
- (2) Promotion to the next grade level shall be based on the successful completion of required academic work or demonstration of satisfactory progress in each of the relevant academic areas.
- (3) Each LEA and public charter school governing body shall develop and implement promotion and retention policies for students in grades Kindergarten through eight (K-8) in accordance with T.C.A. § 49-6-3115, this Rule, and the State Board's Promotion and Retention Policy 3.300. The LEA or public charter school's promotion and retention policy shall include a right for the parent or legal guardian to appeal a decision to retain a student.
- (4) Schools shall identify students who demonstrate difficulty in achieving the requirements for promotion to the next grade level and therefore may be at risk for retention by February 1. However, a student may be identified as at risk for retention after February 1 if reasons for identifying a student as at risk for retention are identified in a lawfully adopted local board policy that identifies limited situations in which students may be identified as at risk for retention. Schools shall notify the parent or legal guardian of any student who is identified as at risk for retention within fifteen (15) calendar days of identification.
- (5) Factors used to identify students who are at risk for retention shall, at a minimum, include:
  - (a) The student's ability to perform at the expectations of the current grade-level standards;
  - (b) The results of local assessments, screening, or monitoring tools;
  - (c) State assessments, as applicable;
  - (d) Home Literacy Reports provided in accordance with T.C.A. § 49-1-905;
  - (e) The overall academic achievement of the student;
  - (f) The student's likelihood of success with more difficult material if promoted to the next grade;
  - (g) The student's attendance record; and
  - (h) The student's maturity.
- (6) A parent or guardian of a student enrolled in any of the grades kindergarten through two (K-2) may elect to retain the parent's or guardian's student in the student's current grade

(Rule 0520-01-03-.16, continued)

level if the student has a documented academic or behavioral delay and the parent or guardian believes that retention may benefit the student. If a parent or guardian elects to retain the parent's or guardian's student, the parent or guardian shall notify the student's school, in writing, within thirty (30) calendar days of the conclusion of the current school year.

- (a) For the purposes of this Rule, a documented academic delay is defined as:
1. Receiving Tier III academic intervention(s) through the Tennessee's Response to Instruction and Intervention (RTI<sup>2</sup>) Framework; and
  2. Having a current student intervention plan in the area(s) of reading or math or an Individual Learning Plan - Characteristics of Dyslexia (ILP-D) in accordance with State Board Rule 0520-01-22.

- (b) For the purposes of this Rule, a documented behavioral delay is defined as:
1. Receiving Tier III behavior intervention(s) through the Tennessee's Response to Instruction and Intervention (RTI<sup>2</sup>) Framework; and
  2. Having a current student intervention plan for behavior.

- (c) If a parent or guardian elects to retain the parent's or guardian's student in the student's current grade level pursuant to ~~this~~ paragraph (6) of this Rule, then the LEA or public charter school in which the student is enrolled shall retain the student in the student's current grade level at the parent's or guardian's request subject to the requirements in paragraph (7)(g) of this Rule. Following a timely request made in accordance with paragraph (6) this Rule by of the parent or guardian of a student determined by the LEA or public charter school to have an academic or behavioral delay, the LEA or public charter school shall notify the parent or guardian in writing that the student will be retained for the upcoming school year in accordance with the parent or guardian's request. The LEA or public charter school shall notify the the parent or guardian who submits a timely request to the LEA or public charter school, in writing, if the student does not qualify for retention under paragraph (6) of this Rule due to the student not having an academic or behavioral delay as defined in paragraph (6) of this Rule.

- (7) Schools shall develop and implement an individualized promotion plan for any student identified as at risk for retention to help the student avoid retention.

- (a) The individualized promotion plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel. All promotion plans shall include evidence-based promotion strategies and shall be tailored to the student's learning needs. Each promotion plan shall also include expectations and measurements that can be used to verify that a student has made sufficient progress to be promoted to the next grade level. Promotion plans for students in grades three (3) and four (4) shall include the additional requirements for promotion set forth in paragraph (8) of this Rule.
- (b) A copy of a student's promotion plan shall be provided to his or her parent or legal guardian, and the school shall offer to parents or legal guardians the opportunity for a parent-teacher conference to discuss the promotion plan.

(Rule 0520-01-03-.16, continued)

- (c) If a student is not making progress on his or her promotion plan, then the promotion strategies shall be modified to support the student in the goal of promotion to the next grade level. A student who demonstrates sufficient academic progress with the strategies included in his or her promotion plan during the school year shall be promoted to the next grade level unless retention is required, as set forth in paragraph (8) of this Rule.
- (d) If a student has not demonstrated sufficient academic progress as defined in his or her promotion plan by the end of the school year, the student shall be eligible to enroll in a summer reading or learning program if such program is available. For a student in grade three (3) who is identified for retention in accordance with paragraph (8) of this Rule and attends a summer reading or learning program, the program must be conducted in accordance with T.C.A. § 49-6-3115 and T.C.A. §§ 49-6-1501–1511.
- (e) If the student was enrolled in a summer reading or learning program, a decision for retention shall be made and communicated to the parent or legal guardian in writing at least ten (10) calendar days prior to the start of the next school year, or, if the student was not enrolled in a summer reading or learning program, a decision for retention shall be made and communicated to the parent or legal guardian in writing at least thirty (30) calendar days prior to the start of the next school year. The notification to the student's parent or legal guardian of the retention decision shall be in writing and sent electronically and shall include information regarding the parent or legal guardian's right to appeal the retention decision in alignment with the LEA or public charter school's promotion and retention policy.
- (f) Retention shall be considered only when it is in the best interests of the student, or if retention is required by paragraph (8) for students in grades three (3) and four (4). Retention decisions affecting a student receiving special education services shall be made in consultation with the student's Individualized Education Program (IEP) or 504 team and in accordance with the provisions of the IEP or 504 plan.
- (g) If a retention decision has been made, then the school shall develop an individualized academic remediation plan for the retained student within thirty (30) calendar days after the beginning of the next school year. A copy of the academic remediation plan shall be provided to the student's parent or legal guardian within ten (10) calendar days of development of such plan.
  - 1. The academic remediation plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel.
  - 2. The academic remediation plan shall be implemented to help the retained student attain and demonstrate learning proficiency and shall include at least one (1) of the following strategies:
    - (i) Adjustment to the current instructional strategies or high-quality instructional materials;
    - (ii) Additional instructional time;
    - (iii) Individual tutoring;

