



Tuesday, February 11, 2025
Kingsport City Schools Board of Education Regular Meeting - 6:00 PM

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

1. **CALL TO ORDER**
 - 1.1. Pledge of Allegiance (Jimmy Taylor)
 - 1.2. Additions to and/or Acceptance of the Agenda (Mrs. Melissa Woods)
2. **RECOGNITIONS**
 - 2.1. Valoria Magdziuk - Tennessee STEM Innovation Network (TSIN) Battelle Education Poetry Coding Contest 7th Grade Winner (Mr. Todd Golden)
 - 2.2. Dobyms-Bennett High School Unified Bowling Team (Dr. Brandon Fletcher)
 - 2.3. United States Presidential Scholars Program National Level Students (Mrs. Jamie Jackson)
3. **PUBLIC COMMENT** (Mrs. Melissa Woods)
4. **CONSENT AGENDA**
 - 4.1. Personnel Considerations (Mrs. Jennifer Guthrie)
 - 4.2. Approval of Minutes (Mrs. Melissa Woods)
 - 4.3. Approval to Award Vendors for Photography Services for Kingsport City Schools (Mr. David Frye)
 - 4.4. Approval of Polices on First Reading (Dr. Andy True)
5. **BUSINESS ITEMS**
 - 5.1. Approval to Purchase a 24-Passenger Activity Bus for Dobyms-Bennett Activities (Dr. Brian Tate)
 - 5.2. Approval to Award E-Rate Mini-Bid to Personal Computer Systems (Mr. Andy Arnold)
6. **TIME AND DATES OF MEETINGS**
 - 6.1. February 25, 2025 - BOE Work Session (6:00 PM)
 - 6.2. March 11, 2025 - BOE Regular Monthly Meeting (6:00 PM)
 - 6.3. April 8, 2025 - BOE Regular Monthly Meeting (6:00 PM)
 - 6.4. April 22, 2025 - BOE Work Session (6:00 PM)
7. **ADJOURNMENT**

Kingsport City Schools Board of Education Regular Meeting Minutes January 14, 2025

The Kingsport City Schools Board of Education Regular Meeting was held on January 14, 2025, in the Administrative Support Center, Tennessee Room (3rd Floor) at 6:00 p.m. The following Board of Education members were in attendance.

Dr. Brandon Fletcher (Vice President):	Present
Todd Golden:	Absent
Jamie Jackson:	Present
Dr. Phillip Marshall:	Present
Melissa Woods (President):	Present

1. CALL TO ORDER

Mrs. Melissa Woods, Board President, called the meeting to order at 6:00 p.m.

1.1. Pledge of Allegiance (Jack and Stella Marshall)

Johnson Elementary School students Jack and Stella Marshall led the Board of Education and the audience in the Pledge of Allegiance. Jack is in 1st Grade and Stella is a 4th grader.

1.2. Additions to and/or Acceptance of the Agenda (Mrs. Melissa Woods)

A motion was made by Dr. Phillip Marshall to approve the agenda as presented. The motion carried by a vote of Yea: 4, Nay: 0.

2. RECOGNITIONS

2.1. Dobyms-Bennett High School Dual Enrollment Fall 2024 Graduates from Northeast State Community College (Dr. Brandon Fletcher)

Dr. Brandon Fletcher, Board Vice President, recognized eight Dobyms-Bennett High School students who graduated from a certificate program at Northeast State Community College in December 2024. The list of students and type of certificate each earned is as follows:

- Nathan Amburey, Auto Body Certificate
- Alyson Burke, Industrial Operations Certificate
- Parker DeFord, Industrial Operations Certificate
- Ethan Dinsmore, Combination Welding Certificate
- Jacob Lane, Combination Welding Certificate
- Grant Liverman, Combination Welding Certificate
- Preston McMullins Combination Welding Certificate
- Noah Parks, Industrial Operations Certificate

2.2. Aliezah Robinson, Dobyms-Bennett High School All-State Athlete in Girls Golf (Mrs. Jamie Jackson)

Mrs. Jamie Jackson recognized Aliezah Robinson, an 11th grader at Dobyons-Bennett High School, for finishing 6th as an individual in the Girls' Golf State Tournament and being named All-State. The 2024 Class AA Girls' Golf Championship was held at the Sevierville Golf Club, Highland Course, in Sevierville, TN on October 10-11, 2024. The top ten players were named All-State.

