



**Morgan County Schools Board of Education Workshop
February 28, 2011 6:30 PM
Central Elementary School**

MEMBERS PRESENT:

1. **Prayer**
2. **Pledge**
3. **"Good News" - Report from Central Elementary (Jamie Pemberton, Principal)**
4. **Agenda**
5. **MCEA**
6. **Audience Participation**
7. **Consent Agenda**
 - A. Approval of Minutes-Regular Meeting of Feb. 7, 2011
 - B. Approval of Minutes - Special Meeting January 13, 2011
 - C. Workshop - Monday, March 28, 2011 6:30 p.m. @ Oakdale School
 - D. Regular Board Meeting - April 4, 2011, 6:30 p.m. @ Central Office
8. **Budget Amendments**
9. **Review bids for current Transportation/Maintenance Buildings and Property**
10. **Consider MCEA Insurance Request**
11. **Bid Update - Mowing and Sunbright awning bid openings - March 10th**
12. **Discussion of make-up plan for missed day(s) due to snow**
13. **Policy Revisions-Administrative Procedures**
 - A. TSBA Policy Packet-Section IV-Instructional Services
 - B. Revision of Head Lice policy - 2nd Reading
 - C. Grading policy change - Set percentage of final grade for TCAP score (15-25%) 2nd reading
 - D. 5.3022 - Sick Leave Bank for Support Staff (Corrections)
 - E. 5.117 - Procedure for Granting Tenure - Revision (1st Reading)
 - F. Policy 1.703 - School Attendance Areas (Discussion of Bus Routes-Petit Lane and Adjoining Roads) Committee Recommendation
 - G. GCRI - Support Personnel Longevity Pay (Administrative Procedures)
14. **Director's Performance Contract Report/Announcements**
 - A. Monthly Financial Report
 - B. Teacher Effectiveness Data; FTTT Scope of Work
 - C. Update on Literacy Program - Judy Hurst, Kathy Carroll, Curriculum Coaches
 - D. Report on Adjustments to After-School Program - Judy Hurst
 - E. Update - Work on new Maintenance & Transportation facility
 - F. 2011-12 Budget - Next board workshop Tuesday, March 15th 6:00pm @ Central Office
15. **Adjourn**
 - A. Workshop - Monday, March 28, 2011 6:30 p.m. @ Oakdale School
 - B. Regular Board Meeting - April 4, 2011 6:30 p.m. @ Central Office

MORGAN COUNTY SCHOOLS
Wartburg, Tennessee
MORGAN COUNTY BOARD OF EDUCATION
REGULAR MEETING – February 7, 2011
Conference Room – Central Office
6:30 p.m.

MEMBERS PRESENT: Terry Armes, Randy Harlan, Glen Moore, Richard Spurling, Wendy Collins, Paul Hudson

1. Prayer

2. Pledge

3. "Good News" - Report from Central High (Dallas Davis, Principal); Others

MCCTC now has a dual credit Criminal Justice Class. Forty students are now enrolled in the recently added networking computer class. Six highly effective teachers from our district have been selected to participate in a research study conducted by the Tennessee Department of Education and Battelle for Kids. These teachers are: Heath Snow, Michael Smith, Matthew Sexton, Jennifer Monroe, Billy Dennis, and Linda Henderson.

4. Agenda

Motion was made by Randy Harlan to approve agenda as presented. Seconded by Glen Moore. Motion carried.

5. MCEA

Margaret Morgan informed the Board that support staff are currently enrolling in the newly developed sick bank.

6. Audience Participation

Motion was made by Randy Harlan to conduct a hearing concerning the request from Dawn Fretag to allow her son, Jacob, to continue attending Diesel training classes. Seconded by Richard Spurling. Motion carried

7. Consent Agenda

7.a. Approval of Minutes-Regular Meeting of Jan. 3, 2011

7.b. Workshop - Monday, Feb. 28, 2011 6:30 p.m. @ Central Elementary School

7.c. Regular Board Meeting-March 7, 2011, 6:30 p.m. @ Central Office

Motion was made by Wendy Collins to approve the consent agenda as presented. Seconded by Glen Moore. Motion carried.

8. Budget Amendments

Motion was made by Randy Harlan to approve budget amendments as presented. Seconded by Wendy Collins. Motion carried.

Roll Call

Terry Armes	Yes
Wendy Collins	Yes
Glen Moore	Yes
Randy Harlan	Yes
Paul Hudson	Yes
Richard Spurling	Yes

Morgan County Board of Education

G.P.
February 7, 2010

Budget Amendment #75

Debit:
141-44530 (Sale of Equipment) \$31.00

Credit:
141-72210-790 (Other Equipment) \$31.00

Explanation:

Sale of surplus equipment.

Morgan County Board of Education

G.P.

February 7, 2010

Budget Amendment #76

Debit:
141-71100-116 (Teachers) \$128,030.00

Credit:
141-72110-399 (Other Contracted Services) \$128,030.00

Explanation:

Adjust budget to add SRO officers at Oakdale, Sunbright, and Central Elementary and Central High School.

Morgan County Board of Education

G.P.

February 7, 2010

Budget Amendment #77

Debit:
141-71300-730 (ETH) Equipment \$850.00

Credit:
141-71300-355 (ETH) Travel \$850.00

Explanation:

To adjust budget to pay for unexpected expense.

Morgan County Board of Education

G.P.

February 7, 2010

Budget Amendment #78

Debit:
141-44170 (Miscellaneous Refunds) \$884.90

Credit:
141-72710-453 (Vehicle Parts) \$884.90

Explanation:

Additional revenue from sale of scrap metal.

Morgan County Board of Education

G.P.

February 7, 2010

Budget Amendment #79

Debit:
141-82230-603 (Interest on Bonds) \$17,793.00

Credit:
141-72320-524 (Staff Development) \$17,793.00

Explanation:

Models School Conference and other professional development.

**Morgan County Board of Education
G.P.
February 7, 2010
Budget Amendment #80**

Debit:
141-71100-499 (Other Supplies) \$3,800.00

Credit:
141-72120-413 (Medical Supplies) \$3,800.00

Explanation:

To adjust budget for purchase of medical supplies.

**Morgan County Board of Education
G.P.
February 7, 2010
Budget Amendment #81**

Debit:
141-72210-163 (Educational Assistants) \$10,000.00

Credit:
141-72320-307 (Communication) \$10,000.00

Explanation:

To adjust budget for cell phone expenses.

9. Update - Maintenance and Transportation Facility (Decision on Renovation Plans)

Motion was made by Glen Moore to accept Plan #1 for the renovation of the Flat Fork Building and to assign Buddy Tharp as project manager. Seconded by Wendy Collins. Motion carried.

Roll Call

Terry Armes Yes
Wendy Collins Yes
Glen Moore Yes
Randy Harlan Yes
Paul Hudson Yes
Richard Spurling Yes

10. Discuss sale of current Transportation/Maintenance Buildings and Property

Discussion: Dr. Diden opened discussion by reminding the Board of his consulting TSBA for legal advice concerning the sale of the buildings and property. The board has two options for selling this property: sealed bid or public auction. Dr. Diden stressed the importance of being open to the public during this process.

Motion was made by Wendy Collins to advertise request for bids with a minimum bid of \$150,000 and to set a date for showing of the building to discuss what remains with the sale. Seconded by Randy Harlan. Motion carried.

11. Bids

11.a. Acceptance of Cafeteria Bids

Motion was made by Glen Moore to accept bid for food and nonfood items from Institutional Wholesale Company. The term of agreement will be February 1, 2011 through June 30, 2011. Seconded by Wendy Collins. Motion carried.

11.b. Permission to bid awning for Sunbright School

11.c. Permission to bid lawn mowing services for all schools

Motion was made by Randy Harlan to permit advertising of bids for awnings at Sunbright School and lawn mowing services at all schools. Seconded by Richard Spurling. Motion carried.

Discussion: Mr. Harlan said he anticipated problems by limiting mowing only after school hours. Dr. Diden suggested mowers could coordinate with principals concerning appropriate mowing times at their school. Other concerns were communicating expectations about mowing for special events, mowing during dry periods, etc. Recommendation was made to set up a special meeting with mowers to discuss these concerns.

11.d. Discussion - Price Quotes for renovation of bathrooms @ Coalfield, Oakdale, Sunbright

12. Approval of MCCTC Perkins Grant for Distance Learning (Reimburseable Grant) - \$65,828

Motion was made by Wendy Collins to approve the Distance Learning Grant for MCCTC. Seconded by Glen Moore. Motion Carried.

13. Discuss easement at Central Elementary to create turn lane for Letorey Road

Motion was made by Randy Harlan to grant easement on Letorey Road. Seconded by Wendy Collins. Motion carried.

14. Approval of District Value-Added Team access to TVAAS data of teachers (TCA 49-1-606)

Motion was made by Wendy Collins to appoint Kathy Carroll, Tim Hines, Carlana Mayo as the district value-added team to allow access to TVAAS data. Seconded by Glen Moore. Motion carried.

15. Policy Revisions-Administrative Procedures

15.a. TSBA Policy Packet-Section IV-Instructional Services

15.b. Revision of Head Lice policy - 1st Reading

15.c. Grading policy change - Set percentage of final grade for TCAP score (15-25%)

Motion was made by Randy Harlan to pass revised policies Head Lice and Grading on 1st reading and to set the percentage for TCAP score to 15%. Seconded by Glen Moore. Motion carried.

15.d. TSSAA Bylaw Change - Policy 4.301 Interscholastic Athletics

15.e. Policy 1.703 - School Attendance Areas (Discussion of Bus Routes-Petit Lane and Adjoining Roads)

15.f. GCRI - Support Personnel Longevity Pay (Administrative Procedures)

16. Discussion of plan for make-up of missed days for snow

At present, the system has missed 14 days for inclement weather. The school calendar allows for 11 snow days, therefore 3 days were necessary to be made up. The dates in the school calendar used for make-up are: MLK Day, January 17th, Presidents Day, February 21st, and Staff Development Day, February 18th. Some confusion was noted by Margaret Morgan concerning using the staff development day for make-up. Randy Harlan suggested sending an email to employees for clarification.

17. Director's Performance Contract Report/Announcements

17.a. Monthly Financial Report

Discussion: Dr. Diden informed the Board that adjustments may be necessary in the Special Education budget. Reasons for adjustment were challenges to anticipate contracted services needs and underestimated budget for salaries. It was noted that two or three employees of the special education program are considering taking a voluntary reduction in staff.

17.b. Review of District Report Card (District & School Reports) Supervisors & Principals

17.c. Student Transportation Team Report - Ronnie Wilson, Chairman

17.d. 2011-12 Budget - Next board workshop Feb. 17th 6:00pm @ Central Office

17.e. TSBA Day on the Hill - Feb. 22 (Sheraton Nashville Downtown)

18. Adjourn

18.a. Workshop - Monday, February 28, 2011 6:30 p.m. @ Central Elementary School

18.b. Regular Board Meeting - March 7, 2011, 6:30 p.m. @ Central Office

Meeting Adjourn at 7:25 p.m. with a motion from Randy Harlan and second by Richard Spurling. Motion carried.

Chairperson

Superintendent

MORGAN COUNTY SCHOOLS
Wartburg, Tennessee
MORGAN COUNTY BOARD OF EDUCATION
SPECIAL MEETING – January 13, 2011
Conference Room – Central Office
6:00 p.m.

Agenda: Consideration of the use of Holidays (Martin Luther King and President's Day) for make-up of missed school days.

MEMBERS PRESENT: Terry Armes, Randy Harlan, Glen Moore, Richard Spurling, Wendy Collins, Paul Hudson

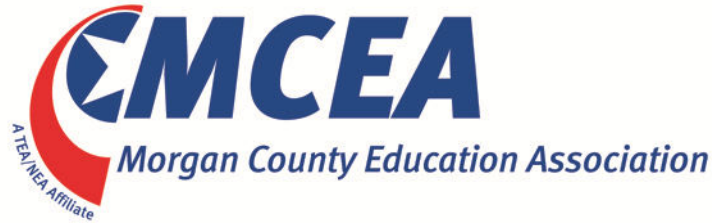
A lengthy discussion was held regarding the number of snow days missed to date and the need to plan for make-up. To date, 12 schools days had been missed due to snow. The 11 accrued days were exhausted with one day needing to be made-up. Several different options were discussed for make-up of this day and other days if the snowy weather continued.

Motion was made by Randy Harlan to use Martin Luther King (Jan. 17) and President's Day (Feb. 21) holidays as make-up days. If needed, the Staff Development Day on Feb. 18 would also be used. Seconded by Glen Moore. Motion Carried.

Meeting Adjourn at 6:30 p.m. with a motion from Randy Harlan and second by Richard Spurling. Motion carried.

Chairperson

Superintendent



February 14, 2011

Dear Mr. Diden:

It has come to my attention that the amount being deducted for family insurance for couples who both work for Morgan County Schools is not what is stated in the contract. Even if we ignore the \$1000, which we have been because of the understanding at the time the agreement was signed making it contingent on available funds, the math is wrong.

The contract states that the amount Morgan County will pay is the cost of an individual plan plus 45% of the family plan. Right now, finance is applying the cost of two (2) individual plans which amounts to \$1,125.26 for the Partnership BSBST policy. It should be 562.68 (the cost for an individual) plus \$658.34 (45% of the family plan) for a total of \$1221.02. The difference in what is being deducted and what should be deducted is \$95.76.

The four policies are as follows:

	Individual	45% Fam	Currently	Emp Overpayment
BCBST Partnership	562.68 +	658.34 = 1221.02	1125.36	95.76
BCBST Standard	592.68 +	685.34 = 1278.02	1185.36	92.66
Cigna Partnership	574.68 +	669.14 = 1243.82	1149.36	94.46
Cigna Standard	604.68 +	696.14 = 1300.82	1209.36	91.46

Since this has been pointed out, the association is requesting that the correct amount be deducted from this point on and that the families affected by this error be reimbursed the overpayment for 2011.

The source used to calculate the employee overpayment was the chart provided by Morgan County Schools titled Health Premiums for Active Employees (Annual Cost – 10-month payroll).

Sincerely,

Margaret Strange Morgan, President

Morgan County Board of Education Directory

4 - INSTRUCTIONAL PROGRAM

Descriptor Code	Policy Title	Issued Date
4.100	Instructional Goals	00/00/00
Curriculum Development and Programs		
4.200	Curriculum Development	00/00/00
4.201	Basic Curriculum Program	00/00/00
4.202	Special Education	00/00/00
4.2021	Special Education Class Size	00/00/00
4.203	Advanced College Placement	00/00/00
4.204	Summer School	00/00/00
4.205	Enrollment in College Level Courses	00/00/00
4.206	Special Programs	00/00/00
	Homebound Instruction	
	Remedial Instruction	
4.207	Limited English Proficient/Language Minority Students	00/00/00
4.208	Adult Education Program	00/00/00
4.209	Alternative Credit Options	00/00/00
Extracurricular Programs		
4.300	Extracurricular Activities	00/00/00
4.301	Interscholastic Athletics	00/00/00
4.302	Field Trips and Excursions	00/00/00
Instructional Materials and Services		
4.400	Instructional Resources and Materials	00/00/00
4.401	Textbook Selection, Distribution and Care	00/00/00
4.402	Selection of Instructional Materials (Other Than Textbooks)	00/00/00
4.403	Reconsideration of Instructional Materials and Textbooks	00/00/00
4.404	Use of Copyrighted Materials	00/00/00
4.405	Employee-Developed Materials	00/00/00
4.406	Use of the Internet	00/00/00
4.407	Web Pages	00/00/00
4.408	Multimedia Use	00/00/00

Community Instructional Resources

4.500	Community Instructional Resources	00/00/00
4.501	School Volunteers	00/00/00
4.502	Parent/Family Involvement	00/00/00

Academic Achievement

4.600	Grading System	00/00/00
4.601	Reporting Student Progress	00/00/00
4.602	Class Ranking	00/00/00
4.603	Promotion and Retention	00/00/00
4.604	Accelerated and Advanced Credit	00/00/00
4.605	Graduation Requirements	00/00/00
4.606	Graduation Activities	00/00/00
4.607	Waivers of Statute, Rules and Regulations	00/00/00

Testing and Evaluation

4.700	Testing Programs	00/00/00
4.701	Maintaining Test Security	00/00/00
4.702	Evaluation of Instructional Program	00/00/00

Controversial Issues and Materials

4.800	Controversial Issues	00/00/00
4.801	Controversial Materials	00/00/00
4.802	Student Equal Access	00/00/00
4.803	Recognition of Religious Beliefs, Customs & Holidays	00/00/00
4.804	Religion in the Curriculum	00/00/00
4.805	Prayer and Period of Silence	00/00/00

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Instructional Goals	Descriptor Code: 4.100	Issued Date: 06/06/1994
		Rescinds: IB	Issued: 06/06/1994

1 The Board approves the following broad-based instructional goals for students:
2

- 3 • To acquire the knowledge and attitude necessary to achieve and maintain good physical and mental
4 health;
- 5
- 6 • To develop the skills necessary to function as a self-directed person;
7
- 8 • To develop the capacity to cope with change through an understanding of the arts, humanities and
9 scientific processes;
- 10
- 11 • To know the principles involved in making moral and ethical choices.
12
- 13 • To develop the basic skills of reading, writing, computation, spelling, speaking and problem solv-
14 ing;
- 15
- 16 • To develop a positive attitude toward learning as a lifelong endeavor;
17
- 18 • To learn to identify personal talents and interests, make appropriate career choices, and develop
19 career skills;
- 20
- 21 • To acquire knowledge and to develop skills in the management of personal and public resources
22 necessary for meeting obligations to self, family and society;
23
- 24 • To learn to act in a responsible manner;
25
- 26 • To learn of the rights and responsibilities of citizens of the community, state, nation and world;
27
- 28 • To learn to understand, respect and interact with people of different cultures, generations and
29 races.
30

31
32
33
34
35
36 _____
37 Cross Reference:

38 School District Goals 1.700
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.100

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

- | | |
|---|------------------------|
| X | Developed Sample |
| | District policy used |
| | Customize as indicated |
| | MANDATED BY LAW |

Large empty rectangular area for additional information or comments.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Curriculum Development	Descriptor Code: 4.200	Issued Date:
		Rescinds:	Issued:

1 Under the leadership and direction of the supervisor of instruction, a unified curriculum shall be de-
2 veloped within the statewide curriculum framework for the school system in each subject area, grades
3 K-12, and presented to the Board for adoption.^{1,2}

4
5 Teachers in each school shall participate in the systemwide development of the curriculum in their ap-
6 propriate subject areas. Assignments for curriculum development in the elementary grades will be made
7 by the principal.

8
9 The curriculum will be revised and updated regularly through in-service programs and curriculum plan-
10 ning sessions, with changes subject to approval by the Board.