(Rule 0520-01-03-.16, continued)

- (iv) Modification to the student's classroom assignment to ensure the student receives instruction from a teacher with a level of overall effectiveness of above expectations (level 4) or significantly above expectations (level 5); or
    - (v) Attendance or truancy interventions.
  - (h) A student shall not be retained more than one (1) time in any given grade level.
  - (i) Retention shall not:
    - 1. Be used without an academic remediation plan;
    - 2. Be used as a punitive or disciplinary measure;
    - 3. Be based solely on English language proficiency, for students who are identified as English learners;
    - 4. Be based on the student's disability or suspected disability; or
    - 5. Be based solely on a student's maturity.
  - (j) This Rule does not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), the Equal Education Opportunities Act of 1974 (20 U.S.C. § 1701 et seq.), or any other federal or state law related to students with disabilities and English learners.
  - (k) The progress of a retained student shall be closely monitored and reported to the student's parent or legal guardian a minimum of three (3) times during the school year in which the student is retained.
  - (l) Beginning with the 2023-2024 school year, a student who is retained in any of the grades kindergarten through three (K-3) shall be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the Department.
- (8) Each LEA and public charter school shall comply with the following additional requirements for promotion and retention of students in grade three (3) and four (4), in accordance with T.C.A. § 49-6-3115. Each LEA and public charter school shall notify parents or legal guardians of all students in grade three (3) and grade four (4) of the following promotion and retention requirements at the beginning of each school year:
  - (a) A student in grade three (3) shall not be promoted to the next grade level unless the student is determined to be proficient in English language arts (ELA) based on the student's achieving a performance level rating of "on track" or "mastered" (otherwise known as "met expectations" or "exceeded expectations") on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test.
  - (b) Notwithstanding paragraph (8)(a):

(Rule 0520-01-03-.16, continued)

1. A student in grade three (3) who is not proficient in ELA, as determined by the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may be promoted to the fourth (4th) grade if:
  - (i) Pathway 1: The student is an English language learner and has received less than two (2) full school years of ELA instruction;
  - (ii) Pathway 2: The student was previously retained in any of the grades kindergarten through three (K-3);
  - (iii) Pathway 3: The student is retested in accordance with Department guidelines before the beginning of the next school year and scores proficient in ELA;
  - (iv) Pathway 4: The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the learning loss bridge camp, as required under T.C.A. § 49-6-1502(4)(F), demonstrates adequate growth, as defined in the State Board's Promotion and Retention Policy 3.300;
  - (v) Pathway 5: The student receives high-dosage, low-ratio tutoring for the entirety of the upcoming school year from a Tennessee accelerating literacy and learning corps (TN ALL Corps) tutor. For the purposes of this Rule, "high-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TN ALL Corps high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:
    - (I) A tutor recruited and trained through the Department's TN ALL Corps grant program;
    - (II) A district recruited tutor who has completed the Department's TN ALL Corps training; or
  - (vi) Pathway 6: Beginning with third (3rd) grade students in the 2023-24 school year, the student demonstrates proficiency in ELA standards based on the student scoring at or above the fiftieth (50th) percentile on the most recently administered state-provided benchmark assessment, if the benchmark assessment is administered to the student in a test environment, in accordance with Department guidance, and the student's LEA or public charter school agrees to provide tutoring services to the student for the entirety of the student's fourth (4th) grade year.
    - (I) If a student is promoted to the fourth (4th) grade pursuant to this Pathway 6, then the student's LEA or public charter school shall notify the student's parent or guardian, in writing, of the benefits of enrolling their student in a learning loss bridge camp and encouraging the parent or

(Rule 0520-01-03-.16, continued)

guardian to do so.