2.3. Dobyons-Bennett High School Band Program (Mrs. Melissa Woods)

Mrs. Woods recognized the Dobyons-Bennett High School Marching Band for recently placing 10th in the 2024 Bands of America Grand National Finals, which took place in Indianapolis, IN on November 16, 2024. The band is a 5-time Bands of America Grand National Finalist and the 2018, 2021, and 2022 Class AAA National Champion.

2.4. Dr. Kelley Harrell - 2024-25 State of Tennessee Principal of the Year (Dr. Phillip Marshall)

Dr. Phillip Marshall recognized Dr. Kelley Harrell, principal of Adams Elementary School, for being named the 2024-25 State of Tennessee Principal of the Year. The Tennessee Department of Education (TDOE) made the announcement during the TDOE's annual Excellence in Education celebration in Nashville on December 6, 2024. The Tennessee Principal of the Year award is awarded annually to a school leader for outstanding service in education and exceptional leadership that drives overall improvements in his or her school.

3. **PUBLIC COMMENT ON AGENDA ITEMS** (Mrs. Melissa Woods)

Mr. Bill McClure, community member, expressed opposition to the Education Freedom Act Scholarship/School Voucher bills being considered by state legislators.

4. **CONSENT AGENDA**

4.1. Personnel Considerations (Mrs. Jennifer Guthrie)

4.2. Approval of Minutes - December 10, 2024 BOE Regular Monthly Meeting (Mrs. Melissa Woods)

4.3. Approval of Banking Resolution (Mr. David Frye)

4.4. Acceptance of Donations (Mr. David Frye)

5. **BUSINESS ITEMS**

5.1. Approval of Tenure Recommendations (Mrs. Jennifer Guthrie)

Mrs. Jennifer Guthrie, Chief Human Resources Officer, reviewed the tenure criteria that teachers are required to meet in order to be eligible for tenure. She reported 18 Kingsport City Schools educators met the requirements for tenure at the end of the 2023-24 school year based on their length of service and Level of Effectiveness (LOE) scores.

The list of educators recommended and approved for tenure is as follows:

- Lindsay Carpenter - Adams Elementary School
- Alana Street - Adams Elementary School
- Konley Smith - Administrative Support Center
- Nathan Bailey - Dobyys-Bennett High School
- Candace Burchfield - Dobyys-Bennet High School
- Charles Rhoton - Dobyys-Bennett High School
- James Scales - Dobyys-Bennett High School
- Patti Denmark - Dobyys-Bennett High School
- Stephanie Strickler - Dobyys-Bennett High School
- Kailin Toney - Dobyys-Bennett High School
- Phillip Trammell - Jackson Elementary School
- Keshia Ryan - Jackson Elementary School
- Sarah Pearman - System-Wide Special Education
- Hannah Hughes - Johnson Elementary School
- Robert Ramsey - Johnson Elementary School
- Tonya Warner - Roosevelt Elementary School
- Summer Hughes - Washington Elementary School
- Mitch Carter - Robinson Middle School

A motion was made by Jamie Jackson and seconded by Dr. Brandon Fletcher (Vice President) to approve the recommended list of educators for tenure. The motion carried by a vote of Yea: 4, Nay: 0.

5.2. Kingsport City Schools Board of Education Resolution Opposing the Education Freedom Act Scholarship/School Vouchers (Mrs. Melissa Woods)

Mrs. Woods read aloud the proposed resolution of the Kingsport City Schools Board of Education opposing the Education Freedom Act. She reported the resolution would be sent to local legislators and recommended the resolution also be sent to all legislators across the state. Dr. Chris Hampton, KCS Superintendent of Schools, indicated he would write a letter to accompany the resolution and email the information to all legislators across Tennessee. Information regarding the resolution will also be posted on the KCS website.

Mrs. Woods shared that the Board hosted a productive meeting with local legislators on Thursday, January 9, 2025, with five legislators in attendance. Four of the local legislators were unable to attend the meeting. The purpose of the meeting was to protect and advocate for public schools. She encouraged the public to reach out to local legislators with their desire for the Education Freedom Act not to pass during the upcoming Special Legislative Session in Nashville beginning on January 27, 2025.