11
12 At least one copy of the complete curriculum shall be placed in each school. Teachers shall be given
13 a personal copy of the portion which pertains to their area of teaching. New teachers shall be given an
14 appropriate copy and briefed on its content in relation to the total curriculum.

15
16 Experimentation with newer concepts of curriculum design, scheduling, and instructional techniques
17 is encouraged but must have prior approval of the principal. An experimental program requires the
18 approval of the director of schools, the Board, the Commissioner of Education and the State Board of
19 Education.²

20
21 A course may become a permanent part of the school program after three (3) years of operation upon
22 approval of the State Board of Education.²

23 **IMPLEMENTATION**

24
25
26 The primary responsibility for the effective operation of the curriculum program and activities shall be
27 delegated to the director of schools.

28
29 The school principals shall be responsible for administering the established instructional programs and
30 for the development and supervision of a coordinated plan for the improvement of instruction in their
31 schools.

32
33
34
35 _____
36 Legal References:

- 37 1. TCA 49-1-302(a);(1);(2);(3);(8)
38 2. TRR/MS 0520-1-3-.05(1)(a); TRR/MS 0520-1-3-.05(2)

35 _____
36 Cross Reference:

37 In-Service & Staff Development Opportunities 5.113

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.200	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center; padding: 5px;">X</td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>	X	Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This new policy addresses general curricular development, as opposed to specific curricular items. Those items (previously in the IDA and IDB series) should be not be placed in the policy manual, but instead in a separate procedures manual.</p>
X	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCES:

TCA 49-1-302. Powers and duties.—(a) It shall be the duty of and the [state] board has the power to:

- (1) Study programs of instruction in public schools, grades kindergarten (K) through twelve (12); analyze the needs of such public schools; study the use of public funds for such public schools; and include the conclusions of such studies and analyze in its annual recommendations to the governor and general assembly for the funding of public education;
- (2) Set policies for the completion of elementary, middle, junior high and senior high schools as structured in each school district; for evaluating individual student progress and achievement of individual teachers; and for measuring the educational achievement of individual schools;
- (3) Develop and maintain current a master plan for the development of public education, grades kindergarten (K) through twelve (12); and provide recommendations to the executive branch, the general assembly, and the local boards of education and superintendents regarding the use of public funds for education;
- (8) Set policies governing all curricula and courses of study in the public schools.

TRR/MS 0520-1-3-.05 State Curriculum Requirement

(1) Curriculum Frameworks

(a) The State Board of Education shall adopt a curriculum framework for each subject area, grades K-12. These frameworks shall contain the broad goals and objectives which identify the minimum content required at each grade level and for each course. The approved frameworks shall be the basis for planning instructional programs in each local school system.

(2) Experimental Projects and Special Courses

(a) Local school systems may offer special courses not listed in 0520-1-3-.06 on an experimental basis. Each course must be approved in advance each year by the Commissioner of Education. After three years the course may become a permanent part of

the local school program upon approval by the State Board of Education.

(b) The Commissioner of Education, in cooperation with the State Board of Education and local school system, shall have the authority to initiate experimental projects to determine the effectiveness of innovations in content or in the administration of instructional programs. The Commissioner of Education shall report the findings of these experimental projects to the State Board of Education on an annual basis.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Basic Program	Descriptor Code: 4.201	Issued Date:
		Rescinds: IA	Issued: 10/04/1999

1 The Board shall not discriminate on the basis of sex, race, national origin, creed, age, or marital status
2 in its educational programs or activities.

3
4 Curriculum material utilized shall reflect the cultural and racial diversity present in the United States
5 and the variety of careers, roles and life-styles open to women as well as men in our society. One of
6 the objectives of the total curriculum and teaching strategies is to reduce stereotyping and to eliminate
7 bias on the basis of sex, race, ethnicity, religion and disability. The curriculum shall foster respect and
8 appreciation of the cultural diversity found in our country and an awareness of the rights, duties and
9 responsibilities of each individual as a member of a pluralistic society.¹

10
11 The course of study in the schools shall include those subjects required by the Legislature and Tennessee
12 State Board of Education as follows: reading, writing, spelling, arithmetic, English, geography, hygiene,
13 sanitation, music, drawing, black history and culture, physical education, character education and free
14 enterprise. Specific topics required in the schools include: nature of alcoholic drinks, narcotics and
15 smoking of cigarettes and their effect upon the human system; history of Tennessee and its Constitution;
16 history of the United States and its Constitution; displaying of the American flag; highway safety; and
17 defensive driving.²

18
19 The Board reserves the right to add additional courses and to amend the content of prescribed courses
20 as experience and the process of curriculum development indicate the desirability of such change.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Legal References:

- 1. 42 U.S.C. 12101; 34 CFR § 106.34
- 2. TCA 49-6-1001 through 49-6-1205; TCA 49-6-1301

Cross References:

- Student Goals 6.100
- Complaints and Grievances 6.305

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.201	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>
<input type="checkbox"/> Developed Sample	
<input checked="" type="checkbox"/> District policy used	
<input type="checkbox"/> Customize as indicated	
MANDATED BY LAW	

LEGAL REFERENCE:

34 CFR § 106.34 Access to course offerings

A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business vocational, technical, home economics, music, and adult education courses.

- (a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.
- (b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.
- (c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.
- (d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient shall use standards which do not have such effect.
- (e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.
- (f) Recipients may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominately one sex.

TCA 49-6-1001. Flag—Recitation of the Pledge of Allegiance.— (a) All boards of education shall direct, and all teachers employed by the public schools shall give instructions to the pupils of the schools, and shall have the pupils study as a part of the curriculum, the uses, purposes and methods of displaying the American flag and other patriotic emblems, and the history and usage of the pledge of

allegiance to the flag of the United States of America.

(b) In recognition of the civic heritage of the United States of America, all students shall be required to learn the Pledge of Allegiance and to demonstrate such knowledge.

(c)(1) Each board of education shall require the daily recitation of the Pledge of Allegiance in each classroom in the school system in which a flag is displayed. Each LEA is encouraged to have a flag in each classroom and patriotic, fraternal, and other organizations or individuals are encouraged to donate flags to schools to enable them to have the flag of the United States of America present in each classroom. Each board of education shall determine the appropriate salute if in uniform; provided, however, that no student shall be compelled to recite the Pledge of Allegiance if the student or the student's parent or legal guardian objects on religious, philosophical or other grounds to the student participating in such exercise. Students who are thus exempt from reciting the pledge of allegiance shall remain quietly standing or sitting at their desks while others recite the Pledge of Allegiance. Teachers or other school staff who have religious, philosophical, or other grounds for objecting are likewise exempt from leading or participating in the exercise. If a teacher chooses not to lead the Pledge, another suitable person shall be designated either by the teacher or principal to lead the class. Each board of education shall provide appropriate accommodations for students, teachers or other staff who are unable to comply with the procedures described herein due to disability.

(2) The board of education's code of conduct shall apply to disruptive behavior during the recitation of the Pledge of Allegiance in the same manner as provided for other circumstances of such behavior.

(d)(1) To promote compliance with constitutional restrictions, as well as observance of constitutional rights, that state board of education shall, in consultation with the attorney general and reporter, develop guidelines on constitutional rights and restrictions relating to the recitation of the Pledge of Allegiance to the American flag in public schools.

(2) The state board of education's guidelines shall include, but shall not be limited to, provisions which address the following: the initiative and involvement of local boards of education and individual schools, administrators

TCA 49-6-1002. Use of school time for athletics.— (a) It is unlawful for any president, principal or teacher of any educational institution under the control of the state board of education or any local board of education to dismiss his school or any group of students or pupils of the school for the purpose of permitting them to practice or play baseball, football, basketball or any other similar game, within the regular school hours of any school day of the week, without written permission from the governing board of the institution.

(b) Nothing in this section shall be construed to preclude regular physical training lessons as a part of the daily program of the school.

TCA 49-6-1003. Safety instruction.— (a) Whenever any state funds are used in any of the public schools of the state, it is the duty of the principal of the school or schools, including all subprincipals and teachers therein, to instruct pupils in the art of safety as against injury on the public thoroughfares, highways and streets of the state, and other places where the students may come in contact with, or be in danger of bodily injury, for at least fifteen (15) minutes each week during the time the school is in session.

(b) It is the duty of the school board, school commissioners, or other persons who have power to regulate and control the schools, to make such rules and regulations with reference to the teaching of the art of safety to the pupils of the schools as they may deem wise and prudent from time to time, and transmit the same to the principals or teachers in charge of the schools.

so that the teaching of the art of safety on the public thoroughfares, highways and other places may be taught and carried out, according to the rules and regulations.

TCA 49-6-1005. Sex education.— (a) It is unlawful for any person in any manner to teach courses in sex education pertaining to homo sapiens in the public, elementary, junior high or high schools in this state unless the courses are approved by the state board of education and the local school board involved, and taught by qualified instructors as determined by the local school board involved. Any such course in sex education shall, in addition to teaching facts concerning human reproduction, hygiene and health concerns, include presentations encouraging abstinence from sexual intercourse during the teen and pre-teen years. With respect to sex education courses otherwise offered in accordance with the requirements of this subsection, no instructor shall be construed to be in violation of this section for answering in good faith any question, or series of questions, germane and material to the course, asked of the instructor and initiated by a student or students enrolled in the course.

(b) This section shall not apply to general high school courses in biology, physiology, health, physical education or home economics taught to classes.

(c) A violation of this section is a Class C misdemeanor.

TCA 49-6-1006. Black history and culture.— (a) The course of instruction in all public schools should include at some appropriate grade level or levels, as determined by the local board of education, courses and content designed to educate children in black history and culture and the contribution of black people to the history and development of this country and of the world.

The general assembly finds that the goal of curriculum shall include the history, heritage, culture, experience and ultimate destiny of all social, ethnic, gender and national groups and individuals, and that such are represented as interdependent, interactive and complimentary. That state board of education shall include multicultural diversity when developing frameworks and curricula to be taught at the appropriate grade levels kindergarten through grade twelve (K-12).

(b) The commissioner of education shall annually advise all school district boards of education of the provisions of this section.

(c) The study materials used in the course of instruction authorized by this section shall follow the state board of education's guidelines concerning pornography.

TCA 49-6-1007. Character education.— (a) The course of instruction in all public schools shall include character education to help each student develop positive values and improve student conduct as students learn to act in harmony with their positive values and learn to become good citizens in their school, community and society.

(b)(1) The department of education shall provide the appropriate method of instruction in grades K through twelve (12), in conformity with the elementary school curriculum provided for in subsection (c).

(2) Local boards of education may implement additional courses and materials in character education at their discretion.

(c) Each local education agency should provide the character education curriculum set forth in curriculum provided by the Tennessee State Department of Education, or a comparable program approved by the department.

TCA 49-6-1008. AIDS education programs—Prevention of AIDS or other sexually transmitted diseases.— (a) All material which includes information pertaining to the prevention of acquired immune deficiency syndrome (AIDS) or other sexually transmitted diseases, which is written, published, distributed or used by any public entity, or is paid for, in whole or in part, with any public moneys, and which is directed to children in grades kindergarten through twelve (K-12), shall place primary emphasis

on abstinence from premarital intimacy and on the avoidance of drug abuse in controlling the spread of AIDS.

(b) Adoption of any program of AIDS education shall be permissive and shall not be required in any LEA until adopted by the local board of education.

TCA 49-6-1009. American sign language.— (a) American sign language is hereby recognized and adopted as the official and native sign language of the deaf in Tennessee.

(b) By the enactment of this section, it is the intent of the general assembly to:(1) Formally express its respect for American sign language;

(2) Promote public awareness of and appreciation for American sign language, its use and its benefits;

(3) Preserve the culture and heritage of American sign language; and

(4) Encourage Tennessee schools to offer courses in American sign language and to accept these courses as satisfying foreign language requirements.

TCA 49-6-1010. Computer education.— In order that every pupil for whom it is appropriate receive instruction in the use of computers sufficient to enable that pupil to communicate and participate in the twenty-first century, the state board of education shall require every candidate for a full high school diploma after September 1, 1994, to receive a full year of computer education at some time during such candidate's educational career. Pupils who transfer from another state to a Tennessee school during their senior year are exempt from this requirement.

TCA 49-6-1011. Historical documents, writings and records — Use in classrooms — Censorship prohibited.— (a) No teacher or administrator in a local education agency shall be prohibited from using or reading from, during the course of education instruction, or from posting in a public school building, classroom or event, any of the following or any excerpts or portions of the following:

(1) The national motto;

(2) The national anthem;

(3) The Pledge of Allegiance;

(4) The Constitution of Tennessee;

(5) The Declaration of Independence;

(6) The writings, speeches, documents and proclamations of the founders or presidents of the United States or the founders or governors of Tennessee;

(7) Opinions of the United States and Tennessee supreme courts; and

(8) Acts of the United States congress and acts of the Tennessee general assembly.

(b) The list of historically significant or venerated documents, writings or records set out in sub section (a) shall not be construed to be exclusive, and the doctrine of ejusdem generis shall not be applied to prohibit the use, reading or posting of other such documents, writings or records.

(c) The use, reading or posting of the types of documents, writings, and records authorized by this section shall be undertaken for educational purposes only and shall not be used to promote or establish any religion or religious belief.

(d) There shall be no content-based censorship of American or Tennessee history or heritage based on any religious references contained in such documents, writings or records.

TCA 49-6-1012. Promotion of organ and tissue donation and transplantation.— Every LEA is encouraged to promote educational opportunities to inform students about organ and tissue donation and transplantation. These opportunities should include curricula content as appropriate to provide:

(1) Information about the need for organ and tissue donation and the benefits of donation to re

ipients; and

(2) Information about Tennessee law relative to organ and tissue donation, including how to become a donor.

TCA 49-6-1013. Textbooks covering personal finance .— Each LEA is encouraged when selecting textbooks for economics or similar courses, to select those textbooks which contain substantive provisions on personal finance, including personal budgeting, credit and debt management, and similar personal financial topics.

TCA 49-6-1202. American history and government.— (a)(1) Every four-year high school which receives public funds from city, county, and/or state governments shall require every student to have at least one (1) year of instruction in American history and government, preferably in the fourth year.

(2) If any student in any of the designated schools fails or refuses to take the subjects above named, he shall not be admitted to the University of Tennessee or the state university and community college system of Tennessee unless and until he agrees to earn credit in these subjects in the first or second year of attendance.

(b)(1) Every private high school in Tennessee which gives a four-year course in literary branches is subject to the same requirements as are the public high schools in Tennessee in regard to teaching American history and government.

(2) Failure or refusal to comply with the provisions of subsections (a) and (b) by private high schools will automatically remove them from the list of accredited high schools in Tennessee.

(c) Failure to carry out the provisions of subsection (a) constitutes a misdemeanor on the part of any principal of a public high school in Tennessee and causes the school to be removed from the accredited list of high schools, and the teaching license of the teacher to be revoked.

(d) Any dean of the University of Tennessee or dean of any state college who violates the provisions of this section shall be removed from his position and shall not be permitted to engage in any form of public school or college work in Tennessee for the five (5) years next succeeding his dismissal. This provision also applies to any person who may be substituting for any of the deans.

TCA 49-6-1203. Federal and state constitutions.— (a) A treatise on the history and interpretation of the Constitution of the United States approved or adopted by the state board of education is required to be taught in the high schools of this state.

(b)(1) It is the duty of the state board of education and all local boards of education to cause to be taught in each public high school in this state the constitution of Tennessee.

(2) The state board of education shall determine the nature and extent of the instruction to be given thereon and the credits to be given for such course.

TCA 49-6-1204. Driver education.— (a) The state board of education may require that all public secondary schools of the state offering driver education courses include in such curriculum a minimum defensive driver education course.

(b) The state board of education shall review the defensive driver education course every three (3) years for inclusion of any improvements.

TCA 49-6-1205. Free enterprise system.— (a) The state board of education shall establish a program of instruction for the public high schools on the essentials of the free enterprise system. Instruction shall be given in accordance with the course of study prescribed by the board of education for at least one (1) semester, equal to one-half (1/2) unit of credit. The state board of education shall prescribe suitable teaching material for such instruction.

(b) As used in this section, "instruction on the essentials of the free enterprise system" may be construed to include a minimum of thirty (30) weeks participation in the Junior Achievement Program, and such participation shall render the student eligible for the one-half (1/2) unit of credit granted under this section.

(c) As used in this section "free enterprise" means an economic system characterized by private or corporate ownership of capital goods, by investments that are determined by private decision rather than by state control, and by prices, production and the distribution of goods that are determined in a free manner.

TCA 49-6-1301. Family life instruction—Local programs—Contents—Review.— (a) Beginning with the 1991-1992 school year, if the most recent, annual data maintained by the department of health and environment state center for health statistics indicate that pregnancy rates in any county exceeded nineteen point five (19.5) pregnancies per one thousand (1,000) females aged fifteen (15) through seventeen (17), then every local education agency within such county shall locally devise, adopt and implement a program of family life instruction in conformance with the curriculum guidelines established for such programs by the state board of education.

(b) The locally devised and implemented program of family life education shall emphasize abstinence from sexual relations outside of marriage, the right and responsibility of a person to refuse to engage in such relations, basic moral values, as well as the obligations and consequences which arise from intimacy. The program shall also include a component which specifically addresses the nature and prevention of AIDS and other sexually transmitted diseases.

(c) The locally devised and adopted program of family life instruction shall be implemented during each of the succeeding four (4) school years following the calendar year in which such data is released. If, at any time during such four-year period, any local education agency within the county fails to implement a locally devised and adopted program of family life instruction in conformance with the curriculum guidelines established for such programs by the state board of education, the local education agency shall implement the complete plan of family life instruction developed by the state board pursuant to 49-6-1302, and shall fully participate in the program of technical support and assistance established pursuant to the provisions of 49-1-205.

(d) The local education agency shall prescribe procedures to provide for the periodic review and evaluation of family life instruction and to provide for periodic public hearings and parental conferences to ensure a high level of community and parental input and support for family life instruction.

(e) Notwithstanding the provisions of any law to the contrary, failure to comply with the provisions of subsection (c) shall subject the LEA to a withholding of state funds by the commissioner of education.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Special Education	Descriptor Code: 4.202	Issued Date:
		Rescinds: IKL	Issued: 09/03/2002

1 The Board shall provide access to a free appropriate public education to all disabled children ages 3-21,
2 inclusive, residing within the jurisdiction of the school system. The plan for implementation of appropri-
3 ate instruction and special education services shall be in accordance with the current *Rules, Regulations,*
4 *and Minimum Standards* of the State Board of Education,¹ and state² and federal³ law.

5
6 The Board shall develop and periodically update a local plan for providing special education services
7 for disabled students. Specifically, the Board assures that:

- 8
9
- 10 1. All disabled children living within the school system have available to them a free, appropriate
11 public education which emphasizes special education and related services to meet their unique
12 needs; and
 - 13 2. The rights of disabled children and their parents are protected.