- (II) For the purposes of Pathway 6, “state-provided benchmark assessment” means the Tennessee Universal Reading Screener provided by the Department.
  - (III) The tutoring services provided to the student for the entirety of the student’s fourth (4th) grade year must be high-dosage, low-ratio tutoring. For the purposes of this Rule, “high-dosage, low-ratio tutoring” means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TN ALL Corps high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:
    - I. A tutor recruited and trained through the Department’s TN ALL Corps grant program.
    - II. A district recruited tutor who has completed the Department’s TN ALL Corps training.
2. A student in grade three (3) who is not proficient in ELA, as determined by the student’s achieving a performance level rating of “below” on the ELA portion of the student’s most recent TCAP test may be promoted to the fourth (4th) grade if:
- (i) Pathway 1: The student is an English language learner and has received less than two (2) full school years of ELA instruction;
  - (ii) Pathway 2: The student was previously retained in any of the grades kindergarten through three (K-3);
  - (iii) Pathway 3: The student retested in accordance with Department guidelines before the beginning of the next school year and scores proficient in ELA; or
  - (iv) Pathway 4: The student attends a learning loss bridge camp before the beginning of the upcoming school year and maintains a ninety percent (90%) attendance rate at the camp, and receives high-dosage, low-ratio tutoring for the entirety of the upcoming school year from a Tennessee accelerating literacy and learning corps (TN ALL Corps) tutor. For the purposes of this Rule, “high-dosage, low-ratio tutoring” means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TN ALL Corps high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:
    - (a) A tutor recruited and trained through the Department’s TN ALL Corps grant program.
    - (b) A district recruited tutor who has completed the Department’s TN ALL Corps training.

(Rule 0520-01-03-.16, continued)

- (c) A student who is promoted to the fourth (4th) grade pursuant to paragraph (8)(b)1.(v) or (8)(b)2.(iv) of this Rule may be promoted to the fifth (5th) grade by showing adequate growth on the fourth (4th) grade ELA portion of the TCAP test as further defined in State Board Promotion and Retention Policy 3.300.
- (d) Notwithstanding paragraph (8)(c):
  - 1. If a student who is promoted to the fourth (4th) grade pursuant to paragraph (8)(b)1.(v) or (8)(b)2.(iv) of this Rule does not demonstrate adequate growth on the fourth (4th) grade ELA portion of the TCAP test, the student's LEA or public charter school shall convene a conference that includes the following categories of participants: the student's parent or legal guardian, the student's ELA teacher, and student's principal. The recommendation made by a majority of the categories of participants in the conference shall determine whether the student is:
    - (i) Promoted to fifth (5<sup>th</sup>) grade and receives tutoring for the entirety of the upcoming school year. Fifth (5<sup>th</sup>) grade tutoring requirements shall be established by the Department; or
    - (ii) Retained in the fourth (4<sup>th</sup>) grade.
- (e) Notwithstanding paragraph (d)(1)(ii), a student shall not be retained in fourth (4th) grade more than once.
- (f) The requirements set forth in paragraphs (8)(a)–(d) do not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).
  - 1. In accordance with T.C.A. § 49-6-3115, an LEA or public charter school shall not retain a student with a disability or a suspected disability that impacts their ability to read.
  - 2. Retention and promotion decisions shall be made on a case-by-case basis and in consultation with the student's IEP and/or 504 team to determine whether the student's performance on the ELA TCAP was due to the student's disability. Such consultation includes, but is not limited to, a review of evaluation and eligibility data, input from the student's teachers and parents, benchmark assessments, and classroom performance.
- (g) Appeals to the Department.
  - 1. The parent or legal guardian of a student who is identified for retention in third (3rd) grade pursuant to paragraph (8)(a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may appeal directly to the Department. A parent or legal guardian may provide written consent, on a form provided by the Department to LEAs and public charter schools, for a school principal, guidance counselor, teacher, or other administrator of the student's school to file an appeal for the student on behalf of the parent or legal guardian. The LEA or public charter school shall fully inform the parent or legal guardian of the student's pathways to fourth (4th) grade

(Rule 0520-01-03-.16, continued)

promotion prior to the parent or legal guardian signing the consent form. Signed consent forms shall be collected by the LEA or public charter school either electronically or on paper and shall be maintained for monitoring purposes by the LEA or public charter school.

- (i) A decision to retain a student for any other reason, as set forth in paragraphs (1)–(6) of this Rule may be appealed at the local level only, pursuant to the LEA or public charter school’s promotion and retention policy.
2. The appeal process for a student who is identified for retention in third (3rd) grade pursuant to paragraph (8)(a) based on the student’s achieving a performance level rating of “approaching” on the ELA portion of the student’s most recent TCAP test shall be administered by the Department. Information regarding the appeals process and timelines shall be posted on the Department’s website. All appeals shall be submitted on the appeal forms provided by the Department and posted on its website. If an appeal is not submitted on the appropriate appeal form, the appeal shall be denied.
3. The Department shall open the appeals window no later than five (5) business days after the Department releases individual student results to LEAs and public charter schools for the ELA portion of the 3rd grade TCAP. All appeals shall be submitted within the appeals window determined by the Department. The Commissioner’s designee(s) shall review all properly submitted appeals, make a determination, and issue an electronic notification of the decision to the parent or legal guardian within fourteen (14) calendar days of receiving the appeal. An extension of the fourteen (14) calendar day timeline is permitted if the Commissioner determines exceptional circumstances exist with respect to a particular appeal requiring the Department to request additional information necessary to make a determination.
4. The Commissioner’s designee(s) may overturn the identification of a student as at risk for retention in third (3rd) grade pursuant to paragraph (8)(a) and allow the student to be promoted to the fourth (4th) grade if one (1) or more of the following grounds is met:
  - (i) Ground 1:
    - (I) The parent or legal guardian of the student agrees they were provided notice of all requirements of a Ground 1 appeal and agrees that their student will comply with all requirements of a Ground 1 appeal if the Commissioner’s designee overturns the identification of the student as at risk for retention in 3rd grade;
    - (II) For the 2023-24 academic year, the student scores at or above the fortieth (40th) percentile on a State Board-approved universal reading screener identified in State Board Universal Reading Screener Policy 3.302 and administered by the LEA or public charter school;
    - (III) For the 2024-25 academic year and thereafter, the

