

Board of Education
August 17, 2022 3:30 PM
Central Services Board Room

BOARD MEMBERS:

1. Call to Order - Mr. Tony Brock
2. Moment of Silence / Pledge of Allegiance - Mr. Tony Brock
3. Approval of Committee Minutes
4. Policy 1.102 Board Member Legal Status
5. Policy 3.404 Private Vehicles
6. Policy 4.101 Instructional Standards
7. Policy 4.212 Virtual Education Program
8. Policy 4.300 Extracurricular Activities
9. Policy 4.406 Use of the Internet
10. Policy 5.200 Separation Practices for Tenured Teachers
11. Policy 5.201 Separation Practices for Non-Tenured Teachers
12. Policy 5.701 Substitute Teachers
13. Policy 6.318 Admission of Suspended or Expelled Students
14. Policy 6.3071 Extracurricular Activity Drug Testing
15. Other Discussion
16. Adjournment

Policy Committee Meeting

July 7, 2022

Central Services Board Room

The Policy Committee met on Thursday, July 7, 2022, in the Central Services Board Room where Mr. Tony Brock called the meeting to order at the approximate hour of 4:00 p.m. He welcomed everyone to the meeting and appreciated everyone for attending.

PRESENT:

Mr. William Stepp, DOS

Mr. Tony Brock, Chairman of Policy, District 5

Mr. Jim Inman, District 1

Ms. Stephanie Barnes, CAO

Ms. Kim Bray, HR Director

Mr. Scott Maddox, CTE/HS Supervisor

Mr. Chris King, District 6

Ms. Rebecca Hamby, District 7

Ms. Anita Hale, District 4

Mo Charnot, Media

Absent: None

- 1. Call to Order** – Mr. Tony Brock
- 2. Moment of Silence/Pledge of Allegiance** – Mr. Tony Brock
- 3. Approval of Minutes** – Mr. Tony Brock

VOICE VOTE: Hamby moved to approve.
King (seconder-yes)

MOTION: Carried unanimously

4. Policy 2.806 Bids and Quotations

Mr. Brock introduced the policy. King made a motion to approve the policy with the recommended changes from TSBA. Hamby seconded.

VOICE VOTE: King (mover-yes)
Hamby (seconder-yes)
All Ayes

MOTION: Carried unanimously

5. Policy 3.202 Emergency Preparedness Planning and Training

Mr. Brock introduced the policy. He told the committee that the additions are the adding of the remote learning drills. Hamby made a motion to approve. King with a second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

6. Policy 4.210 Credit Recovery

Brock introduced the policy. Hamby made a motion to approve. Brock told them these were mandated laws. King gave the second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

7. Policy 4.300 Extracurricular Activities

Brock introduced this policy. Hamby made the motion to accept as presented. King with a second. Brock told them that he was uncomfortable with a non-employee being in charge of kids. Hamby said that with a level 3 being required to have background check and fingerprinting, she would be comfortable with that volunteer with her child. Brock brought up the question of who would be liable if the question of negligence came up. He suggested that this be studied further for liability issues. The committee asked DOS Stepp to get this to Board Attorney Patton and get some legal directives on this. Brock asked if this could be tabled. Hamby removed her motion and made a new motion to table until Patton could look at it. Hamby asked how Stepp felt about this. He told them he has not had time to research it. But he said the district would need to know if this is a paid position within the school or a non-paid volunteer. This would define who would be liable. Maddox said that AD Brown had posed this originally during soccer season, but he thinks the girls' soccer positions have been covered as of now. Inman told everyone that if this policy cannot be researched and updated before the start of school, the current policy will have to apply.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

8. Policy 4.402 Reconsideration of Textbooks and Instructional Materials

Brock introduced this policy. He told the committee that this change was a direct result of laws passed by state legislature. Hamby made a motion for approval. Brock asked for suggestion on "number of days". Stepp suggested that it's usually 10 business days, but it can vary. King made the offer to make it "10 school days". Hamby made the motion to accept 10 school days and King with a second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

9. Policy 4.403 Library Materials.

Hamby asked if we would be choosing the title of the employee to put in this position on the policy. Stepp told them that most of the time the policies will read Director of Schools/designee. Hamby then asked if we would be doing the same "10 school days" again in this policy. She made a motion to accept TSBA's policy with the DOS/designee and 10 school days change. Brock agreed.

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

MOTION: **Carried unanimously**

10. Policy 4.502 Parent and Family Engagement.

Brock told the committee this was adding an addition to the current policy. Hamby made the motion to accept as presented. King with a second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: **Carried unanimously**

11. Policy 4.600 Grading System.

Brock introduced this policy stating that these are changed from the state. Hamby made the motion to accept as presented. King with the second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: **Carried unanimously**

12. Policy 5.119 Employment of Retirees.

Brock told the committee this was changes reflecting how many days retired teachers can work. Hamby made the motion to approve. King seconded for discussion. He asked if this came from TSBA. Brock told him yes. Brock said this 120-day policy would be in place permanently. Stepp told them that his understanding of this law there would have to be proof if there was no one else qualified for that full time position, to hire that teacher in that full time position. King asked if the sunset law were to apply to this policy, would the district go back in remove or change the policy. Brock stated yes, he would think so. Bray told the committee that she does not think this policy will limit the 120-day contracts. She told them that if they work 120 days, they get paid as a teacher, salary based on years' experience. Committee passed this on.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: **Carried unanimously**

13. Policy 6.200 Attendance

Hamby made a motion to approve with the changes presented. The committee questioned page 4 of letting the student receive credit for released time courses. He asked the supervisors for their input. Stepp told them it would be an elective credit and if they felt it was a good course for the student to learn from and viable, then allowing them to receive the credit would be the thing to do. Brock also let them know that there was changes pertaining to academics for student to keep/qualify for driver's license. Hamby made the motion and King with a second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

14. Policy 6.204 Attendance of Non-Resident Students.

Brock introduced this policy. He then asked the supervisors what their suggestion is for the number of days. Hamby then asked Stepp what his time frame suggestions would be. He said he's never ran into this problem. Most out of county are teacher's kids that are coming in because their parents work in that county. It was unanimous that 2 weeks is the timeframe that should be added. Hamby made a motion to add the word "2 weeks" on line 9 and removing line 20. King with a second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

15. Policy 6.300 Code of Conduct and Discipline.

Brock introduced this and told everyone that these changes were recommendations from in-house. Stepp told them this was consistent with other counties and Barnes told them it would align correctly with the zero-tolerance policy. Hamby made the motion and King with the second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

16. Policy 6.307 Drug-Free Schools.

Brock introduced the policy and again said this was in-house suggestions. Hamby made a motion to approve. King seconded with correction to line 28 to be "students".