14 The plan shall aim toward meeting the following objectives:

- 15
- 16 1. To carry out a comprehensive screening and assessment plan emphasizing the early identification
17 and evaluation of disabled students.
 - 18 2. To use the Individual Education Program Team (IEP-Team) for reviewing assessment, formu-
19 lating programming, and determining placement for every disabled student, including review of
20 proposed suspensions when appropriate, in accordance with the State Board of Education *Rules,*
21 *Regulations, and Minimum Standards;*
 - 22 3. To ensure that placements are made which educate disabled children with non-disabled to the
23 maximum extent appropriate in the schools these children would normally attend if not disabled
24 and with age-appropriate peers;
 - 25 4. To provide each disabled child with an individual educational program (IEP) specifically designed
26 to meet his unique needs;
 - 27 5. To provide continuing evaluation of each disabled child's progress, including at least annual
28 review of his IEP and complete re-evaluation at least every three (3) years;
 - 29 6. To ensure that procedural safeguards required by state and federal laws are adhered to; and
 - 30 7. To involve parents of disabled children in a meaningful dialogue with school personnel which
31 will begin with initial referral and continue throughout the student's educational career.
- 32
33
34
35

36 Legal References:

- 37 1. TRR/MS 0520-1-3-.09(3)(b)
- 38 2. TCA 49-10-101 et. seq.
- 39 3. Education of Individuals with Disabilities 20 U.S. C. Sections 1400-1485. Section 504 of the Rehabilitation Act of 1973. (Note:
40 504 of the Rehabilitation Act of 1973 has been interpreted by the courts to include individuals with contagious diseases to be handi-
41 capped.)

Cross Reference:

Special Education Students 6.500

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.202

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for Morgan County.

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

LEGAL REFERENCE:

TRR/MS 0520-1-3-.09(3) Funding

- (b) Other state funding shall be made according to a formula developed annually by State Commissioner of Education.

TCA 49-10-101. Legislative intent—Application of parts 1-6.— (a)(1) It is the policy of this state to provide, and to require school districts to provide, as an integral part of free public education, special education services sufficient to meet the needs and maximize the capabilities of children with disabilities.

- (2) The timely implementation of this policy to the end that all children with disabilities actually receive the special education services necessary to their proper development is declared to be an integral part of the policy of this state.
- (b) This section applies to all children with disabilities regardless of the schools, institutions or programs by which such children are served.
- (c) The state board of education shall adopt rules and regulations, which it may modify from time to time, to implement the policy established in parts 1-6 of this chapter.

EDUCATION OF INDIVIDUALS WITH DISABILITIES (SELECTED PARTS), 20 U.S.C. SECS. 1400 - 1485.

Purpose

It is the purpose of this chapter to assure that all children with disabilities have available to them, within the time periods specified in section 1412(2)(B) of this title, a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist States and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities.

§ 1401. Definitions

- (1) The term "children with disabilities" means children -
- (A) with mental retardation, hearing impairments including deafness, speech or language impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and
 - (B) who, by reason thereof need special education and related services . . .
- (15) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
- (16) The term "special education" means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a child with a disability, including -
- (A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - (B) instruction in physical education.
- (17) The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, including therapeutic recreation and social work services, and medical and counseling services, including rehabilitation counseling, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

0520-1-9-08 Provision of Free Appropriate Public Education (FAPE).

1. A free appropriate public education shall be available to all children eligible for special education, ages three (3) through the school year the student turns twenty-two (22), including those children who have been suspended or expelled from school for more than ten (10) school days in a school year. To meet this obligation each school district shall:
 - (a) Identify, locate, and evaluate all children eligible for special education,
 - (b) Develop and implement Child Find activities to ensure that all children, including highly mobile children (migrant and homeless children) and those children who are suspected of being a child with a disability, even though they are advancing from grade to grade, are identified, located and evaluated; and
 - (c) Provide services that address all of the child's identified special education and related services needs, based on the child's unique needs and not on the child's disability.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Special Education Class Size	Descriptor Code: 4.2021	Issued Date:
		Rescinds:	Issued:

1 The Board shall provide a free appropriate public education (FAPE) to all students with disabilities
2 ages 3-21 who are entitled to special education and related services. Instructional needs of all students
3 receiving services pursuant to the Individual with Disabilities Education Act (IDEA) shall be met. The
4 BEP formula shall be used as guidance for special education class size in determining class size policy
5 for all special education classes in the district.
6

7 To the maximum extent appropriate, students with disabilities eligible for special education services
8 shall be educated with students who are nondisabled. However, special classes, separate schooling or
9 other removal of students with disabilities from the regular educational environment shall occur only if
10 the nature or the severity of the disability is such that education in regular classes cannot be achieved
11 satisfactorily with the use of supplementary aids and services.
12

13 A continuum of services shall be available to meet the needs of students with disabilities who are eligible
14 for special education and related services.
15

16 Monitoring class size will occur periodically to ensure compliance with all state and federal require-
17 ments.
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

**Blount County Board of Education
Policy Development Summary**

Policy Code: 4.2021

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X

Developed Sample

This is a new policy for Morgan County.

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Advanced College Placement	Descriptor Code: 4.203	Issued Date:
		Rescinds: IDCH	Issued: 06/06/1994

1 In keeping with the State Board of Education’s endorsement of the Early Admission Program,¹ an aca-
 2 demically gifted high school student may complete the twelfth grade at a participating institution of
 3 higher learning. The student will earn a year’s credit in college at the same time that he earns credit
 4 for his/her senior year in high school.

5
 6 To be considered for this program, the student shall:

- 7
- 8 1. Earn a cumulative grade point average of at least 95.00 through three (3) years of high school;
- 9
- 10 2. Earn an ACT composite of at least 25;
- 11
- 12 3. Submit a written request to the high school principal at the end of the eleventh year of school,
- 13 signed by student and parents;
- 14
- 15 4. With parents, meet with principal and counselor for consultation;
- 16
- 17 5. Submit a letter stating educational and vocational goals, his/her plans for attaining them, and
- 18 ways in which early admission will assist in reaching these goals;
- 19
- 20 6. Secure the recommendation to the program by the principal, counselor and two classroom teach-
- 21 ers;
- 22
- 23 7. Be accepted into an early admission program by an accredited institution of higher learning;
- 24 and
- 25
- 26 8. Not be required to participate in the graduation program.
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34

35 _____
 36 Legal References:
 37 1. TRR/MS 0520-1-3-.06(5)

35 _____
 36 Cross Reference:
 37 Enrollment in College Level Courses 4.205

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.203

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

This is an updated sample.

LEGAL REFERENCE:

TRR/MS 0520-1-3-.06 Graduation Requirement

(5) Enrollment in College Level Courses

(a) Option #1

1. Early admission into college may be considered for a twelfth (12th) grade student who has at least a 3.5 grade point average and a minimum ACT composite score of twenty-five (25) (or equivalent SAT score). A student must have written endorsement from the principal, counseling staff and the participating institution of higher learning. Written agreements completed by the student and the parents must be placed on file in the office of the principal.
2. The freshman course work taken at the participating institution will substitute for the courses which the student needed for graduation from high school. The high school principal will determine appropriateness of the content of these courses prior to the student's enrollment in college.
3. A student will be awarded credit for the senior year after having successfully completed the freshman year in college.

(b) Option #2

1. A qualified student enrolled in the 11th or 12th grades may enroll in college level courses which are conducted at times other than the regular school day at an institution of higher education. The student may receive high school credit for participating in such courses in accordance with the policy of the local board of education. State funds to the local school system shall not be diminished because of the student's participation.

(c) Option #3

1. Local board of education may adopt policies providing for college level courses to be conducted during the school day on the high school campus. Such courses must be taught by licensed teachers or bona fide college instructors approved by the local school system and the post-secondary institution. These courses are to be considered a part of the school program, with content and instruction subject to the supervision of the principal of the school and the local board of education. Dual credit (high school and college) may be offered under this option.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Summer School	Descriptor Code: 4.204	Issued Date:
		Rescinds:	Issued:

1 Summer schools shall be organized and operated as a part of the public school program, shall be under
2 the control and management of the Board, and shall comply with rules and regulations of the State
3 Board of Education.¹

4
5 The summer school program, subject to annual approval by the Board, shall provide opportunities for
6 remedial instruction at the elementary level, review and limited regular courses at the secondary level,
7 and special programs funded by the state and/or federal grants.

8
9 No class shall be taken for the first time during a summer school session unless the student has main-
10 tained a cumulative grade point average of at least 3.0 or its equivalent. Students who have a cumula-
11 tive grade point average of at least 2.0 or its equivalent may take courses required for graduation for
12 the first time during a summer school session upon the recommendation of the principal of the school
13 which the student regularly attends.

14
15 No more than two (2) units shall be earned during any summer school session.

16
17 All summer school classes shall meet on school property, and any exceptions must be approved by the
18 Board. The library, laboratories, and other facilities shall be made available to all students enrolled in
19 the summer school program.

20
21 The Board shall annually determine the tuition rates.²

22
23 Three (3) unexcused absences in any course offered during summer school renders a student ineligible
24 to receive credit in that course.

25
26 Absences shall be classified as either excused or unexcused as determined by the principal or his/her
27 designee. Excused absences shall include:

- 28
- 29 1. Personal illness;
 - 30 2. Illness of an immediate family member;
 - 31 3. Death in the family;
 - 32 4. Extreme weather conditions;
 - 33 5. Religious observances; and
 - 34 6. Circumstances which in the judgment of the principal or his/her designee create emergencies
35 over which the student has no control.

36
37 Legal Reference:

- 38
- 39 1. TRR/MS 0520-1-3-.03(7)(a)
 - 40 2. TCA 49-6-3003

41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.204	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center; padding: 5px;">X</td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>	X	Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	This is a new policy.
X	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TRR/MS 0520-1-3-.03 Administration of Schools

- (7) Summer Schools
 - (a) Summer schools shall be under the control and management of the local board of education having jurisdiction.
 - (b) The following shall be required for grades 9 through 12:
 1. A minimum of 133 contact hours shall be required in order to earn one unit of credit.
 2. State curriculum frameworks shall be used for all courses.
 3. Summer school teachers shall be licensed and hold endorsements in the subject areas in which they are teaching.

TCA 49-6-3003. Tuition or other fees.— (a)(1) No tuition or fee shall be charged by any city or special school district except to pupils residing outside the city or special school district.

(2) Tuition or fees which may be charge to pupils residing outside the city or special school district but within the county shall not exceed per pupil, per annum, an amount equal to the amount of funds actually raised and used for school purposes from the city, or special school district sources during the preceding school year, including tuition and fees, divided by the number of pupils in average daily attendance in the public schools of the city or special school district during the preceding school year.

(b)(1) Tuition and fees may be charged by any county to pupils not residing in that county. Tuition and fees may also be charged by any county to all pupils for voluntary programs which occur outside the required one hundred eighty (180) instructional days, unless the state funds the entire cost of such instruction.

(2) Tuition and fees charged by a county may not exceed per pupil, per annum, an amount equal to the amount of funds actually raised or used for school purposes by the county divided by the number of pupils in average daily attendance in the county schools during the preceding school year. Any per pupil tuition payment shall be reduced by any amount of funds transferred or by the transferring pupil's county of residence under the provisions of § 49-6-3104.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Enrollment in College Level Courses	Descriptor Code: 4.205	Issued Date: 06/06/1994
		Rescinds: IDCH	Issued: 06/06/1994

1 Students in the 11th or 12th grades who are in good standing may earn high school credit by enrolling
2 in college level courses which are conducted at times other than the regular school day at an institution
3 of higher education.¹ Written approval by the principal shall be required before enrollment.
4

5 Credit may only be earned for courses which are not offered at the student's school.
6

7 Grades earned in such college level courses may be used to determine class rank, grade point average,
8 and class valedictorian or salutatorian, provided the grading scale used by the college corresponds with
9 the grading scale of the school system.
10

11 The Board shall not be responsible for transportation to and from the college or for payment of tu-
12 tion.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

34 _____
35 Legal Reference:

36 1. TRR/MS 0520-1-3-.06(5)(b)
37
38
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.205

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

	Developed Sample
X	District policy used
	Customize as indicated
	MANDATED BY LAW

This policy is the same as a TSBA sample policy.

LEGAL REFERENCE:

TRR/MS 0520-1-3-.06 Graduation Requirement

- (4) Enrollment in College Level Courses
 - (b) Option #2
 - 1. A qualified student enrolled in the 11th or 12th grades may enroll in college level courses which are conducted at times other than the regular school day at an institution of higher education. The student may receive high school credit for participating in such courses in accordance with the policy of the local board of education. State funds to the local school system shall not be diminished because of the student's participation.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Special Programs	Descriptor Code: 4.206	Issued Date:
		Rescinds:	Issued:

1 **REMEDIAL INSTRUCTION**

2
3 The remedial program will concentrate mainly on improvement of reading and math skills for the most
4 educationally needy students. Various materials will be used to supplement the work being done in the
5 classroom.

6
7 Instructional assistants will assist students in reading and math, working under the direction of the
8 regular classroom teacher.

9
10 **HOMEBOUND INSTRUCTION**

11
12 The Homebound Instruction Program is for students who, because of health impairments, are unable to
13 attend the regular instructional program.

14
15 To qualify for the Homebound Program, a student must have a health impairment of sufficient serious-
16 ness to anticipate that the student will be absent for a minimum of ten (10) consecutive school days.
17 The student must be certified by a physician as being health-impaired and unable to attend the regular
18 instructional program. The services provided the homebound student should reflect capabilities and be
19 determined by the homebound instructor, after consultation with appropriate professional staff of the
20 student's assigned school.

21
22 **HOMEBOUND PROGRAM FOR PREGNANT STUDENTS ¹**

23
24 The homebound instruction program for pregnant students shall consist of three (3) hours of instruction
25 per week for a period of six (6) weeks.²

26
27 The student's physician shall recommend, in writing, the six-week period for which the student shall be
28 eligible for homebound instruction.

29
30 A homebound instruction program for longer than the six (6) week period shall only be provided to
31 a student who is certified in writing by her physician as having health complications arising from the
32 pregnancy that prevent her from returning to regular classes.

33
34
35
36 _____
37 Legal References:

- 38 1. TCA 49-10-1102
39 2. TRR/MS 0520-1-2-.10
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.206	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center; padding: 5px;">X</td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>	X	Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is a new policy for Morgan County.</p>
X	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TCA 49-10-1102. Reimbursement by state.— Each LEA shall be entitled to reimbursement from the state for providing the homebound instruction services required by the provisions of this part, such reimbursement not to exceed three (3) hours of weekly instruction for each student who qualifies. The hourly reimbursement rate available from the state shall be determined by the department of education based upon the average state salary for teachers and shall be payable to a LEA on a monthly basis upon receipt of time sheets for each teacher providing such homebound instruction services during such month. Such time sheets shall be maintained and submitted by the LEA which shall attest to the accuracy of such records.

TRR/MS 0520-1-2-.10 Homebound Instruction for Pregnant Students

- (1) The homebound instruction program for pregnant students shall consist of three (3) hours of instruction per week for a period of six (6) weeks, plus extensions authorized herein, to be provided by the school system to the student in the home, in a hospital, or in other locations approved by the local school system.
- (2) Personnel providing the homebound instruction to pregnant students shall hold a valid Tennessee teacher license.
- (3) The student's physician shall recommend in writing the six-week period for which the student shall be eligible for homebound instruction.
- (4) A homebound instruction program for longer than the six-week period shall only be provided to a student who is certified in writing by her physician as having health complications arising from a pregnancy that, in her physician's judgment, prevent her from returning to regular classes. Re-certification must be obtained every two (2) weeks for the program of homebound instruction to be continued beyond the six-week period.
- (5) Students with health complications arising from pregnancy and for whom funds are generated under this program shall not be counted as health impaired for purposes of generating special education funds.
- (6) Pregnant students receiving homebound instruction shall not be counted absent from school and shall be included in all computations for purposes of generating state school funds.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Limited English Proficient/ Language Minority Students	Descriptor Code: 4.207	Issued Date: 10/05/2009
		Rescinds: IKM	Issued: 10/05/2009

1 The Board recognizes the need to provide equal educational opportunities for all students in the district.
2 Therefore, if the inability to speak and understand the English language excludes a student from effective
3 participation in the educational programs offered by the district, the district shall take appropriate action
4 to rectify the English language deficiency in order to provide the student equal access to its programs.
5 Students in a language minority (LM) or who have limited English proficiency (LEP) will be identified,
6 assessed and provided appropriate services. No child will be admitted to or excluded from any program
7 based solely on surname or LM status.¹

8 9 **DEFINITIONS**

10
11 *Language Minority (LM):* Refers to a student whose linguistic background, such as country of birth
12 or home environment, includes language other than English. Language minority is based solely on the
13 student's language background and not on proficiency.

14
15 *Limited English Proficiency (LEP):* Refers to an LM student whose proficiency in reading, writing,
16 listening or speaking English is below that of grade-and age-level peers. Limited English proficiency is
17 based on the assessment of a student's English language proficiency.

18
19 *English for Speakers of Other Languages (ESOL):* An instructional approach that can include structured
20 ESOL immersion, content-based ESOL and pull-out ESOL instruction.

- 21
22 1. Structured ESOL immersion involves a bilingual teacher and a self-contained classroom.
23
24 2. Content-based ESOL allows the student to remain in the regular classroom and focuses on
25 delivering content in an adapted English format.
26
27 3. Pull-out ESOL periodically removes students from the regular classroom for instruction in
28 English.
29

30
31 *Bilingual Education:* An instructional approach that explicitly includes the student's native language in
32 instruction. This approach requires an instructor fluent in the student's native language and proficient in
33 content areas and is often used where many LEP students share the same language and where qualified
34 bilingual teachers are available.

35 *Child:* Any individual age 3-21.

36
37 *Parent:* Parent, legal guardian or person otherwise responsible for the child.
38

39
40 *Language Instruction Education Program:* An instructional course in which an LEP child is placed for
41 the purpose of developing and attaining English proficiency while meeting challenging state academic

standards as required by law. The program may make instructional use of both English and a child's native language and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

LANGUAGE INSTRUCTION PROGRAM

The Board directs the administration to develop and implement language instruction programs that:²

1. Appropriately identify language minority students through the use of a Student Home Language Survey. The building administrator shall develop procedures to ensure that all new and currently enrolled students complete the Home Language Survey.
2. Appropriately identify students with limited English proficiency.
3. Determine the appropriate instructional environment for LEP students.
4. Annually assess the English proficiency of LEP students and monitor the progress of students receiving ESOL or bilingual instruction in order to determine their readiness for the mainstream classroom environment.
5. Provide parents with notice of and information regarding the instructional program as required by law. Parental involvement will be encouraged and parents will be regularly apprised of their child's progress.³

Legal References:

1. PL 107-110 Part A § 3102
2. PL 107-110 Part A § 3116
3. PL 107-110 Part A § 1112 (g) & (4)

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.207	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center; padding: 5px;">X</td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>	X	Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	This is an updated sample.
X	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

P.L. 107-110 Part A English Language Acquisition, Language Enhancement, and Academic Achievement Act

Sec. 3102. Purposes

The purposes of this part are —

- (1) to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;
- (2) to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1);
- (3) to develop high-quality language instruction educational programs designed to assist State educational agencies, and schools in teaching limited English proficient children serving immigrant children and youth;
- (4) to assist State educational agencies and local educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings;
- (5) to assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement and sustain language instruction educational programs and programs of English language development for limited English proficient children;
- (6) to promote parental and community participation in language instruction programs for the parents and communities of limited English proficient children;
- (7) to streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant children and youth, develop proficiency in English, while meeting challenging State academic content and student academic

achievement standards;

(8) to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring—

(A) demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and

(B) adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and

(9) to provide State educational agencies and local educational agencies with the flexibility to implement language instructional agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.

