

CUMBERLAND COUNTY BOARD OF EDUCATION
REGULAR MEETING
May 2, 2019

The Cumberland County Board of Education met in regular session on May 2, 2019 in the Central Services Board Room where the meeting was called to order by Chairman Blalock at the approximate hour of 4:00 PM.

PRESENT:

ABSENT:

COUNSEL:

1. Call to Order - Mr. Josh Stone

2. Moment of Silence / Pledge of Allegiance - Mr. Josh Stone

3. Approval of Committee Minutes

4. Policy 4.301 Interscholastic Athletics

5. Policy 5.803 Evaluation of the Director of Schools

6. Policy 5.303 Personal and Professional Leave

7. Policy 5.304 Long-Term Leave of Absence for Professional Personnel

8. Other Discussion

9. Adjournment

**Policy Committee Meeting
March 6, 2019
Central Services Board Room**

The Policy Committee met on Wednesday March 6, 2019, in the Central Services Board Room where Mr. Josh Stone called the meeting to order at the approximate hour of 4:30 p.m. He welcomed everyone to the meeting and appreciated everyone for attending.

PRESENT:

Mr. Tom Netherton, District 6
Mr. Tony Brock, District 5
Mrs. Janet Graham, Director of Schools
Mr. Dean Patton, Athletic Director

Mr. Josh Stone, District 4
Mr. Robert Safdie, District 2
Dr. Rebecca Wood, CAO
Mrs. Marsh Polson, Coordinated School Health

1. **Call to Order** – Mr. Josh Stone
2. **Moment of Silence/Pledge of Allegiance** – Mr. Josh Stone
3. **Approval of the December 13, 2018 Minutes** – **Safdie made a motion to approve**

VOICE VOTE: Safdie (mover- yes)
Netherton (seconder –yes)
All Ayes

MOTION: **Carried unanimously**

4. Policy 1.803 Tobacco Free Schools

Stone introduced the first policy on the agenda. He said this policy was on last month’s meeting agenda and we requested a policy example. Graham said Mrs. Polson is here to present the information. We have surveyed some districts around us and do have some schools that have tobacco free campuses. Polson confirmed we do have some systems close by who have this in their policy but more important we checked out what our colleges are doing. The college campuses are all tobacco free with the exception of TCAT. Roane State has a designated area for smoking. Some of the other colleges are smoke free. I did ask the systems we surveyed and were smoke free regarding enforcing a smoke free campus. All of them were the same. For colleges it is security and for schools it is the responsibility of the SRO. If the SRO is not available it is up to the administration. Graham asked if Bledsoe is tobacco free? Polson replied it is. Stone mentioned he was all for it, but it goes back to the discussion from last month, policing it will be hit or miss. There will be some who get away with it and some that don’t. We hope it will be a deterrent. Once it gets out there that our campuses are tobacco free that some people will stop, others may have to be told. He asked for discussion from the committee. Safdie stated, He had a question about the first sentence regarding having the various products on all school owned property. “What happens if a teacher has an electronic cigarette in his/her car?” Stone responded, “It says all uses. It is not possession of it is uses of.” Graham said we couldn’t control what they have locked in their vehicle.” Stone stated, “If they were sitting in the parking lot smoking, they could be asked to stop.” Brock asked, “Are we going to outlaw employees who do go to their car now and tell them they cannot smoke?” Stone and Graham stated if we pass this policy it will. Stone continued with this policy does not outline any consequence or any punishment. As much as anything this policy is a hopeful deterrent. Our campuses are now tobacco free and if you are using tobacco on our campuses you will be told to stop. Brock said he does not smoke nor use tobacco, but he does know we have a lot of employees who use their lunch period and go out to smoke.