Board members expressed concern over this bill being connected with other funding related to disaster relief, lack of student education support and opportunities at private schools, and taxpayer dollars being pulled away from

public education to fund admission costs to private schools through vouchers. Mrs. Woods stated that Mr. Golden was out of town attending a work event, but had previously expressed his opposition to this voucher bill.

Dr. Hampton reported he had individual conversations with each board member and thanked them for supporting public education. He noted it was an honor to work for and with them.

A motion was made by Dr. Phillip Marshall and seconded by Jamie Jackson to approve a resolution opposing the Education Freedom Act Scholarship/School Vouchers bill. The motion carried by a vote of Yea: 4, Nay: 0.

6. TIME AND DATES OF MEETINGS

- 6.1. January 21, 2025 - BOE Work Session (6:00 PM)
- 6.2. January 28, 2025 - Buck Van Huss Dome Reopening Dedication
- 6.3. February 11, 2025 - BOE Regular Monthly Meeting (6:00 PM)
- 6.4. February 25, 2025 - BOE Work Session (6:00 PM)

7. ADJOURNMENT

Mrs. Woods adjourned the meeting at 6:43 p.m.

Mrs. Melissa Woods, Board President

Vivian L. Altizer, Board Secretary



TO: Board of Education
Dr. Chris Hampton, Superintendent

FROM: David J. Frye, Chief Finance Officer DJF

DATE: February 11, 2025

SUBJECT: Recommendation for Photography Services RFP

A Request for Proposal for school photography services was published on December 14, 2024. The proposals were opened on January 15, 2025. School principals evaluated the proposals.

As a result, the administration desires to enter contracts with Lifetouch for Sevier Middle School and Dobyys-Bennett High School photography and Photogenius for Palmer Center, Adams Elementary School, Jackson Elementary School, Jefferson Elementary School, Johnson Elementary School, Kennedy Elementary School, Lincoln Elementary School, Roosevelt Elementary School, Washington Elementary School and Robinson Middle School photography.

It is recommended that the Board of Education approve a motion to enter agreements with these vendors.

MINUTES
BID OPENING
January 15, 2025
4:00 PM

Present: Sandra Sloan, Asst. Procurement Manger Schools; Nikisha Eichmann Asst. Procurement Manager

The Bid Opening was held in Conference Room 436, 4th Floor, City Hall.

The Procurement Manager opened with the following proposals:

PHOTOGRAPHY SERVICES FOR KINGSPORT CITY SCHOOLS
Life Touch
Photogenius
Nationwide Studios, Inc. dba. Legacy Studios
Strawbridge Studios

KINGSPORT BOARD OF EDUCATION POLICY RECOMMENDATIONS

For: Consideration for Adoption

February 11, 2025 - Board of Education Meeting

Revised Policies considered for adoption on 1st Reading

REVISED POLICY – 1st 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 – 1st 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: Review: Annually, in November	Descriptor Term: Promotion and Retention	Descriptor Code: 4.603	Issued Date: 11/12/24
		Rescinds: 4.603	Issued: 10/11/22

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.¹

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:²

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).^{3,4}

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:⁵

- 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.¹¹

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 **RETENTION⁵**

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 – General⁶*

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***⁷

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*⁷

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*⁸

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**^{4,9}

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.¹⁰

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: Review: Annually, in December	Descriptor Term: Promotion and Retention	Descriptor Code: 4.603	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.¹

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

- 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;³
- 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 1st deadline if the delay in identifying a
24 student is due to:⁴

- 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 RETENTION⁵**

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 PLANS⁶**

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.⁷

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.⁸

33 **RETENTION⁷**

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 – General⁹*

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*¹⁰

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*¹⁰

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*¹¹

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^{8,12}

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.¹³

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 (RTI²) 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 (RTI²) 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 (5th) grade and receives tutoring for the entirety of the upcoming school year. Fifth (5th) grade tutoring requirements shall be established by the Department; or
 - (ii) Retained in the fourth (4th) 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: Review: Annually, in January	Descriptor Term: Background Investigations	Descriptor Code: 5.118	Issued Date: 06/09/20
		Rescinds: 5.118	Issued: 11/12/19

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.¹ 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.⁵ 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.² 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.³**