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

17. Policy 6.3071 Extracurricular Activity Drug Testing.

Brock introduced the policy. Hamby made the motion to accept as presented. King with the second. Stepp suggested a typo correction on line 34, page 2.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

18. Policy 6.405 Medicines.

Hamby made the motion to approve with the additions. Brock told everyone this had been thoroughly reviewed and approved by the nursing staff. Inman questioned the removing of the word “self” on self-administration. They questioned about students taking medicine during extracurricular activities. Hamby stated that a procedure or another policy should cover that and Brock said the written medication order might also cover this. King asked for the word “self” be removed in the first paragraphs as well. Brock agreed. Hamby amended her motion to align with the changes recommended.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

19. Policy 6.409 Reporting Child Abuse

Hamby made motion to approve with changes. King with a second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

20. Adjournment

Hamby made a motion to adjourn. King with a second.

VOICE VOTE: Hamby (mover-yes)
King (seconder-yes)
All Ayes

MOTION: Carried unanimously

The meeting was adjourned at approximately 5:02 p.m.

Mr. William Stepp
Director of Schools

Mr. Tony Brock
Chairman of the Policy Committee

Diane McCartney
Executive Assistant for the Director of Schools and Board.

Cumberland County Board of Education

Monitoring: Review: Annually, in July	Descriptor Term: Board Members Legal Status	Descriptor Code: 1.102	Issued Date: 05/26/22
		Rescinds: 1.102	Issued: 07/12/17

1 The legal status of board members shall be as follows:¹

2 NUMBER

3 The Board is composed of nine (9) members.

4 QUALIFICATIONS

5 Members of the Board shall be residents elected districts of substantially equal population, and shall be
6 citizens of recognized integrity, intelligence, and ability to administer the duties of the office.^{1,2} To
7 qualify as a candidate, an individual must show proof of graduation from high school or receipt of a
8 G.E.D or HiSET³. **Being a qualified voter and resident in the county for one (1) year prior to the**
9 **qualifying deadline for running as a candidate.**⁴

10 No member of the county legislative body nor any other county governmental official shall be eligible
11 for election as a member of the county Board of Education.^{4,5}

12 TERMS OF OFFICE

13 Members of the Board shall serve four (4) year terms.¹

14 VACANCIES

15 Vacancies shall be declared to exist on account of death, resignation, voluntary permanent change of
16 residence from the district, which elected him/her, removal or through due process proceedings.^{5,6}

17 When a vacancy occurs, the unexpired term shall be filled at the next regular or special meeting of the
18 local legislative body.^{6,7} Such appointment shall continue until the next regular election.

Legal References

1. TCA 49-2-201(a)(1)
2. TCA 49-2-202(a)(1)
3. TCA 49-2-202(a)(4)
4. **Public Acts of 2022, Chapter No. 809**
5. TCA 49-2-202(a)(2)
6. TCA 8-47-101; TCA 49-1-611; TCA 49-2-202(e)(2)
Tenn. Att'y Gen. Op. No. 21-14 (September 1, 2021)
7. TCA 49-2-202(e)(1)

Cumberland County Board of Education

Date Last Reviewed: 03/03/05	Descriptor Term: Private Vehicles	Descriptor Code: 3.404	Issued Date: 03/03/05
		Rescinds: 3.404	Issued: 07/01/04

1 The Board recognizes that certain employees may need to use their private vehicles for school
2 purposes. With the use of private vehicles, the following policy shall be observed:

- 3 1. To use a private vehicle for school purposes, the employee must have the written permission of
4 the director or his designee and proof of vehicle liability insurance coverage in the following
5 forms:
- 6 a. A copy of the insurance certificate issued to the insured indicating liability limits of at
7 least \$100,000/300,000/50,000;¹ and
 - 8 b. A specific permit for trips involving students, including field trips.
- 9
- 10 2. The school system shall assume no responsibility for liability in case of accident, unless the
11 employee has the proper authorization described above.
- 12
- 13 3. The Board specifically forbids any employee to transport students for school purposes without
14 prior authorization by the director or his/her designee.
- 15
- 16 4. Privately-owned school buses and drivers of such shall meet all requirements of state law and
17 state Board Rules, Regulations, and Minimum Standards.²
- 18
- 19 5. No student shall be sent on errands, personal or school-related, in a vehicle owned by the
20 student, an employee, or the school system.
- 21
- 22 6. No employee may ask for or give permission to students to transport **themselves or other**
23 **students to and from any school or school-related activity.** ~~without written parental permission~~
24 ~~and proof of student insurance.~~

25 The Board recognizes that volunteer parent drivers are often needed to use their private vehicles for
26 school purposes. The volunteer parent drivers who use a private vehicle must provide proof of vehicle
27 liability insurance coverage in the form of an insurance certificate issued to the insured indicating limits
28 of at least \$100,000/300,000/50,000.¹

Legal References

1. TCA 29-20-403(b)(3); OP Tenn. Atty. Gen. 04-136 (August 24, 2004)
2. TRR/MS 0520-1-5

Cumberland County Board of Education

Monitoring: Review: Annually, in December	Descriptor Term: Instructional Standards	Descriptor Code: 4.101	Issued Date: 07/22/21
		Rescinds: 4.101	Issued: 02/06/97

1 *General*

2 The Board is charged with selection of the curriculum. No subjects or topics prohibited by state or
3 federal law shall be taught.¹ The Director of Schools shall develop administrative procedures to
4 implement this policy.

5 **STATE STANDARDS²**

6 Only Tennessee state standards shall be taught within the school district. The following are prohibited:

- 7 1. Instructional materials, textbooks, or supplemental materials created to align exclusively with
8 Common Core; or
- 9 2. Instructional materials, textbooks, or supplemental materials that are marketed or otherwise
10 identified as Common Core textbooks or instructional materials.
11

12 **Any complaints regarding the above shall be submitted per board policy 4.402.**

13 **CURRICULUM AND INSTRUCTIONAL PROGRAMMING**

14 All curriculum and instructional programming implemented in the school district shall adhere to state
15 and federal laws. District employees shall not include or promote any concepts that would violate state
16 law when providing instruction, using instructional or supplemental materials, or when implementing
17 the instructional program and curriculum.¹

18 The Director shall develop procedures to ensure that the district's instructional program complies with
19 state law.

20 **Complaints regarding teaching prohibited concepts in violation of state law shall be submitted per the**
21 **regulation developed by the Tennessee Department of Education.³**

Legal References

1. Public Acts of 2021, Chapter No. 205; Public Acts of 2021, Chapter No. 281; Public Acts of 2021, Chapter No. 471; Public Acts of 2021, Chapter No. 493 TCA 49-6-2202; TCA 49-6-1304; TCA 49-6-2206; TCA 49-6-1019
2. TCA 49-1-302(a)(8); TCA 49-1-314 Public Acts of 2022, Chapter No. 1085
3. TRR/MS 0520-12-04

Cross References

- Reconsideration of Textbooks and Instructional Materials
4.402
Controversial Issues 4.800
Controversial Materials 4.801

Cumberland County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Virtual Education Program	Descriptor Code: 4.212	Issued Date: 12/02/21
		Rescinds:	Issued:

1 *General*

2 The Cumberland County virtual education program is a course or series of courses offered by a school
3 district to provide students a broader range of educational opportunities through the use of technology.
4 Utilizing this program is temporary and shall not replace a student's regular instructional program.¹