(Rule 0520-01-03-.16, continued)

student scores at or above the fortieth (40th) percentile on the Tennessee Universal Reading Screener provided by the Department and administered by the LEA or public charter school;

(IV) The principal of the student's school agrees to develop an academic remediation plan for the student. The academic remediation plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel. The academic remediation plan shall include evidence-based strategies tailored to the student's learning needs. These evidence-based strategies shall include at least one (1) of the following:

- I. Adjustment to current instructional strategies or high-quality instructional materials;
- II. Additional instructional time;
- III. Modification to the student's classroom assignment to ensure the student receives instruction from a teacher with a level of overall effectiveness of above expectations (level 4) or significantly above expectations (level 5); or
- IV. Placement of the student in a classroom with a reduced class size.

(V) The student's current ELA teacher and school principal provide a unanimous recommendation that the student be promoted to the 4th grade; and

(VI) The student's LEA or public charter school agrees to provide high-dosage low-ratio tutoring services to the student for the entirety of the student's fourth (4th) grade year. "High-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TN ALL Corps high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:

- I. A tutor recruited and trained through the Department's TN ALL Corps grant program.
- II. A district recruited tutor who has completed the Department's TN ALL Corps training.

(ii) Ground 2:

(I) The parent or legal guardian of the student identified as at risk for retention in third (3rd) grade pursuant to paragraph (8)(a), or the school personnel authorized to

(Rule 0520-01-03-.16, continued)

file an appeal on behalf of the parent or legal guardian, documents that a catastrophic situation occurred on the third (3rd) grade ELA TCAP test date or within sixty (60) calendar days leading up to the third (3rd) grade ELA TCAP test administration (and any makeup opportunities) that impacted the student and impeded the student's ability to demonstrate the student's current level of knowledge on the test. Examples of a catastrophic situation include, but are not limited to, a death in the immediate family, loss of a family home, or significant medical diagnosis.

5. If the Commissioner overturns the identification of a student as at risk for retention in third (3rd) grade pursuant to a successful Ground 1 appeal under this subparagraph (g), the student may enroll in summer programming opportunities provided by the student's LEA or public charter school if the LEA or public charter school determines sufficient space is available.
6. If the Commissioner overturns the identification of a student as at risk for retention in third (3rd) grade pursuant to a successful Ground 2 appeal under this subparagraph (g), the student may enroll in summer programming and/or tutoring opportunities provided by the student's LEA or public charter school, if the LEA or public charter school determines sufficient space is available.

**Authority:** T.C.A. §§ 49-1-302; 49-6-311; 49-6-1501, et seq.; 49-6-3001; and 49-6-3115. **Administrative History:** New rule filed September 6, 2022; effective December 5, 2022. Amendments filed March 12, 2024; effective June 10, 2024.

# Kingsport City Board of Education

Monitoring: <b>Review: Annually, in January</b>	Descriptor Term: <b>Background Investigations</b>	Descriptor Code: <b>5.118</b>	Issued Date: <b>06/09/20</b>
		Rescinds: <b>5.118</b>	Issued: <b>11/12/19</b>

1 To ensure the safety and welfare of students and staff, the district shall require criminal history  
2 background checks and fingerprinting of applicants for teaching positions and any other positions that  
3 require proximity to children.<sup>1</sup> The Superintendent of Schools/designee shall develop any necessary  
4 corresponding procedures.

5 **Applicants and current employees shall be entered into the federal RAP back program.<sup>5</sup> Notice of the**  
6 **following shall be provided:**

- 7 1. **Possible fees charged by the Tennessee Bureau of Investigation; and**
- 8 2. **Fingerprints will be retained by the Tennessee Bureau of Investigation and the Federal Bureau**  
9 **of Investigation for all purposes and uses authorized for fingerprint submission.**

10 ~~Further, a~~ Applicants who (1) have been identified by the Department of Children’s Services as  
11 perpetrators of child abuse, severe child abuse, child sexual abuse, or child neglect or who pose an  
12 immediate threat to the health, safety, or welfare of children; or (2) who are listed on the state’s abuse  
13 of vulnerable persons registry maintained by the Department of Health shall not be employed.<sup>2</sup> Any  
14 costs incurred to perform these background checks and fingerprinting shall be paid by the **district**  
15 **applicant. The Board shall reimburse the applicant if the position is offered and accepted.<sup>3</sup>**

16 ~~Background checks shall be required of employees at least once every five (5) years after the date of~~  
17 ~~hire.<sup>4</sup>~~

## 18 **CONTRACTORS**

19 ~~To ensure the safety and welfare of students and staff, the district shall require criminal history~~  
20 ~~background checks and fingerprinting of contractors and any other positions that require proximity to~~  
21 ~~children. Background checks shall be required of such individuals at least once every five (5) years~~  
22 ~~after the initial background check.<sup>1</sup>~~

## 23 **USE AND DISSEMINATION**

24 Fingerprint or other approved forms of positive identification shall be submitted with all requests for  
25 criminal history record checks for non-criminal justice purposes.<sup>4</sup> The Superintendent of Schools shall  
26 ensure the Originating Agency Identifier number is on file at all times.