Sec. 3116. Local Plans

(a) PLAN REQUIRED.— Each eligible entity desiring a subgrant from the State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(b) CONTENTS.— Each plan submitted under subsection (a) shall—

(1) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;

(2) describe how the eligible entity will use the subgrant funds to meet all annual measurable achievement objectives described in section 3122;

(3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

(A) meeting the annual measurable achievement objectives described in section 3122;

(B) making adequate yearly progress for limited English proficient children as described in section 1111(b)(2)(B); and

(C) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic standards as required by section 1111(b)(2)(B);

(4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;

(5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations and institutions of higher education, in developing such plan; and

(6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.

(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

(d) OTHER REQUIREMENTS FOR APPROVAL.—Each local plan shall also contain assurances that—

- (1) each local educational agency that is included in the eligible entity is complying with section 3302 prior to, and throughout each school year;
- (2) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;
- (3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;
- (4) the eligible entity will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards; and
- (5) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3126 and 3127.

P.L. 107-110— Part A— Improving Basic Programs Operated by Local Educational Agencies

Sec. 1112. Local Educational Agency Plans.

(g) PARENTAL NOTIFICATION—

(1) IN GENERAL.—

(A) NOTICE.—Each local educational agency using funds under this part to provide a language instruction education program as determined in part C of title III shall, not later than 30 days after the beginning of the school year, inform a parent or parents of a limited English proficient child identified for participation or participating in, such a program of—

- (i) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;
- (ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- (iii) the methods of instruction used in the program in which their child is, or will be participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
- (iv) how the program in which their child is, or will be participating, will meet the educational strengths and needs of their child;
- (v) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;
- (vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this part are used for children in secondary schools;
- (vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child;
- (viii) information pertaining to parental rights that includes written guidance—
 - (I) detailing—
 - (aa) the right that parents have to have their child immediately removed from such program upon their request; and
 - (bb) the options that parents have to decline to enroll their

child in such program or to choose another program or method of instruction, if available; and

(II) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging State academic achievement standards and State academic content standards expected of all students including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Adult Education Program	Descriptor Code: 4.208	Issued Date:
		Rescinds:	Issued:

1 An Adult Education Program shall be provided to enable students and out-of-school youth 17 years of
2 age and over to meet high school graduation requirements and receive a high school diploma.¹
3
4 The Board will appoint a member of the staff to coordinate, plan and develop the program.
5
6 Written parental permission and the approval of the coordinator is required for those students under 18
7 years of age.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

33
34 _____
35 Legal Reference:
36 1. TCA 49-6-501
37
38
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.208

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

This is a new policy for Morgan County.

LEGAL REFERENCE:

TCA 49-6-501. Night schools generally.— (a) Boards of education are authorized to establish and maintain night schools for persons who are over sixteen (16) years of age, under rules and regulations prescribed by the state board of education.

(b) Boards of education are authorized to establish and maintain night schools for students suspended for misconduct from the public high schools, under such rules and regulations as may be prescribed by the state board of education.

(c) Such night schools, when established, shall be a part of the public school system, and any funds that are available for the maintenance of that system, shall be for the establishment and maintenance of night schools at the discretion of the board of education.

(d) In the apportionment of all state and county school funds, the average number in attendance each night shall form the basis of distribution, and such students shall be recorded as constituting a part of the public school attendance in the same manner as pupils who attend day schools.

(e) Boards of education shall, in accordance with rules and regulations prescribed by the state board of education, adopt courses of study that will best serve the locality at which the night school is located.

(f) Full and complete reports of all night schools shall be made by the boards of education on forms furnished by the board of education.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Alternative Credit Options	Descriptor Code: 4.209	Issued Date: 06/06/1994
		Rescinds: IDCB	Issued: 06/06/1994

1 In addition to regular classroom-based instruction, students may earn credit through the following
2 means.

3 **CORRESPONDENCE COURSES¹**

4
5 High school students may earn, through correspondence, a maximum of three (3) units of academic
6 credit to be applied toward graduation requirements. Only two (2) units may be earned during any one
7 (1) school year. Only courses offered by agencies and institutions recognized by the Board will be ac-
8 cepted. The express approval of the principal/designee shall be obtained before the course is taken. The
9 principal/designee and the student will agree on a reasonable date for completion of the correspondence
10 course(s). The student shall not be allowed credit if the course is not completed by the agreed date.
11 An official record of the final grade must be received by the school before a diploma may be issued to
12 the student. Under ordinary circumstances, students or their parents/guardians shall pay for approved
13 correspondence courses the student chooses to take.

14 **VIRTUAL/ON-LINE COURSES**

15
16 High school students may also earn a maximum of three (3) units of academic credit to be applied toward
17 graduation requirements by completing on-line courses offered through agencies approved by the Board.
18 Credit from an on-line or virtual course may be earned only in the following circumstances:

- 19 1. The course is not offered at the high school;
- 20 2. Although the course is offered at the high school, the student will not be able take it due
21 to an unavoidable scheduling conflict;
- 22 3. The course will serve as a supplement to extend homebound instruction;
- 23 4. The student has been expelled from a regular school setting, but educational services are
24 to be continued; or
- 25 5. The principal, with agreement from the student's teachers and parents/guardians, determines
26 the student requires a differentiated or accelerated learning environment.
- 27 6. Students taking such courses must be enrolled in the district and take the courses during
28 the regular school day on the school web site.

29
30 As determined by board policy, students applying for permission to take a virtual course shall complete
31 prerequisites and provide teacher/counselor recommendations to confirm the student possesses the maturity
32 level needed to function effectively in an online learning environment. In addition, the express approval
33 of the principal/designee shall be obtained before a student enrolls in a virtual course. The school must
34 receive an official record of the final grade before credit toward graduation will be recognized.
35
36
37
38
39
40
41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

The tuition fee for a virtual course shall be borne by the high school for students enrolled full-time. The Board shall pay the fee for expelled students who are permitted to take virtual courses in alternative settings.

Through a supervision plan, the school shall be responsible for providing appropriate supervision and monitoring of students taking virtual courses.

Legal Reference:
1. TRR/MS 0520-1-3-.03(8)

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.209

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

This is an updated and expanded policy.

LEGAL REFERENCE:

TRR/MS 0520-1-3-.03(8) Correspondence Work.

Local Boards of education may adopt policies permitting students to pursue correspondence courses for credit for graduation provided that a final examination covering all the terminal objectives of the particular state curriculum framework is given.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Extracurricular Activities	Descriptor Code: 4.300	Issued Date: Issued: 06/06/1994
		Rescinds: IDE	

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

37 _____
 Legal Reference:

38
 39 1. 20 U.S.C. § 1703

 Cross References:

Interscholastic Athletics 4.301
 Field Trips and Excursions 4.302
 Student Clubs and Organizations 6.702

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.300

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

This is new policy for Morgan County.

LEGAL REFERENCE:

EQUAL EDUCATION OPPORTUNITIES ACT - 20 U.S.C. § 1703

§ 1703 provides:

No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by -

- (a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools . . .
- (c) the assignment by an educational agency of a student to a school, other than the one closest to his or her place of residence within the school district in which he or she resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin . .
- (d) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff, except to fulfill the purposes of subsection (f) below. . . .
- (e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color , or national origin among the schools of such agency; or
- (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

TRR/MS 0520-1-9-08 Provision of Free Appropriate Public Education (FAPE).

- (7) Nonacademic services.
 - (a) Each local school system must take steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford children eligible for special education an equal opportunity for participation in those services and activities.

- (b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the local school system, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Interscholastic Athletics	Descriptor Code: 4.301	Issued Date: 10/04/99
		Rescinds: IDFA	Issued: 10/04/99

1 No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be
2 treated differently from another person or otherwise be discriminated against in any athletic program of
3 the school. Equal athletic opportunity shall be provided for members of both sexes.¹
4

5 Interscholastic athletics shall be administered as a part of the regular school program and shall be the
6 principal's responsibility. Principals shall ensure that school regulations regarding participation in a sport
7 are reasonable. Athletic schedules shall be filed in each school principal's office. The principal or his/
8 her designee must accompany an athletic team on trips. Transportation of teams to athletic games is
9 approved by the Board, provided the team's school reimburses the Board for mileage.
10

11 Bylaws of the Tennessee Secondary School Athletic Association shall regulate the operation and control
12 of secondary athletics.²
13

14 In the event that the school's insurance provider does not extend coverage to an athlete, that athlete must
15 provide proof of independently secured catastrophic coverage, and liability coverage, with the school
16 system as a named insured, of not less than the limits set forth in Tenn. Code Ann. § 29-20-403.³
17

18 There shall be a complete annual physical examination of every student prior to his/her participation in
19 interscholastic athletics.⁴ Cost of the examination shall be borne by the parent or guardian of the student.
20 These records shall be on file in the principal's office. It shall be the responsibility of the parent(s) or
21 guardian to provide health and hospitalization insurance for all students participating in interscholastic
22 athletics.
23

24 No principal or teacher of any school under the control of the Board shall dismiss his/her school or any
25 group of students for the purpose of permitting them to practice or play baseball, football, basketball
26 or any similar game within the regular school hours of any school day of the week without written
27 permission from the Board. This does not prevent the inclusion of regular physical training lessons in
28 the daily school program.⁵
29
30
31

32
33 Legal References:

- 34
35 1. Title IX, Education Amendment of 1972,
36 20 U.S.C. § 1681, et seq. ; 34 CFR § 106.41
37 2. TRR/MS 0520-1-2-.08(1)
38 3. Tenn. Code Ann. § 29-20-403
39 4. TRR/MS 0520-1-3-.08(2)(b)
40 5. Tenn. Code Ann. § 49-6-1002
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.301	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">X</td> <td>Developed Sample</td> </tr> <tr> <td></td> <td>District policy used</td> </tr> <tr> <td></td> <td>Customize as indicated</td> </tr> <tr> <td></td> <td>MANDATED BY LAW</td> </tr> </table>	X	Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>Added language to require athletes not covered by a school's insurance policy to obtain coverage prior to participating in athletic activities.</p>
X	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TRR/MS 0520-1-3-.08(2) Pupil Personnel Services

(b) Each local school system shall have a written policy providing for a student participating in interscholastic athletics to have a complete medical examination. A doctor of medicine, osteopathic physician, physician assistant or certified nurse practitioner shall perform this examination.

TCA 49-6-1002. Use of school time for athletics.— (a) It is unlawful for any president, principal or teacher of any educational institution under the control of the state board of education or any local board of education to dismiss his school or any group of students or pupils of the school for the purpose of permitting them to practice or play baseball, football, basketball or any other similar game, within the regular school hours of any school day of the week, without written permission from the governing board of the institution.

(b) Nothing in this section shall be construed to preclude regular physical training lessons as a part of the daily program of the school.

TRR/MS 0520-1-3-05. State Curriculum

(6)(e)(2) Wellness, Grades 9-12

(i) Students shall complete one (1) unit of wellness. The program shall be based on the state curriculum framework and shall integrate concepts from the areas of health and physical fitness.

(ii) Participation in marching band and interscholastic athletics shall not be substituted for this requirement. Credit earned in two years of JROTC may be substituted for the wellness requirement provided the local board of education has complied with the requirements of the State Board of Education.

20 USCA § 1681 Sex**(a) Prohibition against discrimination; exceptions**

No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .

34 CFR § 106.41 Athletics.

(a) General. No persons shall on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in an interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.

(b) Separate teams. Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved in a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

(c) Equal opportunity. A recipient which operated or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the director will consider other factors:

- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
- (2) The provision of equipment and supplies;
- (3) Scheduling of games and practice time;
- (4) Travel and per diem allowance;
- (5) Opportunity to receive coaching and academic tutoring;
- (6) Assignment and compensation of caches and tutors;
- (7) Provision of locker rooms, practice and competitive facilities;
- (8) Provision of medical and training facilities and services;
- (9) Provision of housing and dining facilities and services;
- (10) Publicity.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Assistant Secretary may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

(d) Adjustment period. A recipient which operates or sponsors interscholastic, Intercollegiate, club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in not event later than three years form the effective date of this regulation.

TRR/MS 0520-1-2-.08 Interscholastic Athletics.

- (1) The State Board of Education recognizes the value of participation in interscholastic athletics and the role of the Tennessee Secondary School Athletic Association in coordinating interscholastic athletic competition. The State Board of Education authorizes the public schools of the state to voluntarily maintain membership in the Tennessee Secondary School Athletic Association.
- (2) The total basketball games allowed per team in a school which serves any combination of grades K through 8 shall not exceed 20 during a school year. Tournaments shall count as two games notwithstanding the number of games in which each team participates in a tournament. Practice can begin no earlier than four weeks prior to the first scheduled game and shall end after the last tournament or regular season game in which the team participates.
- (3) All athletic practice within the regular hours of any school day must be approved on an annual basis by the local board of education; such action must be reflected in the minutes of the local board of education. All approved athletic practice during the regular hours of any school day shall conform to the same rules, regulations, and seasons as corresponding athletic practice outside the school day.
- (4) A local board of education shall not authorize high school credits in physical education for participation in interscholastic athletic practice during regular school hours.

29-20-403. Liability insurance authorized — Compensation for injury — Limits — Limits of liability for self-insuring entities. —

- (a) Any governmental entity may purchase insurance to cover its liability under this chapter.
- (b) Every policy or contract of insurance purchased by a governmental entity as authorized by this chapter shall provide:
 - (4) Minimum limits of not less than three hundred thousand dollars (\$300,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000) for injury or destruction of property of others in any one (1) accident, occurrence or act. The provisions of this subdivision (b) (4) shall apply to any action arising on or after July 1, 2007.

(c) Any governmental entity electing to self-insure its liability shall have the same limits of liability as if insurance had been purchased.

(d) [Obsolete].

TCA 49 - 2-120 Prohibition against hazing. — (a) As used in this section, unless the context otherwise requires, "hazing" means any intentional or reckless act in Tennessee, on or off LEA property, by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(b) The governing body of each LEA shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the LEA. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the LEA.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Field Trips and Excursions	Descriptor Code: 4.302	Issued Date: 07/12/2004
		Rescinds: IFCB	Issued: 07/12/2004

1 The Board encourages field trips when the experiences are an integral part of the school curriculum and
2 contribute to the Board's desired educational goals.

3
4 Requests for field trips shall adhere to the *District Field Trip Manual* which shall include a list of cur-
5 rent Board-approved day trips by grade and/or building. In addition to the day trip procedures, a list of
6 Board-approved overnight trips will appear in the *Field Trip Manual*. If the trip is listed, no further action
7 need be taken. If the trip is not listed, the request must be made with time for it to appear on the Board
8 agenda twice: information and action (approximately three (3) months prior to the date of the trip).

9
10 In addition to the day trip procedures, trips abroad must be individually approved by the Board
11 (approximately six (6) months prior to the date of the trip). No approved list for trips abroad will be
12 maintained.

13 **NON-SANCTIONED FIELD TRIPS**

14
15
16 Non-sanctioned field trips organized by employees acting as independent contractors/agents involving
17 students on a volunteer, self-supporting basis are not approved by the Board and are not considered
18 a part of the curriculum. Total responsibility for privately planned field trips or tours rests with the
19 individual(s) and agency sponsoring them. The Board assumes no legal or financial responsibilities for
20 non-sanctioned field trips.

21
22 If recruitment of students is sought through the school(s), the request for recruitment shall be made in
23 accordance with those of private citizens. Recruitment efforts shall not occur during class time or the
24 employee's work day.

25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.302

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X

Developed Sample

This is an updated sample.

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Instructional Resources and Materials	Descriptor Code: 4.400	Issued Date:
		Rescinds:	Issued:

1 All classrooms and learning centers shall be equipped with an evenly-proportioned, wide assortment
2 of teaching tools, textbooks, workbooks, audio-visual equipment selected to meet the students' needs.
3 Textbooks and instructional materials should provide quality learning experiences for students.
4

5 A list of textbooks and instructional materials used by the schools shall be revised annually by building
6 administrators under the direction of the director of schools and shall be made available to the Board and
7 professional staff as a reference. Textbooks and/or instructional materials shall be available for inspection
8 by parents/guardians upon request.¹ The director of schools shall develop procedures for inspection of
9 materials and distribute these procedures to each principal.
10

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Legal References:

1. 20 USCA § 1232h(a); TCA 49-6-7003

37
38
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.400

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for Morgan County.

Developed Sample

District policy used

X Customize as indicated

MANDATED BY LAW

LEGAL REFERENCE:

20 USCA § 1232h (a) Inspection of instructional materials by parents or guardians.— (a) (All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

TCA 49-6-7003. Parental inspection of school instructional materials.— The board of education shall adopt and file in its official operating policy pamphlet its policy on inspection of school instructional materials by parent or legal guardians of students enrolled in that local education agency.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Textbook Selection, Distribution and Care	Descriptor Code: 4.401	Issued Date: 06/04/2001
		Rescinds: IFAA	Issued: 06/04/2001

1 **SELECTION**

2
3 The selection of textbooks shall be completed according to the laws and policies required by the State
4 of Tennessee and the State Textbook Commission. The responsibility for textbook selection rests with
5 the local textbook selection committees subject to approval by the Board.¹ The director of schools shall
6 establish a procedure for providing the citizens of the community an opportunity to examine proposed
7 textbooks prior to their final adoption,² including public notice of time and location at which textbooks
8 may be examined.

9
10 **DISTRIBUTION**

11
12 The materials clerk shall be designated by the Board to be responsible for the purchase and distribution
13 of textbooks in each school. The principal shall be responsible for seeing that each student receives the
14 required textbooks at no cost to the student.³

15
16 **CARE OF TEXTBOOKS**

17
18 Textbooks are property of the Board and shall be returned at the end of the school year, upon comple-
19 tion of the course or upon withdrawal from a course or school. Parents are to sign an agreement stating
20 they will be responsible for the textbooks received and used by their children.