5 Class size ratios for the virtual education program shall comply with the requirements as outlined in
6 state law.²

7 Virtual education programs³ shall be made available to students for the following purposes:

- 8 1. Academic remediation, enrichment, or providing students access to a wider range of courses;
9
- 10 2. Continuity of educational service for students who are homebound;⁴
- 11 3. Continuity of educational service for students who are quarantining;⁵ **and**
- 12 4. Continuity of educational service for students enrolled in an alternative school;⁶ **or**
- 13
- 14 5. **Continuity of educational service when the district utilizes remote instruction due to dangerous**
15 **of extreme weather conditions, a serious outbreak of illness affecting or endangering students**
16 **or staff, or during the administration of end of course examinations or other examinations as**
17 **allowed per state law. ⁷**
- 18
- 19

20 **ELIGIBILITY AND PARTICIPATION REQUIREMENTS**

21 Students shall be eligible to utilize a virtual education program if participating in one of the above
22 educational opportunities. The following factors shall also be taken into consideration when
23 determining eligibility:

- 24 1. Attendance;
- 25
- 26 2. Grades;
- 27
- 28 3. Technology survey; and
- 29
- 30 4. Other, as determined by district procedures.

1 ATTENDANCE

2 Student attendance in the virtual education program shall adhere to the general requirements of board
3 policy 6.200 and any relevant administrative procedures.

4 Methods of confirming student attendance shall include two or more of the following:

- 5 1. Students participating in a phone call with a teacher, with parent/guardian support as
6 appropriate for the age of the student;
- 7
- 8 2. Students participating in synchronous virtual instruction;
- 9
- 10 3. Students completing work in a learning management system;
- 11
- 12 4. Students submitting work via hard-copy or virtual formats; or
- 13
- 14 5. Other, as determined by district procedures.

15 REMOVAL FROM VIRTUAL EDUCATION PROGRAM

16 A student may be removed from the virtual education program or denied future enrollment in a virtual
17 education program based on disciplinary issues, attendance issues, or poor academic performance.

18 Before a student is removed based on poor academic performance, the following interventions shall
19 occur:

- 20 1. Notification of parent/guardian;
- 21
- 22 2. One-on-one assessment conducted by the principal/designee regarding any learning needs and
23 academic performance; and
- 24
- 25 3. Other, as determined by district procedures.
- 26

27 ENROLLMENT AGREEMENT (if applicable)

28 The Director of Schools shall work with the Board's attorney to draft an enrollment agreement for students
29 from other school districts that want access to virtual education program courses

Legal References

1. TRR/MS 0520-01-03-.05(2)
2. TCA 49-1-104(h); State Board of Education Policy 3.206
3. TCA 49-16-101; TRR/MS 0520-01-03-.05(2)(a)
4. TRR/MS 0520-01-02-.10; TRR/MS 0520-01-09-.07
5. TRR/MS 0520-01-13-.01(1)(d)(1)
6. TRR/MS 0520-01-02-.09; **Public Acts of 2022, Chapter No. 960**
7. **Public Acts of 2022, Chapter No. 897**

Cross References

Emergency Closings 1.8011
Homebound Instruction 4.206
Credit Recovery 4.210
Alternative Education 6.319

Cumberland County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Extracurricular Activities	Descriptor Code: 4.300	Issued Date: 02/23/17
		Rescinds: 4.300	Issued: 01/06/98

1 The following guidelines shall be followed in administering the student activities program:

- 2 1. The Board shall initially approve each specific extracurricular activity so that proper support
3 and supervision may be assured.
4
- 5 2. The principal, after obtaining the recommendation of the faculty and the director of schools,
6 shall determine which clubs and organizations will be permitted.
7
- 8 3. Each student activity must be under the guidance and direction of a Cumberland County
9 school employee, who must be present at all times, to include on-board student
10 transportation.
11
- 12 4. All student activities must have the approval of the principal.
- 13
- 14 5. Student activities occurring before or after regularly scheduled school hours must be under
15 the supervision of the principal or his/her designee.
16
- 17 6. Secret organizations shall not be operated in any school.
- 18
- 19 7. A student shall not be required to attend a school-sponsored student activity that is scheduled
20 at a time, which conflicts with his religious practices.
21
- 22 8. School-sponsored student activities during vacation periods shall be restricted to regularly
23 scheduled athletic programs and major events, which cannot be scheduled otherwise.
24
- 25 9. Student groups shall not participate in state or national activities, which are not listed as,
26 approved activities by regional accrediting associations or state and national principals'
27 associations without the approval of the director of schools.
28
- 29 10. A student on in-school or out-of-school suspension shall not be permitted to participate in
30 school- sponsored activities.
31
- 32 11. Activities, which restrict participation because of race, color, religion, sex, disabilities, or
33 national origin, are forbidden.¹
34
- 35 12. Activities sponsored by outside groups or agents will be approved only if they are co-
36 sponsored by the school.
37
- 38 13. Students must have attended school at least one-half day to participate in extracurricular

1. activities on any given day.

Legal References

1. 20 USC § 1703

Cross References

Interscholastic Athletics 4.301
Field Trips and Excursions 4.302
Accidents and Illnesses 6.410
Student Clubs and Organizations 6.702
Extracurricular Activity Drug Testing 6.3071

Cumberland County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Use of the Internet	Descriptor Code: 4.406	Issued Date: 10/28/21
		Rescinds: 4.406	Issued: 11/29/12

1 The Board supports the right of staff and students to have reasonable access to various information
2 formats and believes it incumbent upon staff and students to use this privilege in an appropriate and
3 responsible manner.

4 **Employees**

5 Before any employee is allowed use of the district's Internet or intranet access, the employee shall sign
6 a written agreement, developed by the Director/designee that sets out the terms and conditions of such
7 use. Any employee who accesses the district's computer system for any purpose agrees to be bound by
8 the terms of that agreement, even if no signed written agreement is on file.

9 The Director of Schools shall develop and implement procedures for appropriate Internet use which shall
10 address the following:

- 11 1. Development of the Network and Internet Use Agreement.
- 12 2. General rules and ethics of Internet access.
- 13 3. Guidelines regarding appropriate instruction and oversight of student Internet use.
- 14 4. **A uniform signature block for use by all district employees; and**
- 15 5. Prohibited and illegal activities, including but not limited to the following:¹
 - 16 • Sending or displaying offensive messages or pictures
 - 17 • Using obscene language
 - 18 • Harassing, insulting, defaming or attacking others
 - 19 • Damaging computers, computer systems or computer networks
 - 20 • Hacking or attempting unauthorized access to any computer
 - 21 • Violation of copyright laws
 - 22 • Trespassing in another's folders, work or files
 - 23 • Intentional misuse of resources
 - 24 • Using another's password or other identifier (impersonation)
 - 25 • Use of the network for commercial purposes; **and**
 - 26 • Buying or selling on the Internet

1 **Students**

2 The Director of Schools shall develop and implement procedures for appropriate Internet use by students.
3 Procedures shall address the following:

- 4 1. General rules and ethics of Internet use.
- 5
- 6 2. Prohibited or illegal activities, including, but not limited to:¹
- 7
- 8 • Sending or displaying offensive messages or pictures
 - 9 • Using obscene language
 - 10 • Harassing, insulting, defaming or attacking others
 - 11 • Damaging computers, computer systems or computer networks
 - 12 • Hacking or attempting unauthorized access
 - 13 • Violation of copyright laws
 - 14 • Trespassing in another's folders, work or files
 - 15 • Intentional misuse of resources
 - 16 • Using another's password or other identifier (impersonation)
 - 17 • Use of the network for commercial purposes
 - 18 • Buying or selling on the Internet

19 **INTERNET SAFETY MEASURES²**

20 Internet safety measures shall be implemented that effectively address the following:

- 21
- 22 • Controlling access by students to inappropriate matter on the Internet and World Wide
 - 23 Web;
 - 24 • Safety and security of students when they are using electronic mail, chat rooms, and
 - 25 other forms of direct electronic communications;
 - 26 • Preventing unauthorized access, including "hacking" and other unlawful activities by
 - 27 students on-line;
 - 28 • Unauthorized disclosure, use and dissemination of personal information regarding
 - 29 students; and
 - 30 • Restricting students' access to materials harmful to them.

31 The Director of Schools/designee shall establish a process to ensure the district's education technology
32 is not used for purposes prohibited by law or for accessing sexually explicit materials. The process shall
33 include, but not be limited to:

34 Utilizing technology that blocks, or filters, **or otherwise prevents** Internet access (for both
35 students and adults) to material that is obscene, **child pornography or harmful to students**
36 **or pornographic;**³

37

38 **Prohibiting and preventing a use from sending, receiving, viewing, or downloading**
39 **materials that are deemed to be harmful to minors;**⁴

40

1 Maintaining and securing a usage log; and

2
3 Monitoring on-line activities of students ²

4 The Board shall provide reasonable public notice of, and at least one (1) public hearing or meeting to
5 address and communicate, its Internet safety measures.²

6
7 A written parental consent shall be required prior to the student being granted access to electronic media
8 involving district technological resources. The required permission/agreement form, which shall specify
9 acceptable uses, rules of on-line behavior, access privileges and penalties for policy/procedural
10 violations, must be signed by the parent/legal guardian of minor students (those under 18 years of age)
11 and also by the student. This document shall be executed each year and shall be valid only in the school
12 year in which it was signed unless parent(s) provide written notice that consent is withdrawn. In order
13 to rescind the agreement, the student's parent/guardian **provide written notice that consent is withdrawn.**
14 **In order to rescind the agreement, the student's parent/guardian** (or the student who is at least 18 years
15 old) must provide the Director of Schools with a written request.

16 E-MAIL

17 Users with network access shall not utilize district resources to establish electronic mail accounts through
18 third-party providers or any other nonstandard electronic mail system. All data including e-mail
19 communications stored or transmitted on school **system district** computers shall be monitored.
20 Employees/students have no expectation of privacy with regard to such data. E-mail correspondence
21 may be a public record under the public records law and may be subject to public inspection.^{3 5}

22 INTERNET SAFETY INSTRUCTION^{4 6}

23
24 Students will be given appropriate instruction in internet safety as a part of any instruction utilizing
25 computer resources. **The Director of Schools shall provide adequate in-service instruction on internet**
26 **safety.** Parents/**guardians** and students will be provided with material to raise awareness of the dangers
27 posed by the internet and ways in which the internet may be used safely.

28 SOCIAL NETWORKING

- 29
- 30 1. District staff who have a presence on social networking websites are prohibited from posting
31 data, documents, photographs or inappropriate information that is likely to create a material and
32 substantial disruption of classroom activity.
 - 33 2. District staff are prohibited from accessing personal social networking sites on school computers
34 or during school hours except for legitimate instructional purposes.
 - 35 3. The Board discourages district staff from socializing with students on social networking
36 websites. The same relationship, exchange, interaction, information, or behavior that would be
37 unacceptable in a non-technological medium is unacceptable when done through the use of
38 technology.
39

40 VIOLATIONS

1 Violations of this policy or a **corresponding administrative** procedure **promulgated under its authority**
 2 shall be handled in accordance with the existing disciplinary procedures of this District.

3 **VENDOR CONTRACTS** ³

4
 5 **Prior to entering into any contract for the provision of digital or online materials created or**
 6 **marketed for kindergarten through grade twelve (K-12), the district shall obtain an assurance**
 7 **that the vendor shall adhere to state law. This determination includes ensuring that the vendor**
 8 **filters, blocks, or otherwise prevents access to pornography or obscenity and verifying that the**
 9 **technology prevents a user from sending, receiving, viewing, or downloading materials that are**
 10 **harmful to minors.**

Legal References

1. TCA 39-14-602
2. 47 USCA § 254 (h)(5)(A) – (C), 254(l); 47 CFR § 54.520(c)(1)(i); 20 USCA § 7131
3. ~~TCA 10-7-512~~ **Public Acts of 2022, Chapter No. 1002**
4. ~~TCA 49-1-221~~ **TCA 39-17-901; Public Acts of 2022, Chapter No. 1002**
5. TCA 10-7-512
6. TCA 49-1-221

Cross References

- Use of Email 1.805
- School and System Websites 4.407
- Controversial Materials 4.801
- Student Publications 6.704

Cumberland County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Separation Practices for Tenured Teachers	Descriptor Code: 5.200	Issued Date: 10/28/21
		Rescinds: 5.200	Issued: 07/22/21

1 SUSPENSION PENDING AN INVESTIGATION¹

2 The Director of Schools may suspend a teacher at any time that may seem necessary, pending
3 investigation or final disposition of a case before the board or an appeal. If the matter under investigation
4 is not the subject of an ongoing criminal investigation or a Department of Children's Services
5 investigation, and if no charges for dismissal have been made, a suspension pending investigation shall
6 not exceed ninety (90) days in duration. Under no circumstances shall the Director of Schools suspend
7 a teacher with pay. If vindicated or reinstated, the teacher shall be paid full salary for the period of
8 suspension.

9 SUSPENSION OF THREE DAYS OR LESS^{2,3}

10 A Director of Schools/designee may suspend a teacher for incompetence, inefficiency, neglect of duty,
11 unprofessional conduct and insubordination. Before a teacher is suspended he/she shall be: (1) provided
12 with written notice, including the reasons for the suspension along with an explanation of the evidence;
13 (2) given an opportunity to respond to the Director at a conference, if requested within five (5) **business**
14 days; and (3) given a written decision of the suspension within ten (10) **business** days. Both parties may
15 be represented by counsel at the conference, which shall be recorded.

16 Under no circumstances shall a Director of Schools suspend a tenured teacher with pay. If reinstated,
17 the tenured teacher shall be paid full salary for the period of suspension, unless suspension without pay
18 is deemed to be an appropriate penalty.

19 DISMISSAL OR SUSPENSIONS GREATER THAN THREE DAYS⁴

20 When **a tenured teacher is charged** ~~are made against a tenured teacher, charging the teacher~~ with
21 offenses, **which that** may justify dismissal or a suspension greater than three (3) days, the charges shall
22 be made in writing, specifically stating the offenses **which that** are charged, and shall be signed by the
23 party or parties making the charges.