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

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.¹~~

23 **USE AND DISSEMINATION**

24 Fingerprints or other approved forms of positive identification shall be submitted with all requests for
25 criminal history record checks for non-criminal justice purposes.⁴ 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: Review: Annually, in January	Descriptor Term: Background Investigations	Descriptor Code: 5.118	Issued Date:
		Rescinds:	Issued:

1 *General*

2 Background checks shall be required for applicants, employees, contract workers, and volunteers.¹
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.²

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.³ 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.⁴

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

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.⁵ 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

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TO: Board of Education
Dr. Chris Hampton, Superintendent

FROM: David J. Frye, Chief Finance Officer DJF

DATE: February 11, 2025

SUBJECT: Recommendation Purchase of One 24-Passenger Activity Bus

The administration recommends the purchase of one 24-passenger activity bus for Dobyms-Bennett Activities utilizing Sourcewell Contract Number 063020-BBB through Central States Bus Sales, Inc. The total cost is \$124,978.00.

Dobyms-Bennett Activities currently has one mini bus. This purchase will be an addition to the fleet.

With Sourcewell, agencies can utilize competitively solicited contracts to help save time and resources while still meeting purchasing requirements. All cooperative purchasing contracts from Sourcewell have been competitively solicited by a lead public agency and meet rigorous cooperative standards and supplier commitments. Each supplier commits to delivering their best overall government pricing so that the City of Kingsport can buy with confidence.

Funding will be from Dobyms-Bennett Activities account.



January 20, 2025

Mr. Steve Leonard, Fleet Manager
City of Kingsport
625 West Industry Drive
Kingsport, TN 37664

Dear Mr. Leonard:

Per our conversation, we are providing a quote for a 24-passenger plus driver Multi-Functional School Activity Bus. As the bus has disc brakes, the driver will not be required to have an air brake endorsement. This bus will meet all FMVSS and State requirements for the transportation of school children, and it is equipped with three-point seat belts for every passenger.

Please note, this bus is not designed for school bus route transportation like your yellow and black route buses. To be clear, the bus does meet Federal and State guidelines for transporting school children to and from school and for school related events but cannot “stop traffic” and will not be equipped with warning lights, a stop arm or a crossing arm.

If you should have any questions regarding the quote, pricing or production time please feel free to call Ryan or me at any time.

Regards,

Chuck Harvill

Chuck Harvill
General Manager

CH/sm



Central States Bus Sales, Inc.

303 Business Park Drive, Lebanon TN 37090
615-466-5040 • FAX: 615-466-5045 • 877-307-0322
www.centralstatesbus.com

Sourcewell QUOTE

Sourcewell Contract Number 063020-BBB

SUBMITTED TO: City of Kingsport
625 West Industry Drive
Kingsport, Tennessee 37066

BUS TYPE, YEAR, MODEL: 24 Passenger, 2025 Micro Bird G5
Type A, Gas-Powered Activity Bus

BID PRICE: One (1) unit at \$124,978.00

BID SUBMITTED BY: Central States Bus Sales, Inc.
303 Business Park Drive
Lebanon, TN 37090

State Dealer License # 14796 Federal ID #: 43-1051799

Contact Name: Ryan Blake Sales Manager Phone Number: 615-466-5040

Signature: Ryan Blake

Date: January 14, 2025

We sincerely appreciate your business!



January 14, 2025

Mr. Steve Leonard
City of Kingsport
625 West Industry Dr
Kingsport, Tennessee 37660

Dear Mr. Leonard:

Per our conversation, we are currently under contract with Sourcewell for the purpose of supplying Blue Bird buses throughout the State of Tennessee. Using the Sourcewell published pricing, we can provide you with one (1) 24-passenger Micro Bird, Type A gas-powered activity bus at \$124,978.00. Delivery is estimated to be in approximately 12-15 months after receipt of a purchase order.

All you need to do to finalize the transaction is to issue a purchase order to us for the amount stated above and reference the Sourcewell contract number 063020-BBB. We will then order the bus through Sourcewell and provide any documentation necessary to finalize the order.

Regards,

Ryan Blake
Sales Manager

RB/sm



TO: Board of Education
Dr. Chris Hampton, Superintendent

FROM: Andy Arnold, Chief Technology Officer

DATE: February 11, 2025

SUBJECT: Recommendation to Award the E-rate Mini-Bid to Personal Computer Systems

The administration recommends utilizing Tennessee statewide contract 68613 with Personal Computers Systems, Inc. to enter into an agreement to purchase internal connections and basic maintenance of those connections for FY 2025-2026.