Polson stated she has asked the hospital about their policy. The employees cannot even step out to the sidewalk and smoke. Brock asked if they could smoke in their car in the parking lot? Polson responded,

“They are not supposed to.” Stone expressed that he thought the intentions of the policy are good but do we want to assign SRO’s lunchtime, parking lot duty checking for smokers? The committee agreed we do not want to do this. Polson and the committee discussed how the policy could be beneficial for the students. Safdie made a motion to approve. Brock stressed, “ I can’t in good conscience tell an adult they can’t smoke. I am against saying it is absolutely restricted anywhere on campus for an adult who is fully capable of making an adult decision. There are lots of things adults do that they should not.” Netherton asked, “Was there anything wrong with the old policy? Graham responded, “The hardest one is the people do not obeying the 50 ft. from the front door of the building. They have to walk through a fog and that is probably the biggest issue. Occasionally a principal will catch one in the stadium.” She mentioned as a principal her problem was not employees. Brock asked if we were going to tell people who are attending ball games they couldn’t smoke in the parking lot? Graham replied, “If we are going to do this, then yes.” Brock said, “Well I can’t agree with it.” Netherton asked, “What do we benefit by passing this, instead of leaving it the way it was? We realize the state law says they can’t smoke in bleachers. We can enforce that by SRO’s issuing citations. When we look beyond the 50-foot rule, that is the gray area, what do we benefit by passing this and what do we lose. What are the consequences of passing this?” He went on to say if I was a smoker I’m an adult and I should be allowed to smoke in my car or around my car in the parking lot. The committee and Polson discussed allowing people to smoke inside their vehicles on school property, the problems with allowing smoking on the property and how people are offended by others who are smoking in a area where they are, such as outside the entrance to a building. Stone suggested we add the language “this does not include a personal vehicle”. The committee discussed having a designated area for smokers. Netherton said if we had SRO’s patrolling the parking lot and give warnings when they are smoking in a area outside of the designated area. The committee discussed making a non-smoking area 50 ft. away from any entrance and issuing citations if they do not comply. We would need to have the change printed in the paper to notify everyone before the season starts so they would be informed of the new rules. Stone recommended this as a first paragraph, “All uses of tobacco and tobacco products, including smokeless tobacco, electronic cigarettes, vapor products and associated paraphernalia are prohibited in all of the school district’s buildings, within 50 feet of all building entrances, and in all vehicles that are owned, leased or operated by the district”. The committee discussed the wording of the changes in this policy. Stone made a motion to: add vapor products, eliminate the blue suggestion, un-strike and add comma after buildings, add comma “within 50 feet of school system building entrances, and in all vehicles that are owned, leased, or operated by the district. Netherton requested Graham notify the SRO’s and officers are aware of this change. Graham responded she has a meeting with the Sheriff and Chief of Police this month and would notify them at this meeting.

VOICE VOTE: Stone (mover-yes)
Netherton (seconder-yes)
All Ayes

MOTION: Carried Unanimously

5. Policy 4.209 Alternative Credit Options

Dr. Wood stated, “This is a policy that has some required language that TSBA sent to us. What you see in red is a requirement that is already written into Tennessee Code Annotated as well as the minimum rules and regulations. Those are definite rules we have to follow. We did delete what you see in yellow because that is not necessary. We were able to cover all of that in the last paragraph.” Stone asked if anyone had any questions regarding this policy. Netherton made a motion to approve.