24 If, in the opinion of the Board, the charges are of such nature as to warrant the **release dismissal** or a
25 suspension greater than three (3) days of the teacher, the Director of Schools shall give the teacher a
26 written notice of this decision, a copy of the charges against the teacher, and a copy of a form provided
27 by the Commissioner of Education advising the teacher of his/her legal duties, rights, and recourse.

28 A tenured teacher who has been given notice of charges against him/her may within thirty (30) days after
29 receipt of notice give written notice to the Director of Schools of his/her request for a hearing.

30 The Director of Schools shall, within five (5) **business** days after receipt of request, assign a hearing
31 officer **from the list maintained by the Board.**

1 ~~The Board will appoint an impartial hearing officer, to conduct hearings as defined under Tennessee law.~~

2 The Board shall maintain a list of qualified individuals who have indicated a willingness to act as
3 impartial hearing officers as defined under Tennessee law.

4 The hearing officer shall notify the parties, or their attorney, of the officer's assignment and direct the
5 parties or the attorneys for the parties, or both, to appear before the hearing officer for simplification of
6 issues and the scheduling of the hearing. That hearing shall be set no later than thirty (30) days following
7 receipt of the initial request for a hearing. In the discretion of the hearing officer, all or part of any
8 prehearing conference may be conducted by telephone if each participant has an opportunity to
9 participate, be heard, and to address proof and evidentiary concerns. The hearing officer is empowered
10 to issue appropriate orders and to regulate the conduct of the proceedings.

11 Either party may appeal to the Board of Education an adverse ruling by giving written notice of appeal
12 within ten (10) ~~business~~ working days of the hearing officer's delivery of the hearing officer's written
13 findings and conclusions. The Director of Schools shall prepare a copy of the proceedings, including all
14 transcripts and evidence, documentary or otherwise, and transmit the same to the Board within twenty
15 (20) working days of the receipt of the notice of appeal.

16 The Board shall hear the appeal on the record, and no new evidence may be submitted by either party.
17 The appealing party may appear before the Board to argue why the adverse ruling should be overturned.
18 In no event should such argument last more than fifteen (15) minutes, unless the Board should vote to
19 extend additional time. At the conclusion of the hearing, any member of the Board may vote to sustain
20 the decision of the hearing officer, send the record back for additional evidence, revise the penalty or
21 reverse the decision. The Board shall render its decision within ten (10) ~~business~~ working days after the
22 conclusion of the hearing. In the event that the decision of the Board is appealed to the chancery court,
23 the Board shall transmit the entire record prepared by the Director of Schools and reviewed by the Board
24 to the chancery court for its review.

25 RESIGNATION

26 A teacher shall give the Director of Schools notice of resignation at least thirty (30) days before the
27 effective date of the resignation. A teacher who fails to give such notice, in the absence of justifiable
28 extenuating circumstances, shall forfeit all tenure status. The Board may waive the thirty (30) days'
29 notice requirement and permit a teacher to resign in good standing.⁵

30 The conditions under which it is permissible to break a contract with the board are as follows:⁶

- 31 1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified
32 statement of a physician approved by the Board; and
- 33 2. The release by the Board of the teacher from the contract, which the teacher has entered into with
34 the Board.

35 Any teacher on leave shall notify the Director of Schools in writing at least thirty (30) days prior to the
36 date of return if the teacher does not intend to return to the position from which he/she has taken leave.
37 Failure to render such notice may be considered a breach of contract.⁷

1 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with
2 the State Board of Education and request the suspension of a teacher's license. After the State Board of
3 Education has provided the teacher an opportunity for defense during a hearing, the State Board of
4 Education may suspend the license for no less than thirty (30) and no more than three hundred sixty-five
5 (365) days.⁸

6 RETIREMENT

7 Retirement is a termination of services under conditions which will allow the employee to draw benefits
8 from retirement plans and/or Social Security benefits. **Employees Teachers** eligible for retirement
9 benefits may elect to retire at any age according to the provisions of the retirement system.

10 Central office personnel shall assist **employees teachers** in securing retirement benefits; however, it shall
11 be the responsibility of the retiring **employee teacher** to provide verification of eligibility in writing from
12 **the Tennessee Consolidated Retirement System (TCRS)** to the central office. It shall be the responsibility
13 of the retiring **employee teacher** to file for benefits.

14 ~~Teachers who retire under TCRS may be employed up to one hundred twenty (120) days per year without
15 loss of retirement benefits. Retired teachers may substitute teach for additional days if the Director of
16 Schools certifies in writing to the Division of Retirement that no other qualified personnel are available
17 to substitute teach.⁹~~

18 ~~The Director of Schools may employ teachers retired for at least one year for full-time employment as a
19 kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost
20 or suspended under certain conditions, which include but are not limited to the following:¹⁰~~

21 ~~1. The Director of Schools of the employing system must certify in writing that no other qualified
22 individuals are available to fill the position;~~

23 ~~2. The Commissioner of Education must certify that the employing school system serves an area
24 that lacks qualified teachers to serve in the position to be filled;~~

25 ~~3. The retired teacher must hold a valid license and shall not be entitled to tenure status;~~

26 ~~4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave or
27 receive medical insurance coverage; and~~

28 ~~5. The salary paid to the retired member shall not be less than the rate of compensation set by the
29 board for teachers with no experience filling similar positions, nor more than eighty-five
30 percent (85%) of the rate of compensation set by board for teachers with comparable training
31 and years of experience filling similar positions.~~

Legal References

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301(b)(1)(EE), TCA 49-5-512(d)
3. TCA 49-5-511(a)(2)
4. TCA 49-5-511—513
5. TCA 49-5-508(a)
6. TCA 49-5-508(c)
7. TCA 49-5-706
8. TCA 49-5-411(b); Public Acts of 2021, Chapter No. 493
9. TCA 8-36-805
10. TCA 8-36-821

Cross References

Public Hearings 1.401.
Teacher Tenure 5.117
Recommendations and File Transfers 5.203

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Separation Practices for Non- Tenured Teachers	Descriptor Code: 5.201	Issued Date: 10/28/21
		Rescinds: 5.201	Issued: 07/22/21

1 SUSPENSION PENDING AN INVESTIGATION¹

2 The Director of Schools may suspend a teacher at any time that may seem necessary, pending
3 investigation or final disposition of a case before the Board or an appeal. If the matter under investigation
4 is not the subject of an ongoing criminal investigation or a Department of Children's Services
5 investigation, and if no charges for dismissal have been made, a suspension pending investigation shall
6 not exceed ninety (90) days in duration. Under no circumstances shall the Director of Schools suspend
7 a non-tenured teacher with pay. If vindicated or reinstated, the non-tenured teacher shall be paid full
8 salary for the period of suspension.