Kingsport City Schools benefit from the use of state contracts with the confidence we are receiving competitive pricing and knowing the products awarded have already been through the procurement process of the State of Tennessee Central Procurement Office. Also, utilizing state procurement agreements often leads to increased efficiency by decreasing the amount of time it takes from requisition entry to product receipt.

Agreement is contingent upon receiving E-rate funding, Board of Education approval, and Board of Mayor and Aldermen approval.



ERATE 2025

Quote #221783 v1



Prepared For:
City of Kingsport
 Andy Arnold
 400 CLINCHFIELD ST
 KINGSPORT, TN 37660
 P: 4233782100
 E: ayarnold@k12k.com

Prepared by:
Headquarters
 Cathy Young
 1720 Topside Road
 Louisville, TN 37777
 P: 865.273.1960
 E: cyoung@pcsknox.com

Date Issued:
02.03.2025
 Expires:
04.01.2025

Internal Connections FY2025

Description	Price	Qty	Ext. Price
N201-001-BL Eaton Tripp Lite Series Cat6 Gigabit Snagless Molded (UTP) Ethernet Cable (RJ45 M/M), PoE, Blue, 1 ft. (0.31 m) - 1 ft Category 6 Network Cable for Network Device, ATM - First End: 1 x RJ-45 Network - Male - Second End: 1 x RJ-45 Network - Male - 1 Gbit/s	\$2.00	48	\$96.00
N062-024-KJ-SH Tripp Lite by Eaton 24-Port 1U Rack-Mount Shielded Blank Keystone/Multimedia Patch Panel, RJ45 Ethernet, USB, HDMI, Cat5e/6 - 24 Port(s) - 1U High - Black - 19" Wide - Rack-mountable	\$28.00	2	\$56.00
N238-025-WH Eaton Tripp Lite Series Cat6/Cat5e 110 Style Punch Down Keystone Jack - White, 25-Pack, TAA - 25 Pack - 1 x RJ-45 Network Female - White - TAA Compliant	\$62.00	2	\$124.00
PDU1220 Eaton Tripp Lite Series 2.4kW Single-Phase 120V Basic PDU, 13 NEMA 5-15/20R Outlets, NEMA 5-20P Input, 15 ft. (4.57 m) Cord, 1U Rack-Mount - 13 x NEMA 5-20R - 20 - 1U 19" Rack-mountable, Zero U	\$144.00	1	\$144.00
SRWF4U36 Eaton Tripp Lite Series SmartRack 4U Low-Profile Vertical-Mount Server-Depth Wall-Mount Rack Enclosure Cabinet - For Patch Panel, Server - 4U Rack Height x 19" Rack Width - Wall Mountable - Black - Steel - 150 lb Maximum Weight Capacity - 149.91 lb Static	\$488.00	1	\$488.00
LABOR-WIRING LABOR-WIRING Services Installation of Rack and Components Labor-Wiring Services - Cabling/Wiring	\$1,078.00	2	\$2,156.00
LABOR-WIRING LABOR-WIRING Services Cat 6 Cable per 1000 ft. Labor-Wiring Services - Cabling/Wiring	\$362.00	14	\$5,068.00
LABOR-WIRING LABOR-WIRING Services Installation of cabling for Access Points Labor-Wiring Services - Cabling/Wiring	\$275.00	53	\$14,575.00
LABOR-WIRING LABOR-WIRING Services Fiber Cable per 1000 ft. Labor-Wiring Services - Cabling/Wiring	\$1,897.00	1	\$1,897.00
LABOR-WIRING LABOR-WIRING Services Installation of fiber optic cabling Labor-Wiring Services - Cabling/Wiring	\$1,419.00	1	\$1,419.00
AH-ACC-BKT-AX-TB Aerohive Mounting Bracket for Wireless Access Point	\$12.50	10	\$125.00
AP305C-FCC Extreme Networks ExtremeWireless AP 305C Dual Band IEEE 802.11 a/b/g/n/ac/ax 1.73 Gbit/s Wireless Access Point - Indoor - 2.4 GHz, 5 GHz - 4 x Internal Antenna(s) - Internal - MIMO Technology - 1 x Network (RJ-45) - Gigabit Ethernet - Bluetooth 5 - 11.28	\$277.00	37	\$10,249.00