27 Tennessee and FBI Criminal History Record Information (“CHRI”) obtained by the district shall be  
28 solely used to verify criminal violation(s) and shall not be disseminated. Results shall be considered  
29 confidential and only accessible to district personnel identified by the Superintendent of Schools.

---

1 CHRI shall only be accessed by authorized personnel in the performance of their duties and shall never  
2 be released to the public.

3 All persons directly associated with the accessing, maintaining, processing, dissemination, or  
4 destruction of CHRI must sign an awareness statement and shall indicate that they have been specially  
5 trained on the subject. The training shall provide those with access to criminal history record  
6 information with a working knowledge of federal and state regulations and laws governing the security  
7 and processing of criminal history information. The Superintendent of Schools is responsible for  
8 ensuring that authorized personnel receive such training within sixty (60) days of employment or job  
9 assignment and every three (3) years.

## 10 **RETENTION AND SECURITY**

11 The Superintendent of Schools shall develop procedures to ensure CHRI is stored in a secure location.  
12 Areas in which CHRI is processed and handled shall be restricted to authorized personnel identified by  
13 the Superintendent of Schools. The area shall be out of the view of the public and unauthorized  
14 personnel.

## 15 **DISPOSAL OF CHRI**

16 When CHRI is no longer needed, it shall be destroyed by burning, shredding, or other method  
17 rendering the information unreadable. Record destruction must be conducted under the supervision of  
18 the Superintendent of Schools.

## 19 **MISUSE**

20 Employees who misuse CHRI or violate this policy shall be subject to disciplinary action up to and  
21 including termination. Any employee with knowledge of misuse shall immediately report a violation to  
22 the Superintendent of Schools.

1. TCA 49-5-413
2. TCA 49-5-406(a)(1); TCA 49-5-403;  
TCA 49-5-413(a)(2), (e)
3. TCA 49-5-413(c)
4. 34 USCA § 40316
5. TCA 49-5-413(f)

School Volunteers 4.501  
Application and Employment 5.106

Click here to choose a school board.

Monitoring: <b>Review: Annually, in January</b>	Descriptor Term: <b>Background Investigations</b>	Descriptor Code: <b>5.118</b>	Issued Date:
		Rescinds:	Issued:

1 *General*

2 Background checks shall be required for applicants, employees, contract workers, and volunteers.<sup>1</sup>  
3 Individuals who (1) have been identified by the Department of Children’s Services as perpetrators of  
4 child abuse, severe child abuse, child sexual abuse, or child neglect or who pose an immediate threat to  
5 the health, safety, or welfare of children; or (2) are listed on the state’s abuse of vulnerable persons  
6 registry maintained by the Department of Health shall not be employed.<sup>2</sup>

7 The Director of Schools/designee shall develop any necessary corresponding procedures.

8 Applicants and current employees [**OR include “contractors and volunteers” as well**] shall be  
9 entered into the federal RAP back program.<sup>3</sup> Notice of the following shall be provided :

- 10 1. Possible fees charged by the Tennessee Bureau of Investigation; and  
11  
12 2. Fingerprints will be retained by the Tennessee Bureau of Investigation and the Federal Bureau  
13 of Investigation for all purposes and uses authorized for fingerprint submission.

14 Any costs incurred to perform these background checks and fingerprinting shall be paid by applicants.  
15 The Board [**select the appropriate option (e.g., shall/shall not)**] reimburse applicants if the position  
16 is offered and accepted.

17 [**Only include the language below if the district does not want to enroll contractors, and**  
18 **volunteers in the federal RAP back program.**]

19 **CONTRACTORS & VOLUNTEERS**

20 To ensure the safety and welfare of students and staff, the district shall require criminal history  
21 background checks and fingerprinting of contractors, and volunteers and any other positions that require  
22 proximity to children. Any costs incurred to perform these background checks and fingerprinting shall  
23 be paid by the applicant. The Board [**select the appropriate option (e.g., shall/shall not)**] reimburse  
24 the applicant if the position is offered and accepted.<sup>4</sup>

25 Background checks shall be required of the individuals listed above at least once every five (5) years  
26 after the initial background check.<sup>1</sup>

27 **USE AND DISSEMINATION**

---

1 Fingerprints or other approved forms of positive identification shall be submitted with all requests for  
2 criminal history record checks for non-criminal justice purposes.<sup>5</sup> The Director of Schools shall ensure  
3 the Originating Agency Identifier number is on file at all times.

4 Tennessee and FBI Criminal History Record Information (CHRI) obtained by the district shall be  
5 solely used to verify criminal violations and shall not be disseminated. Results shall be considered  
6 confidential and only accessible to district personnel identified by the Director of Schools. CHRI shall  
7 only be accessed by authorized personnel in the performance of their duties and shall never be released  
8 to the public.

9 All persons directly associated with the accessing, maintaining, processing, dissemination, or  
10 destruction of CHRI shall sign an awareness statement and shall indicate that they have been specially  
11 trained on the subject. The training shall provide those with access to CHRI with a working knowledge  
12 of federal and state regulations and laws governing the security and processing of criminal history  
13 information. The Director of Schools is responsible for ensuring that authorized personnel receive such  
14 training within sixty (60) days of employment or job assignment and every three (3) years.