VOICE VOTE: Netherton (mover-yes)
Brock (seconder-yes)
All Ayes

MOTION: Carried Unanimously

6. Policy 4.603 Elementary Promotion and Retention

Graham introduced this policy. Things have changed in retention in the school system. The first paragraph in red has to do with promotion. Legislation has been passed that third graders may not be promoted unless they have proficiency. We have dealt with that for some time. Those kids have an opportunity to attend summer school. In summer school they can reach proficiency, if they don't then they are not promoted. She said Mr. Safdie had a question about this and on page 2, lines 6 & 7 "The Director of schools shall develop procedures governing how decisions on retention will be made after the student begins work on his/her individualized promotion plan". The change on the first page refers to promotion and on the second page retention. If a student is retained they are required to have a plan basically like an IEP about how we are going to get them up to speed. They have to have these plans ready to go before the start of the next year. Stone stated he was impressed that they require instruction from a level 4 or level 5 teachers. What happens if there is not a level 4 or 5 teacher in the grade level? Graham stated, "We would find have to reach out to a level 4 or 5 somewhere else to help develop those plans. Stone stated, It does say "this plan shall include at least one of the following strategies". Safdie said he still did not understand lines 6 & 7. He stated, "It says the Director of Schools shall develop procedures governing how decisions on retention will be made after the student begins work." Safdie said he doesn't understand what this means after he begins work on his individual promotion plan. Wood said the plan actually begins on February 1st and the decision making process begins there. Once the plan is developed, we are trying to make sure that they have a chance to be promoted. The committee discussed how the process works. Safdie asked, "Why February 1st?" Wood responded, "They need time to see if the plan is going to work". The committee discussed situations where it came to the end of the year and a student has made that progress and were not retained. Brock made some suggestions regarding the paperwork and help for paperwork load when dealing with these situations. He asked about some of our coaches. Wood responded we have two coaches for the whole county. They could help with strategies. Brock stated he just wanted to help the teachers who have to fill out one more form. Wood stated Dr. Farley developed a template where the teachers can plug in the pieces. That way they don't have to worry about what goes into the plan. It should be in procedures. The committee discussed the academic problems will normally turn into attendance problems. We have to monitor these children for 3 years. The templates will be done for each student for 3 years. Wood displayed the template. Brock asked who determines if the child is going to be retained. Graham responded the classroom teacher is the one responsible for that determination. The principal needs to be a part of that decision. When it gets to the point where the child has been retained once, we do not normally retain again. Stone made a motion to approve with some grammar corrections.

VOICE VOTE: Stone (mover-yes)
Safdie (seconder-yes)
All Ayes

MOTION: Carried Unanimously

7. Policy 6.200 Attendance

Stone stated on Line two page two this line was added. "This does not include personal family vacations." Graham stated this is something our principals are fighting every day. Stone said it would take a lot of pressure off the principals. He said he was on the board when this policy was developed and he said he didn't think it was ever intended to be used for vacations. It was for long distance college visits and some other specific situations. Brock made a motion to accept with changes.

VOICE VOTE: Brock (mover-yes)
Netherton (seconder-yes)
All Ayes

MOTION: Carried Unanimously

8. Policy 4.301 Interscholastic Athletics

Stone commented he wanted to put it on here not necessarily to solve any problems but to see whether we want to look at this and make changes or if we want to send it to our athletics committee. Graham stated it was suggested that the athletics committee take this on and bring it back to the policy committee. Stone agreed with Graham. Brock asked Patton if he is on that committee. Patton confirmed he was. Safdie asked about the TSSAA regulations we mentioned at the last board meeting that it did not apply to middle school. Graham informed him it does. They voted to follow middle school guidelines, with one exception. Our principals decided about 3 years ago that they have certain grade and age requirements of a student that can participate. It would leave out 5th and 6th graders. You couldn't participate until you were in the 7th grade. Patton mentioned that sometimes they have to dip down into lower grades to make a team. Graham continued, "They decided they didn't want to do that because sometimes they have a 6th grader who wants to play. If you follow TSSAA guidelines you couldn't do that. That is the exception." Graham asked Patton if that is the only thing that doesn't follow TSSAA guidelines. Patton mentioned they also had some calendar issues. Some wanted to practice more than TMSA allowed. Stone stated that our policy was built around TMSSA. He commented someone has asked him recently if we could look at joining TMSSA. I think it would be difficult to do that with our current structure. The committee discussed the difference and why it would be difficult for us to join this. Stone made a motion to send the policy to the Athletics committee and see if they want to make any changes.

VOICE VOTE: Stone (mover-yes)
Safdie (seconder-yes)
All Ayes

MOTION: Carried Unanimously

9. Other Discussion

Brock brought another policy to discuss and passes out copies to the committee and Graham. He introduced Policy Personal and Professional Leave. Brock asked the committee to look at lines 21 through 25, non-certified employees are allowed to accrue 5 personal days. If they don't use those personal days, they lose them. Graham mentioned certified employees lost them too. Brock continued, "Is there a reason that our non-certified could not convert those, any excess of 5, to sick days?" If they accrue more than 5 days and don't use them they are lost without compensation. Graham stated, "That would be a Kim question. Some of this is state mandated. Brock asked if Kim could look into that. It wouldn't cost any money. Brock stated, "If we have someone who is not using their personal days that means they are coming to work." Graham said she thought we do some payouts at the end of employment. Brock asked for this to be researched and brought back to the committee. Stone asked for any other discussion. None