9 SUSPENSION OF THREE DAYS OR LESS²

10 A Director of Schools/designee may suspend a teacher for incompetence, inefficiency, neglect of duty,
11 unprofessional conduct and insubordination. Before an **employee teacher** is suspended, he/she shall be:
12 (1) provided with written notice, including the reasons for the suspension along with an explanation of
13 the evidence; (2) given an opportunity to respond to the Director of Schools at a recorded conference, if
14 requested within five (5) **business** days; and (3) given a written decision of the suspension within ten
15 (10) **business** days. Both parties may be represented by counsel at the conference, which shall be
16 recorded.

17 **Under no circumstances shall the Director of Schools suspend a non-tenured teacher with pay. If
18 reinstated, the non-tenured teacher shall be paid full salary for the period of suspension unless suspension
19 without pay is deemed to be an appropriate penalty.**

20 DISMISSAL OR SUSPENSION GREATER THAN THREE DAYS²

21 The Director of Schools may dismiss or suspend for more than three (3) **business** days any non-tenured
22 teacher during the contract year for incompetence, inefficiency, insubordination, improper conduct, or
23 neglect of duty after giving the non-tenured teacher, in writing, due notice of the charges.

24 The Director of Schools shall give the non-tenured teacher an opportunity for a full and complete hearing
25 before an impartial hearing officer.

26 The Board will appoint an impartial hearing officer to conduct such hearings, **as defined under Tennessee
27 Law**. The hearing officer will hear the case and the **employee teacher** shall have the right to:

- 28 1. Be represented by counsel;
- 29 2. Call and subpoena witnesses;
- 30 3. Examine all witnesses; and
- 31 4. Require that all testimony be given under oath.

1 Factual findings and decisions in all dismissal cases shall be reduced to written form and delivered to the
2 affected **employee teacher** within ten (10) **business working** days following the close of the hearing. The
3 teacher may appeal the decision to the Board within ten (10) **business working** days of the hearing officer
4 rendering the written decision to the **employee teacher**. Written notice of appeal to the Board shall be
5 given to the Director of Schools. Within twenty (20) **business working** days of receipt of notice, the
6 Director of Schools shall prepare a copy of the proceedings **including all** transcripts, documentary and
7 evidence **or otherwise** presented and provide the Board a copy of the same.

8 The Director of Schools shall also have the right to appeal any adverse ruling by the hearing officer in
9 same manner as the non-tenured teacher.

10 The Board shall hear the appeal. No new evidence shall be introduced. The non-tenured teacher may
11 appear in person or be represented by counsel and argue why the decision should be modified or reversed.
12 The Board shall take one of the following actions:

- 13 1. Sustain the decision;
- 14 2. Send the record back if additional evidence is necessary; or
- 15 3. Revise the penalty or reverse the decision.

16 Before any decision to dismiss is made, a majority of the membership of the Board shall concur in
17 sustaining the charges. The Board shall render a decision on the appeal within ten (10) **business workin**
18 days after the conclusion of the hearing.

19 Within twenty (20) **business working** days after receipt of notice of the decision of the Board, either
20 party may appeal to the chancery court in the county where the school **system district** is located. The
21 Board shall provide the entire record of the hearing to the court.

22 **NON-RENEWAL**

23 Non-tenured teachers are subject to the same rules and regulations and are entitled to the privileges of
24 employment enjoyed by tenured teachers except that they have no claim upon continuing employment
25 or tenure protections.

26 The principal is responsible for discussing deficiencies as part of the evaluation process with the non-
27 tenured teacher and providing assistance for overcoming these deficiencies.

28 The Director of Schools is under no obligation to re-employ non-tenured teachers at the end of their
29 contract period. If the Director of Schools determines not to renew the contract of a non-tenured teacher,[†]
30 the following action shall be taken:

- 31 1. The Board shall be notified at the next regular board meeting; and
- 32 2. Written notice of non-renewal shall be sent to the teacher by certified mail, overnight carrier or
33 by email within five (5) business days following the last instructional day for the school year.³ **If**
34 **the reason for the non-renewal is due only to a loss of funding for the position, then the notice**
35 **shall include a statement listing it as the cause for non-renewal.**⁴

36 **RESIGNATION**

1 A teacher shall give the Director of Schools notice of resignation at least thirty (30) days before the
2 effective date of the resignation.⁴⁵ The Board may waive the thirty (30) days-notice requirement and
3 permit a teacher to resign in good standing.

4 The conditions under which it is permissible to break a contract with the board are as follows:^{5 6}

- 5 1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified
6 statement of a physician approved by the Board; and
- 7 2. The release by the Board of the teacher from the contract, which the teacher has entered into with
8 the Board.

9 Any teacher on leave shall notify the Director of Schools in writing at least thirty (30) days prior to the
10 date of return if the teacher does not intend to return to the position from which he/she has taken leave.
11 Failure to render such notice may be considered a breach of contract.⁶⁷

12 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with
13 the State Board of Education and request the suspension of a teacher's **certificate license**. After the State
14 Board of Education has provided the teacher an opportunity for defense during a hearing, the State Board
15 of Education may suspend the **certificate license** for no less than thirty (30) days and no more than three
16 hundred sixty-five (365) days.⁷⁸

17 RETIREMENT

18 Retirement shall mean a termination of services under conditions, which will allow the **teacher employee**
19 to draw benefits from retirement plans and/or Social Security benefits.

20 **Employees Teachers** eligible for retirement benefits may elect to retire at any age according to the
21 provisions of the retirement system. Central office personnel shall assist **employees teachers** in securing
22 retirement benefits; however, it shall be the responsibility of the retiring **employee teacher** to provide
23 verification of eligibility in writing from **the Tennessee Consolidated Retirement System (TCRS)** to the
24 central office. It shall be the responsibility of the retiring **employee teacher** to file for **retirement** benefits.

25 **Teachers who retire under TCRS may be employed up to one hundred twenty (120) days per year without**
26 **loss of retirement benefits. Retired teachers may substitute teach for additional days if the Director of**
27 **Schools certifies in writing to the Division of Retirement that no other qualified personnel are available**
28 **to substitute teach.**⁸

29 **The Director of Schools may employ teachers retired for at least one year for full-time employment as a**
30 **kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost**
31 **or suspended under certain conditions, which include but are not limited to the following:**⁹

- 32 1. **The Director of Schools of the employing district shall certify in writing that no other qualified**
33 **individuals are available to fill the position;**
- 34 2. **The Commissioner of Education must certify that the employing school district serves an area**
35 **that lacks qualified teachers to serve in the position to be filled;**
- 36 3. **The retired teacher must hold a valid license and shall not be entitled to tenure status;**
- 37 4. **The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave or**
38 **receive medical insurance coverage; and**

1 5. The salary paid to the retired teacher shall not be less than the rate of compensation set by the
 2 Board for teachers with no experience filling similar positions, nor more than eighty five percent
 3 (85%) of the rate of compensation set by Board for teachers with comparable training and years
 4 of experience filling similar positions.