#### 15 **RETENTION AND SECURITY**

16 The Director of Schools shall develop procedures to ensure CHRI is stored in a secure location. Areas  
17 in which CHRI is processed and handled shall be restricted to authorized personnel identified by the  
18 Director of Schools. The area shall be out of the view of the public and unauthorized personnel. The  
19 Director of Schools shall maintain a list of all employees who have access to, can process, disseminate,  
20 and/or destroy CHRI.

#### 21 **DISPOSAL OF CHRI**

22 When CHRI is no longer needed, it shall be destroyed by burning, shredding, or other methods  
23 rendering the information unreadable. Record destruction shall be conducted under the supervision of  
24 the Director of Schools.

#### 25 **MISUSE**

26 Employees who misuse CHRI or violate this policy shall be subject to disciplinary action up to and  
27 including termination. Any employee with knowledge of misuse shall immediately report a violation to  
28 the Director of Schools.

---

**Legal References**

1. [TCA 49-5-413](#)
2. [TCA 49-5-406\(a\)\(1\)](#); [TCA 49-5-403](#);  
[TCA 49-5-413\(a\)\(2\), \(e\)](#)
3. [TCA 49-5-413\(f\)](#)
4. [TCA 49-5-413\(c\)](#)
5. [34 USCA § 40316](#)

**Cross References**

School Volunteers 4.501  
Application and Employment 5.106  
Substitute Teachers 5.701

## Document: Tenn. Code Ann. § 49-5-413

---

### Tenn. Code Ann. § 49-5-413

Copy Citation

Current through the 2024 Regular Session.

[Tennessee Code Table of Contents PAW- ET TABLE OF CONTENTS](#) [Title 49](#)  
[Education](#) [Chapter 5 Personnel](#) [Part 4 Employment and Assignment of Personnel](#)

#### **49-5-413.** Investigation of applicants for teaching or child care positions.

(a) Except as provided by subsection (f), and in addition to the requirements of § 49-5-406, a local board of education, charter school, or any child care program as defined in § 49-1-1102, shall require that prior to employment, and at least every five (5) years thereafter, any person applying for or holding a position as a teacher or any other position requiring proximity to school children or to children in a child care program to:

(1) Agree to the release of all investigative records to the board or child care program for examination for the purpose of verifying the accuracy of criminal violation information as required by § 49-5-406(a)(1)(A); and

(2) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation.

(b) Any retired teacher applying for a position as a teacher in accordance with title 8, chapter 36, part 8 shall not be required to comply with this section if the application is being made to the local board of education from which the teacher retired.

(c) Any reasonable costs incurred by the Tennessee bureau of investigation in conducting the investigation of an applicant shall be paid by the applicant the first time the applicant applies for a position with a local board of education or a child care program. The applicant shall be provided a copy of all criminal history records check documentation provided to the local board of education or child care program to which the applicant first applies. In lieu of additional criminal history records checks for subsequent applications, the applicant may submit copies of the applicant's initial criminal history records check documentation and shall not be required to pay any additional costs. Any local board of education or child care program may reimburse the applicant for the costs of the investigation if the applicant

accepts a position as a teacher or any other position requiring proximity to school children or children in a child care program. Any local board of education or child care program may establish a policy authorizing payments for investigations of an applicant who provides school maintenance, clean up, food service and other such functions other than administrative or teaching functions or duties. A local board of education or child care program may pay for an investigation of the applicant regardless of whether the applicant accepts an offer for employment with the board of education or child care program.

**(d)**

**(1)**

**(A)** Any person, corporation or other entity that enters into or renews a contract, or contracts with any person, corporation, or other entity that enters into or renews a contract, with a school, local board of education or child care program as defined in § 49-1-1102, on or after May 30, 2008, shall be required to comply with this subsection (d) if the contract requires:

**(i)** The person or an employee of the person, corporation or other entity to have direct contact with school children or to children in a child care program; or

**(ii)** The person or employee to have access to the grounds of a school or child care center when children are present.

**(B)** Any person, corporation or other entity that, on or after September 1, 2007, but prior to May 30, 2008, entered into or renewed an applicable contract or contracts with a school, local board of education or child care program as defined in § 49-1-1102, and the contract remains in effect on May 30, 2008, shall be governed by this subsection (d) as it existed prior to May 30, 2008. However, all parties to any such contract may agree to come within this subsection (d), even if the contracts were entered into or renewed prior to May 30, 2008.

**(2)**

**(A)** It is the duty of the person, corporation or other entity that employs a person described in subdivision (d)(1) to require the applicant to supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation prior to permitting the person to have contact with the children or enter school grounds.

**(B)** If the person, corporation or other entity is an out-of-state employer, the requirements of subdivision (d)(2)(A) are satisfied if the employer presents proof that a criminal history records check that is comparable to that required by subdivision (d)(2)(A) has been conducted on the employee described in subdivision (d)(1). To qualify as a comparable criminal history records check, it must include a fingerprint-based criminal history records check that is conducted by the federal bureau of investigation.

**(C)** Notwithstanding subdivision (d)(2)(A), a person, corporation or entity that, for one (1) employee, satisfies the requirements of this subsection (d) for one (1) school, one (1) local board of education or one (1) child care program shall be deemed to have satisfied the requirements for any other school, board of education or child care program, as long as the employee remains in the continuous employment of the same person, corporation or entity.