10. Adjournment

VOICE VOTE: Stone (mover-yes)
Netherton (seconder-yes)
All Ayes

MOTION: Carried Unanimously

Mrs. Janet Graham
Director of Schools

Mr. Josh Stone
Chairman of the Policy Committee

Jane Franklin
Executive Assistant for the Director of Schools and BOE

Cumberland County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Interscholastic Athletics	Descriptor Code: 4.301	Issued Date: 02/23/17
		Rescinds: 4.301	Issued: 04/28/11

1 No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of,
2 be treated differently from another person or otherwise be discriminated against in any athletic
3 program of the school. Equal athletic opportunities shall be provided for members of both sexes.¹

4 Interscholastic athletics shall be administered as a part of the regular school program and shall be
5 the principal's responsibility. Principals shall ensure that school regulations regarding participation in
6 a sport are reasonable. Athletic schedules shall be filed in each school principal's office. The
7 principal or his/ her designee must accompany an athletic team on trips. Transportation of teams
8 to athletic games is approved by the Board, provided the team's school reimburses the Board for
9 mileage.

10 Bylaws of the Tennessee Secondary School Athletic Association shall regulate the operation and
11 control of [High School](#) athletics.²

12 [The Cumberland County Schools Athletic manual shall regulate the operation and control of Middle
13 School and Elementary Athletics.](#)

14 In the event that the school's insurance provider does not extend coverage to an athlete, that athlete
15 must provide proof of independently secured catastrophic coverage and liability coverage, with
16 the school system as a named insured, of not less than the limits set forth in TCA § 29-20-403.

17 Prior to participation in interscholastic athletics, every student must complete an annual physical
18 examination.³ The parents/guardians of each student shall be responsible for covering the cost of
19 the examination, and these records shall be on file in the principal's office. It shall be the
20 responsibility of the parent(s) or guardian to provide health and hospitalization insurance for all
21 students participating in interscholastic athletics.

22 In order to create a drug-free educational and athletic environment and to limit the potential liability
23 for the schools as a result of injury or health problems arising from substance abuse, the Board
24 authorized drug testing for students who participate in extracurricular activities.

25 Randomly, throughout the school year, mandatory substance screening will be required for
26 students in grades 7-12 who desire to participate in extracurricular activities. The drug testing program
27 is not punitive, but is designed to create a safe, drug-free environment for students involved in
28 extracurricular activities and assist them in getting help when needed.

29 No principal or teacher of any school under the control of the Board shall dismiss his/her school or

- 1 any group of students for the purpose of attending the practice of any interscholastic sport during
2 the school day without written permission from the Board. This does not prevent the inclusion of
3 regular physical training lessons in the daily school program.⁴
4 Coaches, employees, and volunteers of the school district shall not encourage, permit, condone or
5 tolerate hazing activities.⁵

Legal References

1. 34 CFR § 106.41
2. TRR/MS 0520-01-02-.08(1)
3. TRR/MS 0520-01-03-.08(2)(b)
4. TCA 49-6-1002
5. TCA 49-2-120

Cross References

Extracurricular Activity Drug Testing 6.3071

Cumberland County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: <h2 style="text-align: center;">Evaluation of the Director of Schools</h2>	Descriptor Code: <h3 style="text-align: center;">5.803</h3>	Issued Date:
		Rescinds: 	Issued:

- 1 Through an annual evaluation of the Director of Schools,¹ the Board will strive to accomplish the following:
- 2 1. Clarify the role of the Director according to a job description as agreed upon by the Board and the
 - 3 Director;
 - 4 2. Develop harmonious working relationships between the Board and the Director; and
 - 5 3. Develop improvements in the administrative leadership of the school system.