5 *(Note: Nonrenewal of non-tenured teachers after the contract year is not suspension or dismissal and*
 6 *does NOT follow the suspension/dismissal procedures guidelines outlined in this policy. Rather,*
 7 *nonrenewal of non-tenured teachers after the contract year follows the nonrenewal procedures*
 8 *guidelines outlined in this policy.)*

Legal References

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301(b)(1) (EE); TCA 49-5-512
3. TCA 49-5-409 Public Acts of 2021, Chapter No. 378
4. TCA 49-5-508 Public Acts of 2022, Chapter No. 678
5. TCA 49-5-411(a) 508
6. TCA 49-5-706 411(a)
7. TCA 49-5-411(b)(4) Public Acts of 2021, Chapter No. 493 706
8. TCA 8-36-805 49-5-411 (b)
9. TCA 8-36-821 805

Cross References

- Public Hearings 1.401
 Teacher Tenure 5.117
 Recommendations and File Transfers 5.203

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Substitute Teachers	Descriptor Code: 5.701	Issued Date: 03/17/22
		Rescinds: 5.701	Issued: 12/02/21

1 Substitute teachers are those teachers used to replace teachers on leave or to fill temporary vacancies **until**
2 **a licensed teacher is available.**^{1,2} ~~All~~ Substitute teachers shall ~~may~~ be employed by the Director of Schools
3 and paid **directly** by the Board or by a third party ~~public or private~~ employer through an agreement
4 between such third party employer and the Board ~~of education.~~

5 Substitute teachers employed by third party entities shall be subject to the same unemployment
6 benefit eligibility conditions as substitute teachers employed directly by the Board ~~of education.~~²

7 APPLICATION/QUALIFICATIONS

8 Criminal history record checks, fingerprinting **of applicants,** and ~~pre-employment 10-panel drug screen~~
9 ~~of applicants~~ for substitute teaching are required.³

10 Applicants **with revoked licenses or certificates according to** ~~whose records with~~
11 ~~the State~~ the Department of Education ~~indicate a license or certificate currently in revoked status~~
12 shall not be hired.⁴

13 **Qualifications for substitute teacher shall be determined by the Director of Schools in compliance with**
14 **board policy, state laws, and State Board of Education rules and regulations.**

15 ~~Substitute teachers shall have a minimum of a valid high school diploma or equivalency and must be a~~
16 ~~minimum of 21 years of age unless currently enrolled in or graduated from an accredited college~~
17 ~~program.~~

18 **A list of substitute teacher(s)** will be prepared by the Personnel director, who will maintain **a complete**
19 **file(s) which may** ~~on all substitute teachers.~~ This file will include transcripts, credentials,
20 recommendations, and other pertinent information. ~~A list of all approved substitutes shall be provided to~~
21 ~~all building principals. Only those persons on the approved substitute list shall be employed to substitute~~
22 ~~teach.~~

23 COMPENSATION

24 **If employed directly by the district,** the compensation of substitute teachers **is shall be** determined
25 annually by the Board.

26 Retired teachers serving as substitutes who do not have an active teaching license shall be paid the
27 same as a retired substitute teacher with an active teaching license. **This only applies to teachers who**
28 **retired after July 1, 2011 through July 1, 2016.**⁵

1 CERTIFICATION

2 When substituting for a regular teacher who has been absent for twenty (20) consecutive days, a
3 substitute teacher ~~must~~ shall possess a teaching certificate with endorsement in the discipline(s) to be
4 taught ~~or shall be retired teacher that held the appropriate endorsement.~~⁶

5 When substituting for a teacher without sick leave, the substitute shall be certified and paid according to
6 the state salary schedule.¹

7 ~~Retired teachers may substitute one hundred twenty (120) days per year without loss of retirement~~
8 ~~benefits,⁴ and may substitute for additional days if the director of schools certifies in writing to the Division~~
9 ~~of Retirement that no other qualified personnel are available to substitute teach.~~⁷

10 EMERGENCY NEEDS

11 All teacher aides, secretaries and clerks are approved substitute teachers for use in emergency situations.
12 Emergency use shall be defined as less than a full day due to the regular or substitute teacher being unable
13 to arrive on time or remain for the full day.

14 ~~Such~~ Said substitutes shall receive the proportionate equivalent salary regular substitute teachers
15 would receive under similar circumstances or their regular salary, if higher; however, they shall not receive
16 pay for both positions at the same time.

17 TRAINING AND ORIENTATION

18 The Director of Schools shall be responsible for ~~providing~~ ensuring that there are
19 appropriate training and development programs for substitute teachers.

20 ~~All substitute teachers shall be required to attend an orientation session prior to their first day of work to~~
21 ~~receive instructions regarding reporting, pay schedules, and other pertinent information.~~

22 RESPONSIBILITIES

23 Substitute teachers shall assume the same responsibilities ~~and have the same authority~~ as the regular
24 teacher, including ~~but not limited to~~ bus duty and playground supervision.

25 RE-EMPLOYMENT/TERMINATION

26 On an annual basis, the Director of Schools, with input from the principals, shall determine which
27 substitute teachers performed at an acceptable level. Substitute teachers who performed below an
28 acceptable level shall not be re-employed.

29 All substitutes shall be responsible for providing correct addresses and phone numbers and for notifying
30 the principal ~~and/or third party employer~~ if they wish to terminate their service as substitutes.

31 ~~Substitutes that have a lapse of employment greater than 12 months will be required to obtain new~~
32 ~~fingerprints and 10-panel drug screen prior to being reinstated.~~

Legal References

1. TRR/MS 0520-01-02-.04(5)
2. TCA 49-5-709
3. TCA 49-5-413(a)(2)
4. TCA 49-2-203(a)(15)(14)
5. TCA 49-3-312(b)
6. TCA 49-3-312(a); TRR/MS 0520-01-02-.04(5)(b)
7. ~~TCA 8-36-805~~

Cross References

Background Investigations 5.118
Employment of Retirees 5.119

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: <h2 style="text-align: center;">Admission of Suspended or Expelled Students</h2>	Descriptor Code: 6.318	Issued Date: 02/23/17
		Rescinds: 6.318	Issued: 10/01/98

1 The Board may deny admission of any student (except those in state custody) who has been expelled
 2 or suspended from another school system in Tennessee or another state even though the student
 3 has established residency in the system in which he/she seeks enrollment.

4 After a request for enrollment is made, the Director of Schools shall investigate the facts surrounding
 5 the suspension/expulsion from the former school ~~system~~ ~~district~~ and make a recommendation to the
 6 Board to approve or deny the request.

7 The Board shall not deny enrollment beyond the length of the imposed suspension/expulsion.

8 ~~If the action of the Board is to deny admission, the director of schools shall, on behalf of the Board~~
 9 ~~of Education, notify the Commissioner of Education of the decision.~~

10 ~~Any school system that accepts enrollment of a student from another school system~~ A student may be
 11 ~~dismissed the student~~ if it is determined subsequent to the enrollment that the student has been
 12 suspended or expelled from the former school ~~district~~ ~~system~~.¹

13 ~~* When a student has been remanded to alternative school, he or she is not permitted at any time to be~~
 14 ~~on any Cumberland County School campus. This includes extracurricular events.~~

Legal References

1. TCA 49-6-3401(f); **Public Acts of 2022 Chapter No. 868**; 20 USCS § 1232g(b)(4), (h)

Cross References

School Admissions 6.203
 Student Records 6.600-~~604~~

Cumberland County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Extracurricular Activity Drug Testing	Descriptor Code: 6.3071	Issued Date: 02/23/12
		Rescinds:	Issued:

1 Participation in extracurricular activities is a privilege and not a right. Students in grades 7- 12 taking
2 part in these activities will be subject to random drug testing.