**(D)** Notwithstanding subdivision (d)(2)(A), a person, corporation or other entity that, for one (1) contract, satisfies the requirements of this subsection (d) shall be deemed to have satisfied the

requirements of this subsection (d) for any subsequent contract, as long as the employee servicing or working on that contract remains in the continuous employment of the same person, corporation or entity.

**(3)**

**(A)** No employer, or employee of the employer to whom this subsection (d) applies, shall come in direct contact with school children or with children in a child care program or enter the grounds of a school or child care center when children are present until the criminal history records check has been conducted on the person.

**(B)**

**(i)** No employer, or employee of the employer to whom this subsection (d) applies, shall come in direct contact with school children or with children in a child care program or enter the grounds of a school or child care center when children are present if the criminal history records check indicates that the employer or employee has ever been convicted of any of the following offenses, or the same or similar offense in any jurisdiction, including convictions for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to:

**(a)** A sexual offense or a violent sexual offense as defined in § 40-39-202;

**(b)** Any offense in title 39, chapter 13;

**(c)** Sections 39-14-301 and 39-14-302;

**(d)** Sections 39-13-1001 — 39-13-1004;

**(e)** Sections 39-15-401 and 39-15-402;

**(f)** Section 39-17-417;

**(g)** Section 39-17-1320; or

**(h)** Any other offense in title 39, chapter 17, part 13.

**(ii)** Notwithstanding subdivision (d)(3)(B)(i), an employer or employee of the employer to whom this subsection (d) applies, may come in direct contact with school children or with children in a child care program or enter the grounds of a school or child care center when children are present if the criminal history records check indicates that:

**(a)** The person was convicted of a misdemeanor offense;

**(b)** The misdemeanor conviction occurred more than ten (10) years preceding the date of application for employment; and

**(c)** The misdemeanor offense for which the person was convicted did not involve a minor.

**(C)**

**(i)** If an employee is convicted of any of the offenses in subdivision (d)(3)(B)(i) after the employer has conducted a criminal history records check on the employee, the employee shall notify the employer of the conviction within seven (7) days from the date of conviction.

**(ii)** An employee commits a Class A misdemeanor, punishable by fine only, who knowingly fails to disclose to the employer within seven (7) days as required under subdivision (d)(3)(C)(i) that the employee has been convicted of an offense specified in subdivision (d)(3)(B)(i).

**(4)** This subsection (d) shall only apply if the employer or employee of the employer comes in direct contact with school children, children in a child care program or enters the grounds of a school or child care center when children are present during the ordinary course of performing a function required or permitted by the terms of the contract. Any action involving direct contact or entry by an employee that is outside the ordinary course of performing a function required or permitted by the terms of the contract shall not in any way be deemed to be authorized or approved by the employer and the employer shall not in any way be deemed to be liable for the contact or entry, vicariously or otherwise. However, nothing in this subsection (d) shall authorize contact or entry by an employer or employee of the employer if contact or entry is prohibited by any other law; provided, that, with respect to the contact or entry, the person, corporation or other entity that employs a person described in subdivision (d)(1) shall not in any way be deemed to be liable, vicariously or otherwise, for any actions taken by the employee, unless the employer has actual knowledge that the other law prohibits contact or entry by an employee.

**(5)**

**(A)** This subsection (d) shall not apply to:

**(i)** Government personnel engaged in law enforcement, medical or emergency health services;

**(ii)** Utility personnel, where utility means any entity created or authorized by law to provide electricity, gas, water, wastewater services or telecommunications services or any combination of these services;

**(iii)** Delivery or pick-up service providers where those services involve only scheduled visits under the supervision of school personnel; or

**(iv)** A person whose contract is for the performance of a service at a school-sponsored activity, assembly, or event at which school officials or employees are present when the service is performed and where the activity, assembly, or event is conducted under the supervision of school officials or employees; provided, however, that this exception shall not apply to persons engaged or contracted to referee or officiate an interscholastic athletic event unless said person has undergone a satisfactory background check as a condition of registration for work as an official for interscholastic athletic contests.

**(B)** Nothing in this subsection (d) shall be construed to prevent any person, corporation or other entity that employs a person described in subdivision (d)(1) from directly receiving, upon payment of the appropriate fee, information indicating whether the employee meets or does not meet the criteria set out in this subsection (d).

**(e)**

**(1)** The department of education, the state board of education, local boards of education, public charter schools, and LEAs shall not hire or retain, and the state board of education shall not grant a license, reactivate an expired license, restore a revoked license, or grant a temporary teaching permit to, an individual found by the department of children's services to have committed child abuse, severe child abuse, child sexual abuse, or child neglect pursuant to title 37. The department of children's services shall not report an individual or employee as a perpetrator unless the department of children's services has first determined that the due process rights of the individual or employee were either offered but not accepted or fully exhausted or concluded, pursuant to the department of children's services rules and pursuant to state and federal law.

**(2)** Any individual who is currently employed with, or has been conditionally offered employment with, the department of education, the state board of education, any local board of education, public charter school, or any LEA, and has ever been found by the department of children's services to have committed child abuse, severe child abuse, child sexual abuse, or child neglect, shall be offered due process rights. Once the due process rights of the individual or employee have either been offered but not accepted, or have been fully concluded and the finding upheld, the department of children's services shall disclose such finding to the department of education, the state board of education, local board of education, public charter school, or LEA.