Internal Connections FY2025

Description	Price	Qty	Ext. Price
AP410C-FCC Extreme Networks ExtremeWireless AP410C Dual Band 802.11ax 7.20 Gbit/s Wireless Access Point - Indoor - 2.40 GHz, 5 GHz - 6 x Internal Antenna(s) - Internal - MIMO Technology - 2 x Network (RJ-45) - Gigabit Ethernet, 2.5 Gigabit Ethernet - Bluetooth 5 - 1	\$469.00	2	\$938.00
Service - Fixed Fee PS Service - Fixed Fee PS Installation and Configuration of WAP Fixed fee labor for professional services or project work.	\$50.00	39	\$1,950.00
ACC-MBO-KT-AX Extreme Networks Mounting Bracket for Mounting Bracket, Network Device, Wireless Access Point - 1	\$44.00	3	\$132.00
AH-ACC-BKT-ASM Aerohive Mounting Bracket for Wireless Access Point	\$23.00	8	\$184.00
MBO-ART03 Extreme Networks Mounting Bracket for Wireless Access Point	\$117.00	3	\$351.00
AH-ACC-STRP-MRN Aerohive Pole Mount for Network Device, Wireless Access Point - 1	\$9.00	20	\$180.00
AP460S12C-FCC Extreme Networks ExtremeWireless AP460S12C Dual Band 802.11ax 5.25 Gbit/s Wireless Access Point - Outdoor - 2.40 GHz, 5 GHz - 6 x Internal Antenna(s) - Internal - MIMO Technology - 2 x Network (RJ-45) - 2.5 Gigabit Ethernet, Gigabit Ethernet - Bluetooth 5	\$578.00	1	\$578.00
AP460S6C-FCC Extreme Networks ExtremeWireless AP460S6C 802.11ax 5.25 Gbit/s Wireless Access Point - 2.40 GHz, 5 GHz - 7 x Internal Antenna(s) - MIMO Technology - 2 x Network (RJ-45) - 2.5 Gigabit Ethernet, Gigabit Ethernet - Bluetooth 5 - 15.23 W - Pole-mountable	\$578.00	19	\$10,982.00
Service - Fixed Fee PS Service - Fixed Fee PS Installation and Configuration of Outdoor WAP Fixed fee labor for professional services or project work.	\$120.00	20	\$2,400.00
XCIQ-PT0-C-EW-3YR-K12 Extreme Networks ExtremeCloud IQ Pilot + 3 Years ExtremeWorks SaaS Support - Right-To-Use Subscription License - 1 License - 3 Year - Academic New Licenses	\$204.00	59	\$12,036.00
XCIQ-PT0-C-EW-3YR-K12 Extreme Networks ExtremeCloud IQ Pilot + 3 Years ExtremeWorks SaaS Support - Right-To-Use Subscription License - 1 License - 3 Year - Academic Renewal Licenses	\$292.00	326	\$95,192.00
XCIQ-PT1-C-EW-3YR-K12 Extreme Networks ExtremeCloud IQ Pilot + ExtremeWorks SaaS Support - Right-To-Use Subscription License - 1 License - 3 Year - Price Level 1 - K-12 School, Volume	\$171.00	254	\$43,434.00
XCIQ-PT055-C-EW-3YK12 EXTREMECLOUD IQ PILOT 5500 TIER 0 FOR 3YR CLOUD SUBSCRIPTION WITH EXTREMEWORKS EXTREMEWORKS TAC OS (US K-12)	\$778.00	16	\$12,448.00
SMART1000RM1U N Tripp Lite by Eaton SmartPro 120V 1kVA 800W Line-Interactive Sine Wave UPS, 1U Rack/Vertical, WEBCARDLX Network Interface, USB, DB9, 6 Outlets - 1000 VA/800 W - 120 V AC - 4 Minute Stand-by Time - 1U Rack-mountable - 6 x NEMA 5-15R	\$1,216.00	1	\$1,216.00
SMART2200RM2U N Eaton Tripp Lite Series SmartPro 1950VA 1950W 120V Line-Interactive Sine Wave UPS - 7 Outlets, Extended Run, Network Card Included, LCD, USB, DB9, 2U Rack/Tower - 1950VA/1950W - 120 V AC - 4.50 Minute - 2U Rack-mountable - 4.50 Minute - 4 x NEMA 5-15R, 4	\$1,643.00	2	\$3,286.00
SU3000RTXLCD2U N Eaton Tripp Lite Series SmartOnline 3000VA 2700W 120V Double-Conversion UPS - 7 Outlets, Extended Run, Network Card Included, LCD, USB, DB9, 2U Rack/Tower - 2U Rack-mountable - 4.10 Minute Stand-by - 120 V AC Input - 100 V AC, 110 V AC, 115 V AC, 120 V AC	\$2,812.00	4	\$11,248.00