21
22 The following reimbursement schedule shall be used as a guide for collecting fines for lost or destroyed
23 books:

Age of Book	Amount Collected
27 1 - 2 years	100% of replacement cost
28 3 - 4 years	75% of replacement cost
29 5 or more years	50% of replacement cost

30
31 The Board shall approve and periodically review a schedule of fines for damaged books. In cases where
32 the book is damaged to the extent it is no longer useable, the amount collected shall conform to the
33 reimbursement schedule for lost books.

34
35 If, after hearing the student's explanation and other investigation as necessary, the principal determines
36 that there has been willful loss or damage of the textbook, he/she shall assess the appropriate fine and
37 notify the parents in writing.

38
39
40
41

1 The principal may include with the notice a provision stating that failure to pay the fine imposed
2 within a reasonable time may result in the imposition of one or both of the following sanctions:
3

- 4 1. Refusal to issue any additional textbooks until restitution is made; and
- 5
- 6 2. Withholding of all grade cards, diplomas, certificates of progress, or transcripts until restitu-
7 tion is made.
- 8

9 The principal may waive the assessment of fines when in his/her judgment the student is the victim
10 of uncontrollable circumstances and not responsible for the damages.⁴
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

41 Legal References:

- 42
- 43 1. TCA 49-6-2207(c)(f); TCA 49-6-2202(d)
- 44 2. 20 USCA § 1232h(a); TCA 49-6-7003
- 45 3. TCA 49-3-310(1)(A)
- 46 4. TCA 49-3-310(1)(B)
- 47
- 48

Cross References:

Personal Property Sales 2.403
Reconsideration of Instructional Materials 4.403
Controversial Materials 4.801
Student Fees and Fines 6.709

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.401	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">X</td> <td>Developed Sample</td> </tr> <tr> <td></td> <td>District policy used</td> </tr> <tr> <td></td> <td>Customize as indicated</td> </tr> <tr> <td></td> <td>MANDATED BY LAW</td> </tr> </table>	X	Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	This is an updated sample.
X	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TCA 49-6-2207. Adoption of textbooks by local boards.— (c)(1) Boards shall make their adoption upon recommendations of committees. These committees shall be set up by subject matter fields and composed of teachers, or supervisors and teachers, with the number of members of each committee to be determined by the board based upon the relative size of the local school system.

(2) These committees shall be composed of teachers and supervisors who are now teaching or supervising the respective subject and shall be by grade or groups of grades arranged so that a committee may consider an entire series of books if it should so desire; provided, that in all cases, the teachers appointed on the committees herein provided for shall hold professional certificates and have had three (3) or more years of experience as teachers or supervisors in the public schools.

(3) The members of the committee authorized in this section shall serve for one (1) fiscal year.

(4) In recommending textbooks for use in economics or business-oriented courses or programs, the local committee should include, at least as a supplemental textbook, one 910 text book written, illustrated and exemplified in such a manner as to facilitate comprehension by all students, including those of disadvantaged socioeconomic circumstances and of culturally different backgrounds.

(f) As provided in Section 49-6-2202 (d), a local board may furnish electronic textbooks to pupils attending the public schools, provided the electronic textbooks to pupils attending the public schools, provided the electronic textbooks are furnished free of charge. A board that chooses to furnish electronic textbooks to pupils attending school in the district shall provide reasonable access to the electronic textbooks and other necessary computer equipment to pupils in the district who are required to complete homework assignments and teachers providing homework assignments, utilizing electronic textbooks furnished by the board.

TCA 49-6-2202. Listing of approved textbooks.— (d) As used in this part or elsewhere in this title, "textbook" or "textbooks" includes "electronic textbook" or "electronic textbooks" which means computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, local and remote computer assisted instruction, on-line service, electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process, through electronic means. "Electronic textbooks" may be recommended, adopted, and purchased in the same fashion as provided

for textbooks in this part.

20 USCA § 1232h (a) Inspection of instructional materials by parents or guardians.— (a) (All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

TCA 49-6-7003. Parental inspection of school instructional materials.— The board of education shall adopt and file in its official operating policy pamphlet its policy on inspection of school instructional materials by parent or legal guardians of students enrolled in that local education agency.

TCA 49-3-310. Textbooks and other instructional materials.— (1)(A) It is the legislative intent that the board shall purchase the necessary textbooks and kindergarten materials early enough that the students shall have the textbooks and kindergarten materials available to them when the schools open. The board shall furnish such textbooks as are listed by the state textbook commission for adoption and as have been adopted by the board as are required for the use of students by such board. The director of schools and the chair of the board of each LEA shall certify to the commissioner on or before October 15 of the current school year that all children enrolled in that LEA have been furnished all required textbooks, as determined by the commissioner.

(B) All textbooks purchased with state school funds under this section are, and shall remain, the property of the board purchasing them. Such board shall establish such policies as it deems necessary for the care and protection of its textbooks. Such policies may include any of the following sanctions against a pupil who fails or refuses to pay for a lost or damaged textbook at the replacement cost less reasonable depreciation:

- (i) Refusal to issue any additional textbooks until restitution is made;
- (ii) Withholding of all grade cards, diplomas, certificates of progress, or transcripts until restitution is made;
- (iii) Not allowing the pupil to take interim or final examinations or to earn course credit in the course for which the textbook is prescribed until restitution is made; or
- (iv) Reducing the pupil's grade in the course for which the textbook is prescribed by one (1) letter grade or ten (10) percentage points until restitution is made.

No board of education of any public school system shall require any pupil or parent to purchase any textbook except in cases where the pupil or parent damages, loses or defaces such textbook either through willful intent or neglect. Nothing in this section shall prohibit any pupil or parent from voluntarily purchasing textbooks. The commissioner may collect from LEAs the data needed to administer this section effectively.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Selection of Instructional Materials (Other than Textbooks)	Descriptor Code: 4.402	Issued Date: 06/06/1994
		Rescinds: IFAB	Issued: 06/06/1994

1 The Board will seek to provide a wide range of instructional materials¹ on all levels of difficulty, with
2 diversity of appeal, and the presentation of different points of view and will provide procedures for
3 review and reconsideration of allegedly inappropriate instructional materials.

4 **OBJECTIVES OF SELECTION**

5
6
7 In order to assure that instructional materials are an integral part of the educational program, the fol-
8 lowing selection objectives are adopted:

- 9
10 1. To provide materials that will enrich and support the curriculum and personal needs of the stu-
11 dents, taking into consideration their varied interests, abilities and learning styles;
- 12
13 2. To provide materials that will stimulate growth in factual knowledge, literary appreciation, aes-
14 thetic values and ethical standards;
- 15
16 3. To provide a background of information which will enable students to make intelligent judgments
17 in their daily lives;
- 18
19 4. To provide materials on opposing sides of controversial issues so that the students may develop
20 under guidance the practice of critical analysis;
- 21
22 5. To provide materials which realistically represent our pluralistic society and reflect the contribu-
23 tions made by these groups and individuals to our American heritage;
- 24
25 6. To place principles above personal opinion and reason above prejudice in the selection of mate-
26 rials of the highest quality in order to ensure a comprehensive media collection appropriate for
27 all students.

28
29 The principal of each school shall annually appoint a committee of teachers to determine how to spend
30 the pooled amount of the second \$100 given to each teacher in the school .²

31
32
33
34
35
36 _____
37 Legal References:

- 38 1. TRR/MS 0520-1-3-.07(3)
- 39 2. TCA 49-3-359

36 _____
37 Cross Reference:

38 Controversial Materials 4.801

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.402	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:		<i>Editor's Comments:</i> This is an updated sample.
X	Developed Sample	
	District policy used	
	Customize as indicated	
	MANDATED BY LAW	

LEGAL REFERENCE:

TRR/MS 0520-1-3-.07 Library Information Center

(3) Materials Collection

(a) Print Collection. The collection shall average at least 12 items per student in average daily membership. Pamphlets, textbooks, unbound periodicals, out-of-date items, and items in poor physical condition shall neither be counted or reported in the total collection. The collection shall include at least one set of encyclopedia copyrighted within the last 5 years. In secondary schools, the collection shall also include an unabridged dictionary, a local newspaper, and one daily newspaper presenting news on both state and national levels.

(b) Software Based Collection. Individual CD-ROM Discs may be counted as the number of eligible hardbound units they replace. For example, one CD-ROM disc that contains the equivalent of a twenty-volume set of encyclopedias or other reference books may be counted as 20 units. A disc containing the complete works of Shakespeare equivalent to three hardbound volumes may count as three units. Such collections may count no more than 20% of the total collection.

(c) Internet-based Collection. Internet-based collections and subscriptions may be counted provided the following criteria are met:

1. Internet-based connections in the library information center are sufficient to provide access to students at a ratio of a minimum of 100:1.
2. Internet-based materials count no more than 20% of the collection or subscription requirement. Only full text may count toward the collection total.
3. Internet-based materials may count up to 30% in schools in which the library media specialist had received the Tennessee Electronic Library training.

TCA 49-3-359. Basic education program funding for teacher's supplies, duty-free lunch periods, school nurses, reading coordinators. — (a) There is included in the Tennessee Basic education program an amount of money sufficient to pay two hundred dollars (\$200.00) for every teacher in kindergarten through grade twelve (K-12). This money shall be used by the teachers for instructional supplies. One hundred dollars (\$100) shall be spent for such purpose as determined by the teacher. The second one hundred dollars (\$100) shall be pooled with all such teachers in a school and spent as determined by a committee of such teachers for such purpose. The purpose of this pool is to permit purchase of items or equipment that may exceed an individual teacher's allocation, for the benefit of all such teachers at the school and the enhancement of the instructional program, and shall not be used for basic building needs such as HVAC, carpets, furniture, items or equipment for the teachers' lounge, or the like.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Reconsideration of Instructional Materials and Textbooks	Descriptor Code: 4.403	Issued Date: 06/06/1994
		Rescinds: IFAD	Issued: 06/06/1994

1 The Board supports principles of intellectual freedom inherent in the First Amendment of the Constitution
2 of the United States¹ and expressed in the *Library Bill of Rights* of the American Library Association.

3
4 Because opinions differ, there may be questions concerning some instructional and library materials
5 despite the quality of the selection process. If a complaint is made, the following procedure is to be
6 followed:

- 7
- 8 1. Inform the complainant of the selection procedures and make no commitments.
- 9
- 10 2. Request the complainant to submit a formal *Request for Reconsideration of Instructional*
11 *Materials*.
- 12
- 13 3. Inform the principal (and other appropriate personnel).
- 14
- 15 4. Keep challenged materials available for use during the reconsideration process.
- 16
- 17 5. Upon receipt of the completed form, the principal requests review of the challenged materials
18 by an ad hoc materials review committee within fifteen (15) working days, and notifies the
19 appropriate supervisor and the director of schools that such review is being done. The review
20 committee is appointed by the principal, and includes certified library media personnel,
21 representatives from classroom teachers, one or more parents, and may include one or more
22 students.
- 23
- 24 6. The review committee shall take the following steps after receiving the challenged materials:
 - 25
 - 26 a. Read, view or listen to the material in its entirety;
 - 27 b. Check general acceptance of the material by reading recognized and evaluative reviews;
 - 28 c. Determine the extent to which the material supports the curriculum;
 - 29 d. Complete the appropriate *Checklist for Reconsideration of Instructional Materials*, judging
30 the material for its strength and value; and
 - 31 e. Present recommendation to principal for further action and to the director of schools for
32 purposes of information.
 - 33
- 34 7. If the complainant desires further action after receiving the recommendation of the committee
35 and the decision of the principal, an appeal may be made to the Board.
- 36

37
38 Legal Reference:

39 1. *Island Trees/Union Free School District v. Pico*, 457 U.S. 853, 102 S. Ct. 2799 (1982)

40
41
42

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.403

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

This is an updated sample.

District policy used

Customize as indicated

MANDATED BY LAW

LEGAL REFERENCE:

Board of Education, Island Trees Union Free School District v. Pico

457 U.S. 853, 102 S. Ct. 2799 (1982)

An action was brought seeking declaratory and injunctive relief with respect to removal by defendant board of education of certain books from school libraries. The United States District Court for the Eastern District of New York, 474 F. Supp. 387, granted summary judgment in favor of defendants, and plaintiffs appealed. The United States Court of Appeals for the Second Circuit, Justice Brennan, held that: (1) local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion, and (2) issues of fact precluding summary judgment existed as to whether school board exceeded constitutional limitations in exercising its discretion to remove the books from the school libraries.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Use of Copyrighted Materials	Descriptor Code: 4.404	Issued Date:
		Rescinds:	Issued:

1 In order to define the fair and reasonable use that employees may make of copyrighted work for edu-
2 cational purposes without the permission of the copyright owner and to reduce the risk of copyright
3 infringement, the Board shall require the following:

- 4
5 1. All employees shall adhere to the provisions of the United States Code regarding the copying
6 and/or the use of copyrighted materials;¹
7
- 8 2. In the case of computer software, the ethical and practical problems caused by computer software
9 piracy shall be taught in all computer courses;
10
- 11 3. The director of schools shall establish specific regulations regarding the copying, distribution and
12 use of copyrighted materials for instructional purposes; and
13
- 14 4. The principal of each school shall establish practices which will enforce this policy at the school
15 level.
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

32
33 _____
34 Legal Reference:
35 1. Title 17 of the U.S.C.A.

32
33 _____
34 Cross References:
35 Web Pages 4.407
36 VCR Films 4.408
37
38
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.404	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>
Developed Sample	This is a new sample for Morgan County. It is very important that teachers, supervisors and administrators understand the limitations on the fair use of materials. Statutory damages can run to the tens of thousands of dollars per use.
District policy used	
Customize as indicated	
MANDATED BY LAW	

LEGAL REFERENCE:

§ 107. Limitations on exclusive rights: Fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

§ 117. Limitations on exclusive rights: Computer programs

Notwithstanding the provisions of section 106, it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy of adaptation of that computer program provided:

- (1) that such a new copy of adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
- (2) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

Any exact copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as apart of the lease, sale, or other transfer of all rights in the program. Adaptations so prepared may be transferred

only with the authorization of the copyright owner.

Amendments

1980 Amendments. Pub.L.96-517 substituted provision respecting limitations on exclusive rights in connection with computer programs for prior provision enunciating scope of exclusive rights and use of the work in conjunction with computers and similar information systems and declaring owner of copyright in a work without any greater or lesser rights with respect to the use of the work in conjunction with automatic systems capable of storing, processing, retrieving, or transferring information, or in conjunction with any similar device, machine, or process, than those afforded to works under the law, whether this title or the common law or statutes of a State, in effect on Dec. 31, 1977, as held applicable and construed by the court in an action brought under this title.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Employee-Developed Materials	Descriptor Code: 4.405	Issued Date:
		Rescinds:	Issued:

1 Materials developed as part of regular employment are equally the properties of the school system and
2 the employee.

3
4 School-owned equipment, including computers, may be used for developing and writing programs that
5 will be used as part of the instructional program or for administrative purposes. The school system shall
6 maintain full use of all educational or administrative materials, software, manuals and related materi-
7 als developed by school system employees during which time they are being compensated. No other
8 compensation to the school system shall be required.

9
10 The director of schools shall ensure that a contractual agreement shall be executed between the employee
11 and the Board when requested by the Board and/or the employee.

12
13 Educational materials created by the employee during the employee's leisure hours when the employee
14 is not fulfilling contractual duties to the school system are the property of the employee.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Cross Reference:
Web Pages 4.407

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.405

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

This is a new policy for Morgan County which specifies ownership of materials. With the increased use of individually created resources, it is important to spell this out.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Use of the Internet	Descriptor Code: 4.406	Issued Date:
		Rescinds:	Issued:

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 5 **Employees**

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

11
12 The director of schools shall develop and implement procedures for appropriate Internet use which shall
13 address the following:

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

Students

The director of schools shall develop and implement procedures for appropriate Internet use by students. Procedures shall address the following:

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

INTERNET SAFETY MEASURES

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

- Controlling access by students to inappropriate matter on the Internet and World Wide Web
- Safety and security of students when they are using electronic mail, chat rooms, and other forms of direct electronic communications
- Preventing unauthorized access, including "hacking" and other unlawful activities by students on-line
- Unauthorized disclosure, use and dissemination of personal information regarding students
- Restricting students' access to materials harmful to them

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

- Utilizing technology that blocks or filters Internet access (for both students and adults) to material that is obscene, child pornography or harmful to students
- Maintaining and securing a usage log
- Monitoring on-line activities of students²

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

1
2
3 A written parental consent shall be required prior to the student being granted access to electronic media
4 involving district technological resources. The required permission/agreement form, which shall specify
5 acceptable uses, rules of on-line behavior, access privileges and penalties for policy/procedural viola-
6 tions, must be signed by the parent/legal guardian of minor students (those under 18 years of age) and
7 also by the student. This document shall be executed each year and shall be valid only in the school
8 year in which it was signed unless parent(s) provide written notice that consent is withdrawn. In order
9 to rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must
10 provide the director of schools with a written request.

11 **E-MAIL**

12
13
14 Users with network access shall not utilize district resources to establish electronic mail accounts
15 through third-party providers or any other nonstandard electronic mail system. All data including e-mail
16 communications stored or transmitted on school system computers shall be monitored. Employees/students
17 have no expectation of privacy with regard to such data. E-mail correspondence may be a public record
18 under the public records law and may be subject to public inspection.³

19 **INTERNET SAFETY INSTRUCTION⁴**

20
21 Students will be given appropriate instruction in internet safety as a part of any instruction utilizing computer
22 resources. The director shall provide adequate inservice instruction on internet safety. Parents and students
23 will be provided with material to raise awareness of the dangers posed by the internet and ways in which
24 the internet may be used safely.

25 **VIOLATIONS**

26
27
28 Violations of this policy or a procedure promulgated under its authority shall be handled in accordance
29 with the existing disciplinary procedures of this District.

41 **Legal Reference:**

- 42 1. TCA 39-14-602
- 43 2. 47 U.S.C. § 254; *Federal-State Joint Board*
44 *on Universal Service*, CC Docket No. 96-45
45 Report and Order (March 30, 2001)
- 46 3. TCA 10-7-512
- 47 4. Tenn. Code Ann. § 49-1-221
- 48
- 49

Cross References:

Use of Electronic Mail (e-mail) 1.805
Web Pages 4.407

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.406	<i>District Sources Consulted:</i>								
Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is an updated sample.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

TCA 10-7-512. Electronic mail communications systems — Monitoring of electronic mail communications — Policy required. — (a) On or before July 1, 2000, the state or any agency, institution, or political subdivision thereof that operates or maintains an electronic mail communications system shall adopt a written policy on any monitoring of electronic mail communications and the circumstances under which it will be conducted.

(b) The policy shall include a statement that correspondence of the employee in the form of electronic mail may be a public record under the public records law and may be subject to public inspection under this part.