6 The Board will develop, with the Director, a set of performance objectives based on the needs of the system.
 7 The performance of the Director will be reviewed in accordance with these specified goals. The performance
 8 objectives will be memorialized in an evaluation plan that includes, at a minimum, sections regarding job
 9 performance, student achievement, relationships with staff and personnel, relationships with board members,
 10 and relationships with the community.¹

11 At a time agreed to by the Board and the Director, the Board will meet as a body to evaluate the Director's
 12 performance.

13 The following guidelines will be used in the evaluation process:

- 14 1. The Director will know the standards upon which he/she will be evaluated and will be involved in the
- 15 development of those standards.
- 16 2. A part of the evaluation may be a composite of the evaluation by individual board members, but the
- 17 Board, as a whole, will meet with the Director to discuss the composite evaluation.
- 18 3. The evaluation shall include a discussion of strengths as well as weaknesses.
- 19 4. Both the Board and Director will prepare for the evaluation. The Director will conduct a self-evaluation,
- 20 and board members will rate the Director's performance. Relevant documentation, if any, will be
- 21 provided.

Legal References

1. TCA 49-2-203(a)(16)

Cross References

Board-Director Relations 1.205
 Qualifications and Duties of the Director of Schools 5.802

Cumberland County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: <h2 style="text-align: center;">Personal and Professional Leave</h2>	Descriptor Code: 5.303	Issued Date: 01/24/19
		Rescinds:	Issued: 06/06/13

1 Personal and professional leave shall be granted in accordance with laws of the State of Tennessee, the
 2 rules and regulations of the State Board of Education and the policy and benefit schedules of the
 3 Cumberland County Board of Education.

4 Certified employees shall earn personal leave at the rate of one (1) day for each half-year employed for
 5 a total of two (2) days per year. Any personal leave remaining unused at the end of a year from this
 6 allocation shall be credited to sick leave.

7 Certified employees may convert existing accumulated sick days into additional personal days based
 8 on the following years of service to Cumberland County Schools:

- 9 10 - 15 years = 1 additional day
- 10 16 – 24 years = 2 additional days
- 11 25 + years = 3 additional days

12 In addition, certified employees who have utilized five (5) or fewer sick days in the previous calendar
 13 school year and have exhausted personal leave for the current calendar school year (July 1st through
 14 June 30th) may petition their principal or supervisor to convert sick days from the current calendar year
 15 (July 1 through June 30th) into additional personal days not to exceed a total of three converted days for
 16 a total of five (5) personal days annually

17 Certified supervisors who accrue more than two (2) annual personal days (per a board approved benefit
 18 schedule) may carry over five (5) days per year. As of July 1, all accrued personal days in excess of
 19 five (5) will be lost without compensation. A maximum of ten (10) days of personal leave may be
 20 compensated upon termination of employment of these supervisors.

21 Non-certified employees shall earn personal leave based on their job assignment, longevity, and
 22 number of annual workdays. A carryover of five (5) days per year is authorized. As of July 1, all
 23 accrued personal days in excess of five (5) will be lost without compensation. A maximum of ten (10)
 24 days of personal leave may be compensated upon termination of employment for non-certified
 25 employees.

26 If, at the termination of employment, any employee has been absent for more days than leave has been
 27 earned, an amount sufficient to cover the excess days used shall be deducted from the employee's final
 28 salary payment.

29

30

- 1 Subject to the following conditions, personal leave may be taken at the discretion of the employee:
- 2 1) Except in emergency, each employee shall give the principal/supervisor at least two days' notice in
3 writing of intent to take leave;
- 4
- 5 2) The approval of the principal/supervisor of the school shall be required:²
- 6
- 7 a) If more than ten (10) percent of the teachers in any given school request its use on the same
8 day;
- 9 b) If requested during any prior established student examination period;
- 10 c) If requested on the day immediately preceding or following a holiday or vacation period.
- 11 3. The converted personal days will not be approved for:
- 12 a) Extension of scheduled breaks
- 13 b) The first or last week of school
- 14 c) Scheduled testing dates.