**(3)** If an individual is currently employed with, or has been conditionally offered employment with, the department of education, the state board of education, any local board of education, public charter school, or any LEA, and the department of children's services has ever found the individual to have committed child abuse, severe child abuse, child sexual abuse, or child neglect, but the due process rights of the individual or employee have not yet been offered or are still pending, the department of children's services shall conduct an emergency file review to determine if the individual poses an immediate threat to the health, safety, or welfare of children. If the emergency file review results in a finding that the individual poses an immediate threat to the health, safety or welfare of children, the department of children's services shall disclose the threat to the department of education, the state board of education, local board of education, public charter school, or LEA.

**(4)** If an individual is currently employed with, or has been conditionally offered employment with, the department of education, the state board of education, any local board of education, public charter school, or any LEA, and the department of children's services has commenced an investigation of the individual that has not yet been concluded, the department of children's services shall conduct an emergency file review to determine if the individual poses an immediate threat to the health, safety, or welfare of children. If the emergency file review results in a finding that the individual poses an immediate threat to the health, safety or welfare of children, the department of children's services shall disclose the threat to the department of education, the state board of education, local board of education, public charter school, or LEA.

**(5)** If due process proceedings have been stayed due to a pending criminal charge against an individual who is currently employed or has been conditionally offered employment by the department of education, the state board of education, any local board of education, public charter school, or any LEA, the department of children's services shall notify the department of education, the state board of education, local board of education, public charter school, or LEA of the pending criminal charge.

**(6)** The department of education, the state board of education and the department of children's services, in consultation, shall develop a procedure whereby local boards of education, public charter schools, or LEAs may submit to the department of children's services the names of current employees and individuals who have been conditionally offered employment with the local board of education, public charter school, or LEA, to determine if the employee or individual has been found by the department of children's services to have committed child abuse, severe child abuse, child sexual abuse, or child neglect, or to pose an immediate threat to the health, safety, or welfare of children. Upon submission by

the local board of education, public charter school, or LEA of the names of current employees and individuals who have been conditionally offered employment, the department of children's services shall timely provide the local board of education, public charter school, or LEA with the information in subdivisions (e)(2)-(5).

**(7)** The department of education, the state board of education, local boards of education, public charter schools, and LEAs shall not hire or retain, and the state board of education shall not grant a license, reactivate an expired license, restore a revoked license, or grant a temporary teaching permit to, an individual whose name has been placed on the state's vulnerable person's registry, the state's sex offender registry, or on registry similar to this state's vulnerable person's registry or this state's sex offender registry in another jurisdiction.

**(8)** The department of children's services shall have authority to promulgate as emergency rules the procedures described in subdivisions (e)(2)-(5) and shall promulgate such rules within sixty (60) days of May 14, 2013.

**(f)** Upon Tennessee's acceptance into the federal bureau of investigation rap back program, local boards of education, charter schools, and any child care programs, as defined in § 49-1-1102, shall conduct state and national criminal history record checks on the personnel identified in subsection (a) and shall participate in the rap back program to determine suitability or fitness for employment. Local boards of education, charter schools, and child care programs shall notify applicants and employees who are subject to a criminal history record check pursuant to this section that the Tennessee bureau of investigation may charge a reasonable fee for the criminal history record checks performed and that applicant and employee fingerprints will be retained by the Tennessee bureau of investigation and the federal bureau of investigation for all purposes and uses authorized for fingerprint submissions. The criminal history record check shall include the submission of fingerprints to:

**(1)** The federal bureau of investigation for a national criminal history record check; and

**(2)** The Tennessee bureau of investigation for a state criminal history record check that shall include nonconviction data.

**(g)** Each local board of education and each governing body of a charter school shall adopt a policy governing background check procedures for contract workers and volunteers. Upon Tennessee's acceptance into the federal bureau of investigation rap back program, local boards of education, charter schools, and any child care program, as defined in § 49-1-1102, may require state and national criminal history record checks to be conducted on contract workers and school volunteers, and may participate in the rap back program, for the purpose of determining suitability or fitness for contract workers and volunteers to work with children or to be on school grounds when children are present.

## History

---

Acts 1993, ch. 350, § 1; 1996, ch. 843, §§ 2, 3; 1999, ch. 480, §§ 1, 2; 2000, ch. 903, § 3; 2000, ch.

981, § 50; 2007, ch. 587, § 1; 2008, ch. 1080, §§ 1-5; 2013, ch. 177, § 1; 2013, ch. 381, § 2; 2014, ch. 844, § 1; 2016, ch. 710, § 1; 2018, ch. 1006, §§ 1, 2; 2021, ch. 417, §§ 1, 2; 2021, ch. 545, § 17; 2023, ch. 222, §§ 1-4.

TENNESSEE CODE ANNOTATED

Copyright © 2025 by The State of Tennessee All rights reserved

**Content Type:** Statutes and Legislation

**Terms:** 49-5-413

**Narrow By:** custom: custom Sources: Tennessee Code Table of Contents PAW- ET TABLE OF CONTENTS

**Date and Time:** Jan 15, 2025 02:42:49 p.m. EST



[Print](#)

[Cookie Policy](#)

[Terms & Conditions](#)