TCA 39-14-602. Violations.—Penalties. — (a) Whoever knowingly, directly or indirectly, accesses, causes to be accessed, or attempt to access any telephone system, telecommunications facility, computer software, computer program data, computer, computer system, computer network or any part thereof, for the purpose of:

(1) Obtaining money, property or services for oneself or another by means of false or fraudulent pretenses, representations or promises violates this subsection and is subject to the penalties of § 39-14 -105;

(2) Causing computer output to purposely be false, for, but not limited to, the purpose of obtaining money, property, or services for oneself or another by means of false or fraudulent pretenses, representations or promises violates this subsection and is subject to the penalties of § 39-14-105.

(b) Whoever intentionally and without authorization, directly or indirectly:

(1) Accesses any computer, computer system or computer network commits a Class C misdemeanor;

(2) Alters, damages, destroys or attempts to damage or destroy, or causes the disruption to the proper operation of any computer or who performs an act which is responsible for the disruption of any computer, computer system, computer network, computer software, program or data which resides or exists internal or external to a computer, computer system or computer network is punishable as in § 39-14-105;

(3) Introduces or is responsible for the input of any computer containment into any computer, computer system, or computer network commits a Class B misdemeanor; or

(4) Accesses or causes to be accessed, or attempts to access any computer software, computer program, data, computer, computer system, computer network or any part thereof, for the purpose of gaining access to computer material or to tamper with computer security devices, including, but not limited to, system hackers, commits a Class A misdemeanor.

(c) Whoever receives, conceals, uses or aids another in receiving, concealing or using any proceeds resulting from a violation of either subsection (a) or subdivision (b)(2), knowing the same to be proceeds of such violation, or whoever receives, conceals, uses or aids another in receiving, concealing or using any books, records, documents, property, financial instrument, computer software, program, or other material, property or objects, knowing the same to have been used in violating either subsection (a) or subdivision (b)(2) is subject to the penalties of § 39-14-105.

Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order (March 30, 2001) —(relevant excerpts)

II. Executive Summary

3. In this Order, we adopt rules that do the following:

- In order to receive discounts for Internet access and internal connections services under the universal service support mechanism, school and library authorities must certify that they are enforcing a policy of Internet safety that includes measures to block or filter Internet access for both minors and adults to certain visual depictions. These include visual depictions. These include visual depictions that are (1) obscene, or (2) child pornography, or with respect to use of computers with Internet access by minors, (3) harmful to minors. An authorized person may disable the blocking or filtering measure during any use by an adult to enable access for bona fide research or other lawful purpose.
- A school administrative authority must certify that its policy of Internet safety includes monitoring the online activities of minors.
- In order to receive discounts, school and library authorities must also certify that they have adopted and implemented an Internet safety policy addressing (i) access by minors to inappropriate matter on the Internet and World Wide Web; (ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; (iii) unauthorized access, including so-called "hacking," and other unlawful activities by minors online; (iv) unauthorized disclosure, use and dissemination of personal information regarding minors; and (v) measures designed to restrict minors access to materials harmful to minors.

J. Public Notice and Hearing Requirements

49. Section 254(h)(5)(A)(iii) of CIPA establishes that a school, school board, local educational agency, or other authority with responsibility for administration of the school, shall provide reasonable public notice and hold at least one public hearing or meeting to address a proposed Internet safety policy. Under the parallel provision for libraries, CIPA requires that a library shall provide such notice and such a hearing. Furthermore, section 254(l) requires that school and libraries adopting the requisite Internet safety policy under that section also provide reasonable public notice and at least one public meeting or hearing to address that proposed policy.

(c) Certifications required under 47 U.S.C. § 254(h) and (l).

(1) Schools. The billed entity for a school receives discounts for Internet access or internal connections must certify on FCC Form 486 that an Internet safety policy is being enforced. If the school is an eligible member of a consortium but is not the billed entity for the consortium, the school must certify instead on FCC Form 479 ("Certification to Consortium Leader of Compliance with the Children's Internet Protection Act") that an Internet safety policy is being enforced.

(i) The Internet safety policy adopted and enforced pursuant to 47 U.S.C. § 254(h) must include:

(A) A technology protection measure that protects against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or, with respect to use of the computers by minors, harmful to minors. This Internet safety policy must also include monitoring the online activities of minors.

(ii) The Internet safety policy adopted and enforced pursuant to 47 U.S.C. § 254(l) must address all of the following issues:

(A) access by minors to inappropriate matter on the Internet and World Wide Web;

(B) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

(C) unauthorized access, including so-called "hacking," and other unlawful activities by minors online;

(D) unauthorized disclosure, use, and dissemination of personal information regarding minors; and

(E) measures designed to restrict minors' access to materials harmful to minors.

(iii) A school must satisfy its obligations to make certifications by making one of the following certifications required by subsection (c)(1) on FCC Form 486:

(A) The recipient(s) of service represented in the Funding Request Number(s) on this Form 486 has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).

(B) Pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), does not apply because of the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.

(C) The Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and

(l), does not apply because of the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 is (are) receiving discount services only for telecommunications services.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Web Pages	Descriptor Code: 4.407	Issued Date: 09/08/1998
		Rescinds: IFAC	Issued: 09/08/1998

1 **CONTENT STANDARDS**

2
3 In order to take advantage of the opportunities the Internet provides, the Board authorizes the creation of
4 school and/or district web pages on the Internet. Only those web pages maintained in accordance with
5 Board policy and established procedures shall be recognized as official representations of the district or
6 individual schools. All information on a school or district web page must accurately reflect the mission,
7 goals, policies, program and activities of the school and district. The web page must have a purpose which
8 falls within at least one of three categories:

- 9
- 10 1. Support of curriculum and instruction — intended to provide links to Internet resources for students,
11 parents, and staff in the district;
 - 12 2. Public information —intended to communicate information about the schools and district to
13 students, staff, parents, community and the world at large; and
 - 14 3. District technology support —intended to provide and respond to instructional and administrative
15 technology needs of students and staff.

16 All material on a school web site shall be either original to the school, in the public domain or posted with
17 the express permission of its rightful owner. This includes, but is not limited to, text, graphics, pictures,
18 video, sounds, music, characters, logos and trademarks. Web page publications shall follow all applicable
19 copyright laws and guidelines.

20 Web sites developed under contract for the school district or within the scope of employment by district
21 employees are the property of the school district.

22 **PRIVACY STANDARDS**

- 23
- 24 1. Because Internet publications are available to the entire world, special care shall be taken to protect
25 the privacy of students and staff. Web pages may not include personally identifying information
26 regarding a student¹ such as: telephone numbers, addresses, names of other family members,
27 names of friends, e-mail addresses, specific location of a student at any given time, grades or any
28 other academic information. No confidential information shall be published on or linked to the web
29 site.
 - 30 2. Student work may be published on web pages only with written consent of the student's parent/
31 guardian or the eligible student before each incident of publication. The authoring student shall also
32 sign a copyright consent form.
- 33
34
35
36
37
38
39
40
41
42

1 3. Links to student e-mail accounts are prohibited.

2
3 4. Pictures of students may be included only under the following conditions:

- 4
5 • Individual student pictures may be published on the web site only with written consent of
6 the student's parent/guardian or eligible student.
7
8 • Pictures of groups of students involved in a school-related activity may be published without
9 consent; however, the students shall only be identified by the group name.
10
11 • Students shall not be individually identified in pictures unless there is a special reason for
12 doing so, such as recognition for receiving an award. In such cases, the student's parent/
13 guardian or eligible student must give written consent.

14 **ADVERTISING/SPONSORSHIPS**

15
16 Any use of advertising or sponsorships that appears on a school web site must be approved by the school
17 web administrator, the principal or the director of schools/designee. Guidelines for approval shall be
18 established by the director of schools/designee and must be consistent with the board's policies and
19 guidelines used in other school and district publications.
20

21 **ADMINISTRATIVE PROCEDURES**

22
23 The director of schools shall develop administrative procedures for development of web pages including
24 content, quality and consistency standards and shall designate an individual(s) to be responsible for
25 maintaining the official district web page and monitoring all district web page activity. A building
26 principal shall make such designation for an individual school. Schools or departments who wish to
27 publish a web page must identify the webmaster's name, e-mail address and phone number on the web
28 page.
29

30 **CONCERNS/COMPLAINTS**

31
32 As with any instructional materials or publication used by or representing the school or district, the
33 building principal or director of schools, respectively, is ultimately responsible for accuracy and
34 appropriateness of the information made available on the web site. Concern about the content of any
35 page(s) created by students or staff should be directed to the building principal or the director of schools'
36 office when related to the district web site. If the concern is not resolved, persons who wish to file a
37 formal complaint shall submit a written request for reconsideration of instructional material.
38
39
40
41

42
43 _____
44 Legal Reference:

- 45 1. 20 U.S.C.A. 1232 g (a)(5)(A)(B)

42
43 _____
44 Cross References:

- 45 Reconsideration of Instructional Materials 4.403
46 Use of Copyrighted Materials 4.404
47 Employee-Developed Materials 4.405
48
49

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.407	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is an updated sample.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

**FAMILY RIGHTS AND PRIVACY ACT (BUCKLEY AMENDMENT) (SELECTED PARTS)
20 U.S.C.A. § 1232G**

§ 1232G. Family educational and privacy rights

Conditions for availability of funds to educational agencies or institutions; inspection and review of education records; specific information to be made available; procedure for access to education records; reasonableness of time for such access; hearings; written explanations by parents; definitions

(5)(A) For the purposes of this section the term "directory information" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student.

(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Multimedia Use	Descriptor Code: 4.408	Issued Date:
		Rescinds:	Issued:

1 Any multimedia materials used in a classroom must either be checked out of the school library or have
2 the prior approval of the principal.

3
4 It is the responsibility of the teacher using any multimedia material in the classroom to ensure that all
5 laws regarding that use are followed. Multimedia purchased, rented, borrowed or otherwise procured
6 will be used in the classroom for education purposes only, and only to the extent necessary for that
7 educational purpose. No multimedia that includes a notice that the it is intended "for home use only"
8 will be shown to a class for entertainment purposes.
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Cross Reference:

Use of Copyrighted Materials 4.404

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.408

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

This is a new policy for Morgan County. See also 4.404.

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Community Instructional Resources	Descriptor Code: 4.500	Issued Date:
		Rescinds:	Issued:

1 **COMMUNITY RESOURCE GUIDES**

2
3 An inventory of community resource people, agencies and establishments which have potential to en-
4 hance teaching and learning shall be conducted for each school and kept current to assist in instructional
5 planning.
6

7 **USE OF COMMUNITY RESOURCE PERSONS**

8
9 The Board recognizes the value of community resource persons in the educational program and autho-
10 rizes the use of such persons with approval of the principal and the director of schools.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.500

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

This is a new policy for Morgan County.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: School Volunteers	Descriptor Code: 4.501	Issued Date:
		Rescinds:	Issued:

1 The Board endorses a volunteer program in the schools¹ and authorizes principals to develop a volunteer
2 program for each school.

3
4 All volunteers must be approved by the principal and shall serve under the supervision and direction of
5 the professional personnel of the school to which they are assigned. Volunteers shall assist professional
6 personnel in the performance of their teaching and administrative responsibilities. They may not teach
7 but may reinforce skills taught by the professional staff.

8
9 The principal shall identify appropriate tasks for volunteers and shall be responsible for planning and
10 conducting orientation programs and regular in-service training sessions.

11
12 Volunteers shall serve without compensation but shall be insured by the Board against loss or damage
13 in the performance of their duties.²

14
15 The principal shall ensure that appropriate recognition of volunteer services is made annually.
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

33 _____
34 Legal References:

- 35 1. TCA 49-6-7001
36 2. TCA 29-20-310 (e)
37
38
39
40
41

Cross Reference:
Visitors to the School 1.501

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.501	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td style="padding: 5px;">District policy used</td> <td></td> </tr> <tr> <td style="padding: 5px;">Customize as indicated</td> <td></td> </tr> <tr> <td style="padding: 5px;">MANDATED BY LAW</td> <td></td> </tr> </table>		Developed Sample	District policy used		Customize as indicated		MANDATED BY LAW		<p>This is a new policy for Morgan County.</p>
	Developed Sample								
District policy used									
Customize as indicated									
MANDATED BY LAW									

LEGAL REFERENCE:

TCA 49-6-7001. General provisions.— (a) This section shall be known and may be cited as the "Parent Educational Participation Act."

(b)(1) It may be the duty of the board of education of each school district to develop a program for the voluntary participation of parents in the educational and teaching process at the school in which such parent has a child enrolled in school.

(2) It may include, but shall not be limited to, such activities as educational assistant, library assistant, hall monitor, recreation supervisor, and any other activity which enables the parent to more fully observe and understand the school, the faculty, the students and the educational and teaching activities.

(3) The parent's participations shall be varied.

(4) In any school having a full-time principal with no teaching duties and a school secretary, the principal may maintain records on the program at his school and submit conclusions and recommendations to the board of education on the effectiveness of the program as to the student and parent.

(c) The state board of education may establish guidelines for the development of programs by the local board of education and may assure that each school district has such a program.

(d) The board of education of each school district may periodically schedule alternate meetings to the regular parent-teachers association meeting to permit working parents to attend.

TCA 29-20-310. Determinations to be made by court — Restrictions on claims against employees — Medical malpractice — Immunity indemnification and insurability of local government employees.

— (e)(1) As used in this subsection, "volunteer" means a person who donates or volunteers his or her time or services, to a local governmental entity when the donation of such time or services is at the request of the local governmental entity and under the direction of a local governmental employee.

(2) A local governmental entity may elect to insure or indemnify its volunteers for claims arising under state or federal law for which the governmental entity is immune under this chapter. Such insurance or indemnification shall be upon such terms and conditions as the local governmental entity establishes. However, no such indemnification may exceed the limits of liability established for governmental

entities in § 29-20-403. The volunteer shall be liable for any amount in excess of such limits of governmental liability established in § 29-20-403.

(3) Nothing in this subsection may be construed to affect the status of regular members of a voluntary or auxiliary firefighting, policy or emergency assistance organization as employees of a governmental entity as provided in Sec. 29-20-107(d), nor to impair any immunity granted to these personnel because of that status.

Morgan County Board of Education

Monitoring: Review: Annually, in June	Descriptor Term: Parent/Family Involvement	Descriptor Code: 4.502	Issued Date: 08/01/2005
		Rescinds: IFCE	Issued: 08/01/2005

1 **GENERAL EXPECTATIONS FOR ALL SCHOOLS**

2
3 The school district shall be governed by the statutory definition of parent involvement as cited in the
4 Elementary and Secondary Education Act (ESEA), and shall carry out programs, activities and proce-
5 dures in accordance with this definition.¹

6
7 The Board shall implement the following as required by federal and state legislation²:

- 8
9 • The school district will put into operation activities and procedures for the involvement of parents
10 in all of its schools. Those programs, activities and procedures will be planned and operated
11 with meaningful consultation with parents.
- 12
13 • The school district shall incorporate activities and strategies that support this districtwide fam-
14 ily and community engagement policy into its Tennessee Comprehensive Systemwide Planning
15 Process (TCSPP).
- 16
17 • The TCSPP shall include procedures by which parents may learn about the course of study for
18 their children and have access to all learning materials.
- 19
20 • The TCSPP shall include strategies for parent participation in the district's schools which are
21 designed to improve parent and teacher cooperation in such areas as homework, attendance and
22 discipline.
- 23
24 • The TCSPP shall identify opportunities for parents to participate in and support classroom in-
25 struction in the school. Such opportunities include, but are not limited to organizing fundraising
26 activities, volunteering as a field trip chaperone, assisting in the library, computer lab, or on the
27 playground, offering after-school clubs, and recycling clothes³.
- 28
29 • If the school district's TCSPP is not satisfactory to the parents, the school district shall submit any
30 parent comments with the plan when the school district submits the plan to the State Department
31 of Education.
- 32
33 • To the extent practicable, the school district and its schools shall provide full opportunities for
34 the participation of parents with limited English proficiency, parents with disabilities, and parents
35 of migratory children, including providing information and school reports in an understandable
36 and uniform format and including alternative formats upon request, and, to the extent practicable,
37 in a language parents understand.
- 38
39 • The school district shall appoint a Family and Community Advisory Council that will annually
40 assess, through consultation with parents, the effectiveness of the Family and Community En-
41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

gagement Program and determine what action needs to be taken, if any, to increase parental and community participation. In order to accomplish this, each advisory council shall be composed of representatives from parents of students in elementary, middle and high schools, community business leaders, a member of the school board, and representatives from the school district.

- The school district shall ensure Title I schools are in compliance with the *No Child Left Behind Act*.

The director is authorized to implement any procedures necessary to accomplish the goals of this policy.

SUPPORT FOR PROGRAM

If the Title I allocation is \$500,000, not less than one per cent (1%) nor more than five percent (5%) of that allocation shall be reserved for the purpose of promoting parent involvement and shall distribute not less than ninety-five percent (95%) to Title I schools. Parents of students participating in the Title I programs shall be consulted on the use of these funds.

SCHOOL POLICY

Each school shall submit to the director and Board, for review and comment, its Title I school parent involvement policy, which must meet all legal requirements, including a school-parent compact developed in keeping with legal requirements. This policy shall be developed jointly with, and distributed by the school to, parents of participating students. A copy of these documents shall be retained in the district office.

Legal Reference:

1. PL 107-110, *No Child Left Behind Act of 2001*
2. TCA 49-6-7001-7003; State Board of Education - *Tennessee Parent Family Involvement Policy*.
3. Tenn. Code Ann. § 49-2-305(b)(6)

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.502	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is an updated sample. Additional resources are available upon request, including checklists and sample agreements.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

No Child Left Behind Act 2002— Part A—Improving Basic Programs Operated by Local Educational Agencies —Sec. 1118. PARENTAL INVOLVEMENT

(a) LOCAL EDUCATIONAL AGENCY POLICY-

(1) IN GENERAL - A local educational agency may receive funds under this part only if such agency implements programs, activities and procedures for the involvement of parents in programs assisted under this part consistent with this section. Such programs, activities and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

(2) WRITTEN POLICY - Each local education agency that receives funds under this part shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall be incorporated into the local educational agency's plan developed under section 1112, establish the agency's expectations for parent involvement, and describe how the agency will —

(A) involve the parents in the joint development of the plan under section 1112, and the process of school review and improvement under section 1116;

(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;

(C) build the schools' and parents' capacity for strong parental involvement as described in subsection (e);

(D) coordinate and intergrate parental involvement strategies under this part with parental involvement strategies under other programs, such as the Head Start program, Reading First program, Early Reading First program, Even Start program, Parents as

Teachers program, and Home Instruction Program for Preschool Youngsters, and State-run preschool programs;

(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part, including identifying barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background), and use the findings of such evaluation to design strategies for more effective parental involvement, and to revise, if necessary, the parental involvement policies described in this section; and;

(F) involve parents in the activities of the schools served under this part.