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

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

10 **DEFINITION OF TERMS**

11 **Extracurricular** is defined as — voluntary; not falling within the scope of regular curriculum and
12 carrying no academic credit. This includes all Cumberland County Schools' athletes, cheerleaders, band
13 members, club members, student council members, etc.

14 **Drugs** — Any substance, including alcohol, considered illegal or controlled by the Food and Drug
15 Administration. Substance abuse may, according to medical research, lead to serious health
16 complications.

17 **Calendar Year** — 365 days from date of positive test result

18 **RANDOM DRUG TESTING**

19 All students who participate in extracurricular activities shall be subject to random drug testing. All
20 parents/guardians of students who participate in extracurricular activities and the student who voluntarily
21 participates in extracurricular activities shall be required to sign a written consent for random drug testing
22 prior to participation. All signatures must be witnessed by a designated school official and must comply
23 with consent requirements as stated on the consent form. A student who participates in extracurricular
24 activities will not be allowed to participate in any extracurricular activity until the Random Drug Testing
25 Consent Form is signed. The principal may allow a custodial parent/guardian to give permission for
26 testing, if after reasonable attempts, the other parent/guardian is verified to be unavailable to sign the
27 permission form. **If a student who participates in extracurricular activities refuses to be tested at
28 anytime, he/she will be suspended from extracurricular activities for one calendar year.**

1 Random tests shall be unannounced. The cost of the random screening shall be the responsibility of the
2 Board.

3 **RANDOM TEST PROCEDURE**

4 Random drug testing will be conducted not less than two (2) times at various intervals during the calendar
5 year in grades 7-12.

6 Selection of students, who participate in extracurricular activities, for random testing shall be conducted
7 in the following manner:

8 The student number of each student who participates in extracurricular activities shall be placed in a
9 "pool" from which a blind draw will be held. The notification of those students who participate in
10 extracurricular activities, whose numbers were drawn for testing, will be made in person by a school
11 administrator. Those selected for testing will be notified immediately and tested the same day.

12 **TESTING PROCEDURES**

13 Tests will be performed by a certified independent laboratory. Tests for any illegal drug or controlled
14 substance may be included.

15 Specimens will be collected in a manner to ensure student privacy to the greatest extent possible while
16 maintaining the integrity of the testing.

17 The school system shall follow strict procedures regarding the chain of custody and access to the test
18 results. The Medical Review Officer (MRO) of the collection facility will contact a person designated
19 by the director of schools, who will contact parents of a minor student for medication verification. If the
20 student is eighteen (18) years of age, the designee may contact him/her directly. A positive or negative
21 test will then be reported directly to the director of schools. Only the director of schools, the school
22 administration and the collection facility shall have access to test results. The results will be kept until
23 the student graduates. Should the student leave Cumberland County Schools, the records will be kept
24 until the student's projected date of graduation. All records shall be maintained in a secure location with
25 controlled access.

26 **PENALTIES**

27 If a student tests positive, the following action will be taken:

28 **First Offense**

- 29
- 30 1. Notify the parent/ guardian.
- 31
- 32 2. The principal will conduct a due process hearing with the parent/guardian and the student.
- 33
- 34 3. The student will be given the option of:
- 35

1 a. Accepting a referral for participation in an assistance program and taking a drug test, which
2 may be weekly for up to six weeks, as determined by the MRO/family physician. This shall
3 be at the expense of the parent or guardian. If the student continues to test positive beyond
4 the retention time, or at the end of the six weeks time period, it will be considered his/her
5 second offense.

6 OR

7 b. Suspension from participating in extracurricular activities for one calendar year from date of
8 first positive test result.

9 **Second Offense**

- 10 1. Notify parent or guardian; notification of split specimen testing at the parents' expense.
11
12 2. The principal will conduct a due process hearing with the parent/guardian and the student.
13
14 3. Participate in an assistance program and taking a drug test, which may be weekly for up to six
15 weeks, as determined by the MRO/family physician. This shall be at the expense of the parent or
16 guardian. If the student continues to test positive beyond the retention time, or at the end of the
17 six weeks time period, it will be considered his/her third offense.
18
19 4. The student will be referred to the juvenile court system.
20
21 5. The student is suspended from participating in extracurricular activities for one calendar year.

22 **Third Offense**

- 23 1. Notify parent or guardian; notification of split specimen testing at the parents' expense.
24
25 2. A due process hearing will be conducted by the principal with the parent/guardian and the
26 student.
27
28 3. The student will be referred to the juvenile court system.
29
30 4. The student is suspended from participating in extracurricular activities for the remainder of
31 his/her attendance in Cumberland County Schools.

32 *All penalties remain applicable while student is in attendance, regardless of withdrawal and re-
33 admittance into Cumberland County Schools.

Good Morning Mr. Stepp.

My understanding of the issue taken with this policy, is the language used on page 3, in the Penalties section, specifically for Second and Third Offenses: "The student will be referred to the juvenile court system." The thought expressed in the meeting was that the juvenile court system would have no authority to take any action because testing positive for illegal drugs is not necessarily a crime, such that the juvenile court system might find that a student is *delinquent* and in need of rehabilitation.

Prior to the meeting where this was discussed, I reviewed Tenn. Code Ann. § 49-6-4213 Testing of students for drugs —Referral information and assistance for students testing positive. This statute authorizes this type of testing and indicates that the State Board of Education shall develop a model policy which school systems may adopt. The particular model policy is 4.201 and *does* include the provision that "each confirmed incident (positive drug screen) will result in a referral to the Youth Services Officer (YSO). I would note that this is really just another way of saying "the Juvenile Court System".

In speaking with Cody Christopher, of Cumberland County Youth Services, when they have received referrals from us in the past, based on positive drug screens, they work with the child and parents, usually first referring the child to the TAD Center, for an Alcohol and Drug Addiction assessment and suggest following up with any recommended counseling or treatment. They do not put the child on probation or anything like that, based solely on our referral.

Having had this conversation with Mr. Christopher and a better understanding of how such referrals work, I don't feel strongly that any change to the policy needs to be made, perhaps other than adding as references, Tenn. Code Ann. § 49-6-4213; and Tennessee State Board of Education Model Drug Testing Policy 4.201. That being said, the language in our policy could be changed, for instance, to indicate that "the student will be referred to the County Youth Services Office, for further counseling and/or intervention as deemed necessary by that office". Such language might be arguably less ambiguous than what is currently in place. Please call me if I may be of further assistance.



G. EARL PATTON

Attorney at Law

PATTON & HYDER, PLLC

645 S. Main Street, Suite 104

Crossville, TN 38555

(931) 787-1333 (phone)