Internal Connections FY2025

Description	Price	Qty	Ext. Price
Service - Fixed Fee PS Service - Fixed Fee PS Installation and Configuration of UPS Fixed fee labor for professional services or project work.	\$300.00	7	\$2,100.00
SRWALLBRKT4U Eaton Tripp Lite Series SmartRack 4U Vertical Wall-Mount Rack Bracket - Black	\$87.00	2	\$174.00
LABOR-WIRING LABOR-WIRING Services Installation of Racks and Components Labor-Wiring Services - Cabling/Wiring	\$250.00	2	\$500.00
Service - Fixed Fee PS Service - Fixed Fee PS Miscellaneous Installation and Configuration. Travel, AP Labeling, Lift Rental Fixed fee labor for professional services or project work.	\$120.00	24	\$2,880.00
Subtotal:			\$238,606.00

Quote Summary	Amount
Internal Connections FY2025	\$238,606.00
Total:	\$238,606.00

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Acceptance	
<p>Headquarters</p> <p><u>C. Young</u></p> <p>Cathy Young _____ Signature / Name</p> <p>02/03/2025 _____ Date</p>	<p>City of Kingsport</p> <p>Andy Arnold _____ Signature / Name</p> <p style="text-align: right;">Initials</p> <p>_____ Date</p>

**Tennessee Educational Broadband Consortium
Multiple Schedule/State Master Contract
Order Form**

This agreement ("Agreement") is entered into between **City of Kingsport for its Kingsport City Schools** ("Customer") and **Personal Computer Systems, Inc** ("Service Provider"), for **E-Rate Category 2 purchases**. For good and valuable consideration, including the mutual promises contained herein, Customer orders from the Service Provider the services identified below and/or in Attachment A to this Agreement ("Service"). Customer and Service Provider agree that the Service shall be provided pursuant to the rates, charges, terms, and conditions set forth in **TEBC 68613** ("Master Contract").

Service Ordered by Customer:

IDENTIFY REQUESTED SERVICE(S) HEREIN AND/OR IN ATTACHMENT A

The selected Service period is **July 1, 2025 – Sept 30, 2026**. Unless otherwise agreed upon in writing, the Service period shall commence upon Service installation.

Requested Service Commencement Date(s): TBD

If this Agreement is cancelled or terminated prior to Service Installation, cancellation charges will apply as set forth in the Master Contract (if applicable).

Customer may seek Universal Service Fund funding pursuant to the rules and regulations associated with the E-Rate program. Agreement is contingent upon receiving E-Rate Funding. Customer may opt to proceed with purchase in the absence of E-Rate funding, but this Agreement may be voided if E-Rate funding is not received. This Agreement is contingent upon Kingsport City School Board of Education approval, Kingsport Board of Mayor and Alderman approval, and issuance of a Purchase Order.

Customer further warrants and represents that Customer is authorized to enter into this Agreement and to order Service pursuant to the Master Contract. There are no other terms and conditions allowed pursuant to this agreement other than those present in the underlying Master Contract. Customer further warrants and represents that this Agreement complies with all applicable procurement laws and/or requirements.

This Agreement is effective when executed by Customer. Submission of a quote at the request of the customer constitutes the Service Provider's intent to proceed upon acceptance of the Customer. This Agreement is subject to and controlled by the provisions of the Master Contract, including any amendments as may be made from time to time.

Customer Name:

Print Name: City of Kingsport for its Kingsport for its Kingsport City Schools

By: _____

Title: _____

Date: _____

Accepted by: Personal Computer Systems, Inc

Print Name: Personal Computer Systems, Inc

By: Jeremy Waller

Title: President

Date: 02/03/2025

ATTACHMENT A

Quantity

Name of Product or Service

PCS Quote # 221783