(b) SCHOOL PARENTAL INVOLVEMENT POLICY -

(1) IN GENERAL - Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

(2) SPECIAL RULE - If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.

(3) AMENDMENT - If the local educational agency involved has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

(4) PARENTAL COMMENTS - If the plan under section 1112 is not satisfactory to the parents of participating children, the local educational agency shall submit any parent comments with such plan when such local educational agency submits the plan to the State.

(c) POLICY INVOLVEMENT - Each school served in this part shall —

(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of parents to be involved;

(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the planning, review and improvement of the school parental involvement policy and the joint development of the schoolwide

program plan under section 1114(b)(2), except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

(4) provide parents of participating children—

(A) timely information about programs under this part;

(B) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and

(C) if requested, by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestion as soon as practicably possible; and

(5) if the schoolwide program plan under section 1114(b)(2) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

(d) **SHARED RESPONSIBILITIES FOR HIGH STUDENT ACADEMIC ACHIEVEMENT** - As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall —

(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student academic achievement standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television watching; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive extracurricular time; and

(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—

(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;

(B) frequent reports to parents on their children's progress; and

(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

(e) BUILDING CAPACITY FOR INVOLVEMENT - To ensure effective involvement of parents and to support a partnership among the school involved, parents and the community to improve student academic achievement, each school and local educational agency assisted under this part—

(1) shall provide assistance to parents of children served by the school or local educational agency, as appropriate, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;

(2) shall provide materials and training to help parents to work with their children to improve their children's achievement such as literacy training and using technology, as appropriate, to foster parental involvement;

(3) shall educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

(4) shall, to the extent feasible and appropriate, coordinate and intergrade parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;

(5) shall ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand;

(6) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;

(7) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;

(8) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

(9) may train parents to enhance the involvement of other parents;

(10) may arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;

(11) may adopt and implement model approaches to improving parental involvement;

(12) may establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;

(13) may develop appropriate roles for community-based organizations and businesses in parent involvement activities; and

(14) shall provide such other reasonable support for parental involvement activities under this section as parents may request.

(f) **ACCESSIBILITY-** In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 in a format and to, the extent practicable, in a language such parents understand.

(g) **INFORMATION FROM PARENTAL INFORMATION AND RESOURCE CENTERS -** In a State where a parental information and resource center is established to provide training, information and support to parents and individuals who work with local parents, local education agencies and schools receiving assistance under this part, each local educational agency or school that receives assistance under this part and is located in the State shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers.

(h) **REVIEW -** The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if the policies and practices meet the requirements of this section.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Family Engagement	Descriptor Code: 4.5021	Issued Date:
		Rescinds:	Issued:

1 Families and community members should be engaged in the education of students based on the follow-
2 ing standards:

- 3
- 4 • Families are welcomed into the school community;
- 5
- 6 • Families and school staff should engage in regular and meaningful communication about
7 student learning;
- 8
- 9 • Families and school staff work together to support student learning and development;
- 10
- 11 • Families are informed and encouraged to be advocates for students;
- 12
- 13 • Families are full partners in the decisions that affect children and families; and
- 14
- 15 • Community, civic, and business resources are made available to strengthen school programs,
16 family practices, and student learning.
- 17

18 Schools shall establish and develop programs and practices that enhance family engagement and address
19 the specific needs of students and families. Decisions affecting students, schools, and established school
20 procedures shall always be made within the parameters of legal and Board of Education policies. The
21 programs and practices will be comprehensive and coordinated and will include the following goals:

- 22
- 23 I. Assist families in developing skills and techniques to support their children's learning.
- 24
- 25 II. Promote clear, two-way communication between school and family about school issues, instruc-
26 tional programs, and children's progress.
- 27
- 28 III. Identify and reduce barriers to family engagement, including such barriers as those of economic
29 concerns, disabilities, limited English proficiency, limited literacy, or issues related to cultural
30 diversity.
- 31
- 32 IV. Inform, involve, and train family members, where appropriate, in voluntary instructional and
33 support roles at school.
- 34
- 35 V. Provide information about community and support services for children and families.
- 36
- 37 VI. Include families in decision-making affecting schools and programs when consistent with law and
38 board policy.
- 39
- 40 VII. Provide professional development for teachers and staff on ways to work effectively with parents,
41
- 42

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

families, and volunteers.

VIII. Provide access to the family engagement policy for each family and post the policy in each school.

**Blount County Board of Education
Policy Development Summary**

Policy Code: 4.5021

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

This is a new policy. Legal references are still being compiled.

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.600	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>
Developed Sample	This is an updated sample. This removes administrative details.
District policy used	
Customize as indicated	
MANDATED BY LAW	

LEGAL REFERENCE:

TCA 49-2-203. Powers and duties— (b) The local board of education has the power to:

- (7) Establish minimum attendance requirements or standards as a condition for passing a course or grade; provided, that such requirements or standards are established prior to any school year in which they are to be applicable, are recorded in board minutes and publicized through a newspaper of general circulation prior to implementation, and are printed and distributed to students prior to implementation, and provided further, that such requirements or standards shall not violate the provisions of 49-6-3002(b).

TCA 49-4-904. Student ineligibility —

A student is ineligible for an scholarship or grant described in this part if the student:

- (1) Is not a Tennessee citizen;
- (2) Has not complied with United States selective service system requirements for registration, if such requirements are applicable to the student;
- (3) Is in default on a federal Title IV educational loan or Tennessee educational loan;
- (4) Owes a refund on a federal Title IV student financial aid program or a Tennessee student financial aid program;
- (5) Is not in compliance with federal drug-free rules and laws for receiving financial assistance;
- (6) Is incarcerated; or
- (7) Does not meet each qualification relating to the relevant scholarship or grant and applicable to the student.

TCA 49-4-905. Student eligibility —

- (a) To be eligible for a Tennessee HOPE scholarship, Tennessee HOPE access grant, or a Wilder-Naifeh technical skills grant, a student shall have:
 - (1) Been a Tennessee resident, as defined by regulations promulgated by the board of regents under § 49-8-104, for one (1) year immediately preceding the date of application for a scholarship or grant or for the renewal of a scholarship or grant;

(2) Made application for a Tennessee HOPE scholarship, Tennessee HOPE access grant, or Wilder-Naifeh technical skills grant; and

(3) Been admitted to an eligible postsecondary institution.

(b)(1) Notwithstanding anything in this part to the contrary, any person who, after December 1, 2003, enrolled in an eligible postsecondary institution in lieu of graduating from an eligible high school, and is otherwise qualified, shall be eligible for a Tennessee HOPE scholarship.

(2) To be eligible for a Tennessee HOPE scholarship, a student shall have graduated from an eligible high school, graduated from a high school located in Tennessee that is not an eligible high school, completed high school in a Tennessee home school program, or obtained a GED after January 1, 2003. To be eligible for a Tennessee HOPE access grant a student shall have graduated from an eligible high school after December 1, 2003. The provisions of this subsection (b) shall not apply to those students applying for Wilder-Naifeh technical skills grants.

(c) [Deleted by 2004 amendment.]

49-4-906. Eligibility not restricted by student income—

Except for the ASPIRE award under § 49-4-915 and the Tennessee HOPE access grants under § 49-4-920, eligibility for scholarships or grants awarded under this part shall not be restricted or limited by the adjusted gross income attributable to a student. Students applying for the ASPIRE award under § 49-4-915 and student applying for a Tennessee HOPE access grant under § 49-4-920 shall file a FAFSA with TSAC.

49-4-907. Eligibility requirements [Amended effective July 1, 2007.] —

To be eligible for a Tennessee HOPE scholarship as an entering freshman, a student, who graduated from an eligible high school after December 1, 2003, upon having completed curriculum requirements of the high school for graduation, shall:

(1) Meet the requirements of §§ 49-4-904 and 49-4-905;

(2) Be admitted to and enroll in an eligible postsecondary institution no later than sixteen (16) months after graduation from high school; and

(3)(A)(i) [Amended effective July 1, 2007. See Compiler's Notes.] Achieve a final overall unweighted high school grade point average of at least 3.0; or

(ii) [Deleted by 2004 amendment.]

(B) Attain a composite ACT score of at least 21 on any single ACT test date or a combined SAT score of at least 980 on any single SAT test date.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Reporting Student Progress	Descriptor Code: 4.601	Issued Date: 08/04/2003
		Rescinds: IHAB	Issued: 08/04/2003

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Student progress reports shall be provided at least once every nine (9) weeks during the school year. The reporting procedure shall be in writing and shall be uniform for all reporting periods during each school year.¹ Each report shall be signed by the parents and returned promptly to the school.

Student progress reports shall indicate the students' conduct, attendance and academic progress and other information necessary to communicate effectively with the parents.

In addition to the regular progress reports, principals and teachers are encouraged to confer with parents on the educational progress of their children. Teachers shall consult with parents of students who are working at an unsatisfactory level or whose performance shows a marked or sudden deterioration. Parents shall be notified by the teacher as early in the school year as possible if the retention of a student is being considered.

DRIVER'S LICENSE REVOCATION

Any student fifteen (15) years of age or older who becomes academically deficient shall be reported to the Department of Safety for driver's license revocation.

A student shall be deemed academically deficient if he/she has not received passing grades in at least three (3) full unit subjects or their equivalency at the end of semester grading.

A copy of the notice sent to the Department of Safety by the attendance teacher or the director of schools or his/her designee shall also be mailed to the student's parent or guardian.²

PARENT CONFERENCES

At least two (2) times during the school year, conferences shall be scheduled in which parents and teachers may discuss any pertinent problems or other matters of concern regarding the development and education of each student. These scheduled conferences shall not use any portion of the 180 days of classroom instruction.³ The director of schools shall be responsible for scheduling and coordinating systemwide conferences.

Conferences shall be physically accessible to all students, parents and/or guardians.⁴

Legal References:

- 1. TRR/MS 0520-1-3-.05(3)(a); TCA 49-6-901
- 2. TCA 49-6-3017; TCA 55-50-511(a)(b); TCA 55-50-512(a)(d); TCA 55-50-513
- 3. TCA 49-6-7002
- 4. 28 CFR § 36.201-2

Cross References:

- School Calendar 1.800
- Section 504 & ADA Grievance Procedures 1.802
- Grading System 4.600
- Staff Time Schedules 5.602
- Attendance 6.200

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.601	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td>Developed Sample</td> </tr> <tr> <td></td> <td>District policy used</td> </tr> <tr> <td></td> <td>Customize as indicated</td> </tr> <tr> <td></td> <td>MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is an updated sample.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TRR/MS 0520-1-3-.05 State Curriculum

(3) Grading and Promotion

(a) Each school shall evaluate and report in writing to the parent(s) or legal guardian(s) each student's progress in each subject, at least every nine (9) weeks, in accordance with the school system's evaluation plan. A parent or legal guardian will sign or otherwise acknowledge the report and return it to the teacher. Local school systems may choose not to require parental acknowledgment of the grade report for student in grades 7-12. If parental acknowledgment is not required, schools must publish annually the dates and method of reporting student progress and must provide ample opportunities for parents to notify the school of any concerns.

TCA 49-6-901. Copies to parents.— A copy of a student's report card shall be furnished by the local education agency to the parents of such student.

TCA 49-6-3017. Minors withdrawn from secondary school — Denial of motor vehicle license or permit.— (a) In accordance with the provisions of Title 55, chapter 5, the Department of Safety shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of eighteen (18) who does not at the time of application of a driver's license present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person is:

- (1) Enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained such certificate;
- (2) Enrolled and making satisfactory progress in a secondary school of this state or any other state; or
- (3) Excused from such requirement due to circumstances beyond the applicant's control.

(b) The attendance teacher or director of schools shall provide documentation of enrollment status on a form approved by the department of education to any student fifteen (15) years of age or older

upon request, who is properly enrolled in a school under the jurisdiction of the official for presentation to the department of safety on application for or reinstatement of an instruction permit or license to operate a motor vehicle. Whenever a student fifteen (15) years of age or older withdraws from school, except as provided in subsection (d), the attendance teacher or director of schools shall notify the department of safety of such withdrawal. Within five (5) days of receipt of such notice, the department shall send a notice to the licensee that the license will be suspended under the provisions of title 55, chapter 50 on the thirtieth day following the date the notice was sent, unless documentation of compliance with the provision of this section is received by the department before such time.

After having withdrawn from school for the first time for the purpose of this section, a student may not be considered as being in compliance with this section until such student returns to school and makes satisfactory academic progress, or attains eighteen (18) years of age. As used in this section, "satisfactory academic progress" means making a passing grade in at least three (3) full unit subjects or their equivalency at the conclusion of any grading period. For second or subsequent withdrawals, a student shall have all driving privileges suspended until the student attains eighteen (18) years of age.

When a student licensed to operate a motor vehicle is enrolled in a secondary school and fails to maintain satisfactory academic progress based on end of semester grading, the attendance teacher or director of schools shall follow the procedure set out in this subsection to notify the Department of Safety. A student who fails to maintain satisfactory academic progress based on end of semester grading may not be considered as being in compliance with this section until such student makes a passing grade in at least three (3) full unit subjects or their equivalency at the conclusion of any subsequent grading period.

(c) For the purposes of this section, "withdrawal" means more than ten (10) consecutive or fifteen (15) days total unexcused absences during a single semester. For the purposes of this section, suspension or expulsion from school or confinement in a correctional institution is not a circumstance beyond the control of such person.

(d) Whenever the withdrawal from school of such student, or such student's failure to enroll in a course leading to a GED or high school diploma, or such student's failure to maintain satisfactory academic progress based on end of semester grading is beyond the control of such student, or is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, no such notice shall be sent to the department to suspend the student's motor vehicle driver's license. If the student is applying for a license, the attendance teacher or director of schools shall provide the student with documentation to present to the department of safety to excuse such from the provisions of this section.

The school district director of schools (or the appropriate school official of any private secondary school), with the assistance of the attendance teacher and any other staff or school personnel, shall be the sole judge of whether such withdrawal or such student's failure to maintain satisfactory academic progress based on end of semester grading is due to circumstances beyond the control of such person.

(e) A copy of the notice sent to the Department of Safety by the attendance teacher or the director of schools upon failure of a student to maintain satisfactory academic progress shall also be mailed to that student's parents or guardian.

TCA 55-50-511. Minors withdrawn from secondary school—Administrative review of license revocation.— (a) Any person who has received a notice of revocation under § 55-50-502(a)(10)

may request an administrative review. The request shall be accompanied by any relevant evidence, deemed appropriate by the department, which the person wants the department to consider in reviewing the determination made pursuant to § 49-6-3017.

(b) When a request for administrative review is made, the department shall review the determination made pursuant to § 49-6-3017. In the review, the department shall give consideration to any relevant evidence accompanying the request for the review. If the department determines, by the preponderance of the evidence, that the person has withdrawn from school or failed to maintain satisfactory academic progress, the department shall sustain the order of revocation. If the evidence does not support such a determination, the department upon administrative review is final unless a hearing is requested under § 55-50-512.

TCA 55-50-512.—(a)(d) The sole issue at the hearing shall be whether by a preponderance of the evidence the person has withdrawn from school or has failed to maintain satisfactory academic progress. If the presiding hearing officer finds the affirmative of this issue, the revocation order shall be sustained. If the presiding hearing officer finds the negative of this issue, the revocation order shall be rescinded.

TCA 55-50-513. Minors withdrawn from secondary school — Judicial review of license revocation.—(a) Within thirty (30) days of the issuance of the final determination of the department following a hearing under § 55-50-512, a person aggrieved by the determination shall have the right to file a petition in the chancery court of the county of the person's residence for judicial review. The filing of a petition for judicial review shall not stay the revocation order.

(b) The review shall be on the record, without taking additional testimony. If the court finds that the department exceeded its constitutional or statutory authority, made an erroneous interpretation of the law, acted in an arbitrary and capricious manner, or made a determination which is unsupported by the evidence in the record, the court may reverse the department's determination.

TCA 49-6-7002. Parent-teacher meetings.— (a) This section shall be known and may be cited as the "Parent-Teacher Partnership Act of 1989."

(b) It is the duty of the board of education of each school district to develop a program whereby parents or guardians and appropriate faculty members may meet at least two (2) times per school year to discuss any pertinent problems or other matters of concern regarding the development and education of each student who is enrolled in the school system. However, these meetings shall not occur during school hours of any day that is counted for purposes of meeting the one hundred eighty (180) days of classroom instruction required by 49-60-3004, nor shall such meetings be substituted for a day of classroom instruction; provided, that the preceding restriction on meetings shall not bar any local education agency from scheduling such meetings at the time beyond the six and one-half (6.5) hour classroom instructional time or during any free time that a teacher might have available during such six and one-half (6.5) hours.

28 CFR § 36.202 Activities

(a) Denial of participation. A public accommodation shall not subject an individual or class of individuals on the basis of disability or disabilities of such individual or class, directly or through contractual, licensing or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation.

(b) Participation in unequal benefit. A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly or through contractual licensing, or other arrangements, with the opportunity to participate in or benefit from a good service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

(c) Separate benefit. A public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly or through contractual licensing or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(d) Individual or class of individuals. For purposes of paragraphs (a) through (c) of this section, the term "individual or class of individuals" refers to the clients or customers of the public accommodation that enters into the contractual, licensing, or other arrangement.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Class Ranking	Descriptor Code: 4.602	Issued Date:
		Rescinds: IHC	Issued: 08/04/2003

1 Students must be enrolled full time at the home base school to be eligible for ranking among the top
2 high school seniors.

3
4 All grades earned in grades 10, 11 and the first semester of grade 12 will be counted toward the grade
5 point average and the rank in class.

6
7 Honor roll students will be determined by standards approved by the Board. Students who meet these
8 standards, and who do not request otherwise, will have their names submitted to the principal for release
9 to the news media.

10
11 Each school department or club which presents honors or awards or conducts contests will file with the
12 principal the name of the honor, award or contest; the basis for selection of the award and honor; the
13 method of participation; and the reason for the contest.

14
15 To become valedictorian or salutatorian, a student must be enrolled in the high school at least four (4)
16 of the seven (7) semesters preceding the final semester. The final semester will not be used in deter-
17 mining class standing.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Cross References:

Grading System 4.600

Graduation Requirements 4.605

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.602

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

This is an updated sample.

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Promotion and Retention	Descriptor Code: 4.603	Issued Date: 08/04/2003
		Rescinds: IHE	Issued: 08/04/2003

1 Students will normally progress annually in sequential order from grade to grade. The professional
2 staff will place students at the grade level best suited to them academically, socially and emotionally.
3 Retentions may be made when, in the judgment of the teacher, such retentions are in the best interest of
4 the students. Decisions to retain are subject to review and approval of the principal after consultation
5 with the teacher.

6
7 In order to enhance the opportunity for remediation, students with problems shall be identified as early
8 as possible in the school year. Parents shall be notified when problems are identified and shall be in-
9 formed periodically of remedial efforts and given progress reports.