15 Professional leave is a short, temporary absence for the purpose of attending workshops and other
16 meetings relating to school business or serving on boards and commissions which meet during daytime
17 hours when appointed by the mayor, city council, executive or county commission.³

18

19 _____
Legal Reference:

Cross References

20 1. TCA 49-5-711 (a) TRR/MS 0520-01-01.04(3)

21 2. TCA 49-5-711©(1)

22 3. TCA 49-5-205

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Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Long-Term Leave of Absence for Professional Personnel	Descriptor Code: 5.304	Issued Date: 05/25/17
		Rescinds: 5.304	Issued: 05/23/13

1 Any person holding a position requiring a license to teach shall be granted leave for military
2 service, legislative service, maternity, adoption, recuperation of health, **or visitation of a spouse,**
3 **child, or parent deployed for military duty out of the country who has been granted rest**
4 **and recuperation leave. Such personnel may be granted leave for** educational
5 improvements, or other sufficient reasons **as determined by the Director of Schools. If granted, such**
6 **leave shall not result in the forfeiture of** **without loss of** accumulated leave credits, **tenure status,** or
7 other fringe benefits.¹

8 All leaves shall be requested in writing at least thirty (30) days in advance on forms provided by
9 the director of schools. The 30-day notice may be waived or reduced by the director of schools
10 upon submission of a certified statement by a physician. The application for leave forms shall
11 require:

- 12 • A description of the type of leave requested;
- 13 • The requested dates for beginning and ending the leave; and
- 14 • A statement of intent to return to the position from which leave is granted.¹

15 Each request for leave must be acted upon by the Director of Schools within fifteen (15) days. Each
16 applicant shall be notified in writing of the action of the director and the beginning and ending dates
17 of the leave which is granted.² All leaves, except military leave, shall be from a specific date to a
18 specific date. However, any leave may be extended by the director of schools upon written request
19 from the teacher. Military leave shall be granted for whatever period may be required. The
20 procedure and condition for extending a leave are the same as those used when originally
21 requesting and granting the leave.

22 Leave to visit a spouse, child, or parent deployed for military duty out of the country who has been
23 granted rest and recuperation leave shall be granted for no longer than ten (10) days.³

24 Positions vacated for less than twelve (12) months by teachers on leave shall be filled with an
25 interim teacher while the teacher is on leave. If the teacher returns from leave within 12 months,
26 the interim teacher shall relinquish the position. If the leave exceeds twelve (12) months, the
27 teacher shall be placed in the same or a comparable position upon return.⁴

28 Part-time leaves may be granted by the director of schools upon written request for the same
29 conditions as for full-time leave.

1 Any teacher on leave shall notify the director of schools at least thirty (30) days prior to the date
2 of return if the teacher does not intend to return to the position from which he/she is on leave.
3 Failure to give such notice shall be considered breach of contract.⁵

4 **RESTRICTIONS**

5 The director may require that a request for leave be supported by certification issued by a health
6 care provider with the following information:

- 7 • the date on which the serious health condition commenced;
- 8 • the probable duration of the condition;
- 9 • the appropriate medical facts within the knowledge of the health care provider
10 regarding the condition; and
- 11 • a statement that the eligible employee is needed to care for the son, daughter, spouse, or
12 parent and an estimate of the amount of time that such employee is needed.

13 If there is any reason to doubt the validity of the certification provided, the director may require, at
14 the expense of the school system, an opinion of a second health provider.

15 **PAY AND BENEFITS**

16 All leave granted in conformance with this policy shall be without pay except as may be covered by
17 sick leave in the case of maternity and recuperative leaves. Employees shall have the opportunity to
18 continue participation, at their own expense, in group insurance plans subject to restrictions of the
19 insuring carrier.

20 Employees who take leave under the provisions of the Family Medical Leave Act (FMLA) shall have
21 the same portion of their insurance premiums paid by the Board as is paid for active employees. This
22 leave is limited to twelve (12) weeks and subject to the restrictions and conditions of the Family and
23 Medical Leave Act.

Legal References

1. TCA 49-5-702
2. TCA 49-5-703
3. TCA 49-5-704
4. TCA 49-5-705
5. TCA 49-5-706

Cross References

Family and Medical Leave 5.305
Military Leave 5.306
Physical Assault Leave 5.307
Sabbatical Leave 5.308
Legislative Leave 5.309
Interim Employees 5.700