10
11 Before a student is retained, the parents shall be informed in writing and shall be requested to participate
12 in a conference at least six (6) weeks before the end of the school year.

13
14 The following factors shall be considered in making a decision on promotion and retention:¹

- 15
16 1. *Mastery of essential competencies.* Students shall have mastered essential skills sufficiently to
17 ensure a likelihood of success at the next grade level.
- 18
19 2. *Special procedures for special students.* Students who have been identified as having special
20 problems, including high risk students and others with special needs, shall be given special con-
21 sideration. Placement of students with IEPs shall be determined by the IEP-Team.
- 22
23 3. *Flexible placement.* Use of conditional promotion, remedial summer programs, assignment to
24 transitional classes, and other approaches to meeting the needs of students shall be given con-
25 sideration.
- 26
27 4. *Attendance.* Attendance shall become a relevant factor only when excessive absenteeism becomes
28 an educational problem.²
- 29
30 5. *Conduct.* Retention shall not be used as a disciplinary measure.
- 31
32 6. *Previous retention.* Except under unusual circumstances, students shall not be retained more
33 than once in the same grade.
- 34
35 7. *Grade level.* Retention shall be considered more appropriate in grades K-3.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

Once the decision to retain has been made:

1. A report of each student retained shall be made to the director of schools;
2. Documentation verifying student deficiencies shall be placed in the student’s record;
3. Parents shall have the right to appeal any decision through appeal procedures established by board policy; and
4. The teacher shall be consulted at each level of the appeal procedure.

Educational experiences for the repeated year shall be varied in order to provide an appropriate instructional program. Variations may include, but are not limited to, the following:

1. different teacher(s);
2. different techniques and strategies;
3. different materials; and
4. varying lengths of time per subject and/or physical setting in classroom.

For the purpose of determining the effectiveness of retention toward improving student achievement, the progress of retained students shall be monitored for at least three (3) years.

Legal References:

1. TRR/MS 0520-1-3-.05(3)(b)
2. TCA 49-2-203(b)(7); TCA 49-6-3002

Cross References:

- Grading System 4.600
 Reporting Student Progress 4.601
 Attendance 6.200

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.603	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>
Developed Sample	This is an updated sample.
District policy used	
Customize as indicated	
MANDATED BY LAW	

LEGAL REFERENCE:

TCA 49-2-203. Powers and duties.— (b) The local board of education has the power to:

(7) Establish minimum attendance requirements or standards as a condition for passing a course or grade; provided, that such requirements or standards are established prior to any school year in which they are to be applicable, are recorded in board minutes and publicized through a newspaper of general circulation prior to implementation, and are printed and distributed to students prior to implementation, and provided further, that such requirements or standards shall not violate the provisions of 49-6-3002(b).

TCA 49-6-3002. State attendance guidelines — No penalty for period of hospital or homebound instruction.— (b) Notwithstanding the provisions of any law to the contrary, if a student is unable to attend regular classes because of illness, injury, or pregnancy and if the student has participated in a program of hospital or homebound instruction administered or approved by the LEA, then the student shall not be penalized for grading purposes nor be denied course completion, grade level advancement, or graduation solely on the basis of the student's absence from the regular classroom during the period of such hospital or homebound instruction.

TRR/MS 0520-1-3-.05 State Curriculum

(3) Grading and Promotion

(b) Local school systems shall develop and implement grading, promotion, and retention policies. The policies shall be communicated annually to students and parents.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Accelerated and Advanced Credit	Descriptor Code: 4.604	Issued Date:
		Rescinds:	Issued:

1 Students enrolled in grades 9-12 who have taken the equivalent of a high school level course in the
2 elementary grades may earn high school credit toward graduation,¹ except in American History,² under
3 the following guidelines:

- 4
- 5 1. Students will be given the appropriate comprehensive written examination as required for students
6 in grades nine (9) through twelve (12) who earn credit for graduation;
- 7
- 8 2. The examination shall provide evidence that the students have mastered all of the terminal objec-
9 tives in the applicable curriculum framework adopted by the State Board of Education and shall
10 be scored and graded on the same scale as for students who enroll in the course for which credit
11 is being given;
- 12
- 13 3. Students must have earned a grade of “B” or better in the elementary course in order to qualify
14 to take the examination; and
- 15
- 16 4. Students must score a “B” or better on the examination in order to receive credit toward high
17 school graduation.
- 18

19 The director of schools shall develop procedures for:

- 20
- 21 1. Making application for credit;
- 22
- 23 2. Administering and scoring the examination; and
- 24
- 25 3. Record keeping to ensure that proper credit is given.
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33

34 _____
35 Legal References:

- 36 1. TRR/MS 0520-1-3-.06(2)
- 37 2. TCA 49-6-1202
- 38
- 39
- 40
- 41
- 42

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.604	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is a new policy for Morgan County.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TRR/MS 0520-1-3-.06 Graduation

- (2) Testing for Credit
- (a) Local boards of education may adopt policies permitting students who are enrolled in grades 9-12 and who have taken the equivalent of high school level courses to earn unit(s) of high school credit for these courses. Students may earn credit toward graduation upon passing a comprehensive written examination in accordance with standards determined by the local board of education.

TCA 49-6-1202. American history and government.— (a)(1) Every four-year high school which receives public funds from city, county, and/or state governments shall require every student to have at least one (1) year of instruction in American history and government, preferably in the fourth year.

(2) If any student in any of the designated schools fails or refuses to take the subjects above named, he shall not be admitted to the University of Tennessee or the state university and community college system of Tennessee unless and until he agrees to earn credit in these subjects in the first or second year of attendance.

(b)(1) Every private high school in Tennessee which gives a four-year course in literary branches is subject to the same requirements as are the public high schools in Tennessee in regard to teaching American history and government.

(2) Failure or refusal to comply with the provisions of subsections (a) and (b) by private high schools will automatically remove them from the list of accredited high schools in Tennessee.

(c) Failure to carry out the provisions of subsection (a) constitutes a misdemeanor on the part of any principal of a public high school in Tennessee and causes the school to be removed from the accredited list of high schools, and the teaching license of the teacher to be revoked.

(d) Any dean of the University of Tennessee or dean of any state college who violates the provisions of this section shall be removed from his position and shall not be permitted to engage in any form of public school or college work in Tennessee for the five (5) years next succeeding his dismissal. This provision also applies to any person who may be substituting for any of the deans.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Graduation Requirements	Descriptor Code: 4.605	Issued Date: 08/04/03
		Rescinds: IHF	Issued: 08/04/03

1 To meet the requirements for graduation, a student shall have attained an approved attendance, conduct
2 and subject matter record which covers a planned program of education, and such record shall be kept on
3 file in the high school.

4
5 The program of studies shall include areas and content in these areas within State Board of Education
6 Regulations and shall be flexible enough to facilitate progress from one stage of development to another,
7 thus providing for more effective student adjustment.

8
9 The pattern of courses which shall be required of all students in grades nine (9) through twelve (12) shall
10 be in accordance with the Rules and Regulations of the State Board of Education and the Board of Educa-
11 tion.

12
13 **Requirements for students who entered the 9th grade prior to the 2009-2010 school year:**

14
15 Before graduation, every student shall [1] achieve specified units of credit; [2] pass the required compe-
16 tency tests or make passing scores on the required gateway tests (English II, Algebra I and Biology);¹ and
17 [3] an opportunity to take an exit exam to assess readiness for the work place or higher education. (ACT,
18 SAT or Work Keys).²

19
20 Special education students who successfully complete their Individualized Educational Program (IEP) and
21 pass the required competency test or the required gateway tests shall be awarded a regular diploma. If the
22 student does not attain a minimum score on the competency or gateway test, he/she shall be awarded a
23 special education diploma upon graduation.³

24
25 Students who have completed all graduation requirements will be awarded a regular diploma; students
26 who complete all graduation requirements but who have not passed the proficiency test will be awarded a
27 certificate of attendance.³

28
29 **Requirements for students entering the 9th grade during the 2009-2010 school year forward:**

30
31 Before graduation, every student shall [1] achieve specified units of credit; [2] take the required end-of-
32 course exams;¹ [3] have satisfactory records of attendance and conduct, and [4] take a series of three (3)
33 examinations, administered each at the 8th, 10th and 11th grades.⁴

34
35 [OPTIONAL: Prior to graduation, each student should complete a capstone experience. Examples of such
36 a capstone experience are:

- 37
38 • Senior project
39 • Virtual enterpsrise

40
41
42

- 1 • Internship
- 2 • Externship
- 3 • Work-based learning
- 4 • Service learning (minimum of forty (40) hours)
- 5 • Community service (minimum of forty (40) hours)

6
7 The director of schools shall provide procedures for the authorization and oversight of each student’s
8 capstone project.]

9
10 **SPECIAL EDUCATION STUDENTS⁵**

11
12 The high school diploma will be awarded to students who [1] earn the specified 22 units of credit, and [2]
13 have satisfactory records of attendance and conduct.

14
15 A transition certificate may be awarded to students with disabilities who have: [1] taken classes toward
16 a high school diploma (22 units of credit), [2] have satisfactorily completed an individualized education
17 program, and [3] have satisfactory records of attendance and conduct. Students who obtain the transition
18 certificate may continue to work towards the high school diploma through the end of the school year in
19 which they turn twenty-two years old.

20
21 An IEP certificate will be awarded to students with disabilities who have [1] satisfactorily completed an
22 individualized education program, [2] successfully completed a portfolio, and [3] have satisfactory records
23 of attendance and conduct.

24
25 **STUDENT LOAD**

26
27 All students in grades nine (9) through twelve (12) shall be enrolled each semester in subjects that will al-
28 low them to graduate within those Four (4) years. Hardship or gifted cases may be appealed by the student
29 to the director of schools with further appeal to the Board.⁶

30
31
32
33
34
35
36
37
38
39
40 _____
41 Legal References:

- 42 1. TCA 49-6-6001;TRR/MS 0520-1-3-.06
- 43 2. TRR/MS 0520-1-3-.06(d)(3)
- 44 3. TRR/MS 0520-1-3-.06(1)(d)
- 45 4. Tenn. Code Ann. § 49-5-6001(2)(d)
- 46 5. TRR/MS 0520-1-3-.06(2)(a)
- 47 6. TRR/MS 0520-1-3-.03(6)

48
49 _____
Cross References:

- Basic Curriculum Program 4.201
- Class Ranking 4.602

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.605	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is an updated sample.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TCA 49-6-6001. Graduation requirements.—(a)(1) To receive a full diploma upon graduation from high school, a student shall pass the Tennessee comprehensive assessment program test as adopted by the state board of education, with scores established by the board. Students may take each of the required tests at any administration and in any order upon completion of the required coursework. The state board of education may establish by regulation additional requirements for students who do not pass the required tests. Such requirements may include remedial work that may be counted only for elective credit toward graduation.

(2) The board shall adopt a certificate indicating attendance or less-than-satisfactory performance, which shall be presented to students who do not receive a passing score and are not eligible for a full diploma.

(b) Before graduation, every student shall have the opportunity to take an exit examination as adopted by the state board of education. The results of these examinations shall be shared with the legislative oversight committee on education.

(c) All tests developed or used to implement this section, all banks of questions, all field testing documents used as background for the development of the tests, and all answers shall be kept confidential when and for so long as is necessary to protect the integrity of the tests, and accordingly, are exempt from the requirements of § 10-7-503.

TCA 49-1-608. Sanders’ model—Subject matter tests for secondary schools—Initiation of value added assessment.— By not later than 1993, the development of subject matter tests will be initiated to measure performance of high school students in all academic subjects for which appropriate metrics can be obtained from group administered tests. These tests must reflect the complete range of topics covered within the list of state approved textbooks for that subject. As soon as valid tests have been developed, the testing of students will be initiated to provide for value added assessment. Value added assessment shall be initiated in all academic subjects within secondary schools by 1998-1999 school year, and continued annually thereafter. Value added assessment may be initiated in non—academic subjects at such times as valid tests can be developed which effectively measure performance in such subjects.

TRR/MS 0520-1-3-.06 Graduation

(d) Examinations

A competency test shall be administered to high school students. Achieving minimum standards on all required subtests shall constitute one requirement for graduation with a regular or an honors diploma. The tests shall first be administered to students in the ninth grade. Students who fail to meet the minimum standards on any subtest shall be given the opportunity to be retested during any of the regularly scheduled administrations of the test. A student shall not be required to be retested on any subtest for which minimum standards on the competency test, proficiency test, or the competency/proficiency screening were previously achieved.

(2) Gateway examinations. End-of-course examinations shall be administered to all high school students. Achieving minimum standards on three gateway examinations in Algebra I, Biology I, and English II shall constitute one requirement for graduation with a high school diploma and graduation with honors for students who enter the 9th grade in 2001-2002 and thereafter.

Students who fail to meet the minimum standard on any gateway examination shall be given the opportunity to be retested during any of the regularly scheduled administrations of the examination. A student shall not be required to be retested on any gateway exam for which the minimum standard was previously achieved.

(i) Students must meet minimum standards for the gateway examinations as determined by the State Board of Education in Algebra I, Biology I, and English II.

(ii) Course work should be structured and scheduled to ensure that all students are successful. However, each local education agency shall provide research based academic interventions and require participation of students who have not met the minimum standard on any gateway examination. At least one intervention must be offered during the regular school day. All interventions shall be designed to meet the individual student's needs, not simply repeating the course, and shall be conducted by a teacher endorsed in the subject area.

(iii) Any student who previously received a special education diploma or a high school certificate regardless of the date of issuance may, at any time during a regularly scheduled administration of the gateway examinations, take the gateway examinations and upon passing the exams be awarded a high school diploma.

(iv) Students who entered high school prior to or during the 2000-2001 school year may fulfill this requirement by meeting the minimum standards on the competency test until September 1, 2004, after which time the competency test will no longer be administered.

TRR/MS 0520-1-3-.06 Graduation

- (1) Graduation Requirements
- (a) High School Diploma, High School Certificate, and Special Education Diploma
 1. The high school diploma will be awarded to students who (1) earn the specified 20 units of credit or satisfactorily complete an individualized educational program, (2) meet competency test or gateway examination standards, and (3) have satisfactory records of attendance and conduct.
 2. The high school certificate will be awarded to students who have earned the specified twenty (20) units of credit and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards.
 4. The special education diploma will be awarded to students who have satisfactorily completed an individualized education program, and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards.

TRR/MS 0520-1-3-.03 Administration of Schools

(6) Pupil Course Work Load. All full time students in grades 9-12 shall be enrolled each semester in subjects that produce a minimum of five (5) units of credit for graduation per year. Students with hardships and gifted students may appeal this requirement to the local school superintendent and then to the local board of education.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Graduation Activities	Descriptor Code: 4.606	Issued Date:
		Rescinds:	Issued:

1 Students who have met all graduation requirements on the day of graduation and students who are
2 within two (2) or fewer credits of meeting all requirements¹ and can complete the requirements during
3 the summer may participate in graduation activities. If extenuating circumstances exist at any school,
4 the matter shall be presented to the Board prior to graduation activities.

5
6 Students are expected to participate in all graduation activities. Graduation apparel shall be determined
7 by the administration of each school and shall be the personal expense of each student, except for stu-
8 dents who are eligible to receive free or reduced price lunches.² In such cases, the school shall assume
9 responsibility for payment of fees, provided, however, that the school shall not be responsible for the
10 expenses of graduation apparel if it consists only of the student's personal clothing. All other graduation
11 expenses shall be the responsibility of the Board.

12
13 Graduation ceremonies shall be physically accessible to all students, their parents and/or guardians, and
14 other interested citizens.³

15
16 Students who do not wish to participate in graduation activities shall make this known to the school
17 principal at least five (5) days prior to the day of graduation. Non-participating students will receive their
18 diplomas, or certificates, from the principal's office on the day following graduation ceremonies.

19
20 There shall be no sponsorship of a baccalaureate service or other activity which is religious in nature
21 by the Board or its employees, and no school funds, including paid staff time, will be used for such
22 activities.⁴

23
24 Students graduating with distinction will be recognized at graduation.⁵

25
26
27
28
29
30
31
32
33
34

35 _____
36 Legal References:

- 37 1. TCA 49-6-405
- 38 2. TCA 49-2-114
- 39 3. 28 CFR § 36.201-2
- 40 4. *Lee v. Weisman*, 505 U.S. 112 S. Ct. 2649, 120 L. Ed. 2d 467 (1992)
- 41 5. TRR/MS 0520-1-3-.06(1)(c)

35 _____
36 Cross References:

- 37 Section 504 & ADA Grievance Procedures 1.802
- 38 Student Fees and Fines 6.709

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.606	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td>Developed Sample</td> </tr> <tr> <td></td> <td>District policy used</td> </tr> <tr> <td></td> <td>Customize as indicated</td> </tr> <tr> <td></td> <td>MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is a new policy for Morgan County.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TCA 49-6-405. Promotion and graduation.— (a) Upon the completion of a junior high school course of study, pupils shall be given certificates of promotion to the next grade of the school system.

(b)(1) On completion of a course of study in a senior high school, as provided in this part, pupils shall be given diplomas of high school graduation.

(2) If a high school pupil of senior class status is within two (2) or fewer credits of completion of a course of study which qualifies the pupil for high school graduation at the time of the high school graduation ceremony, the high school may compile a list of such pupils who may be recognized at the graduation ceremony in accordance with policy established by the local school board.

(c) If there are foreign exchange students in a high school, the local school board shall provide for the recognition of such students during the high school graduation ceremony.

TCA 49-2-114. Waiver of school fees.— (a) Local education agencies shall establish, pursuant to rules promulgated by the state board of education, a process by which to waive all school fees for students who receive free or reduced price school lunches.

(b) "School fees" are defined as:

(1) Fees for activities that occur during regular school hours;

(2) Fees for activities and supplies required to participate in all courses offered for credit or grade;

(3) Fees or tuition applicable to courses taken during the summer by a student; except that non-resident students regularly enrolled in another school system may be required to pay fees or tuition for such summer courses; and

(4) Fees required for graduation ceremonies.

28 CFR § 36.201 General

(a) Prohibition of discrimination. No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), operates a place of public accommodation.

28 CFR § 36.202 Activities

(a) Denial of participation. A public accommodation shall not subject an individual or class of individuals on the basis of disability or disabilities of such individual or class, directly or through contractual, licensing or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation.

(b) Participation in unequal benefit. A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly or through contractual licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

(c) Separate benefit. A public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly or through contractual licensing or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(d) Individual or class of individuals. For purposes of paragraphs (a) through (c) of this section, the term "individual or class of individuals" refers to the clients or customers of the public accommodation that enters into the contractual, licensing, or other arrangement.

Lee v. Weisman, 505 U.S. 577, 112 S. Ct. 2649, 120 L. Ed.2d 467 (1992)

The United States Supreme Court ruled that an invocation and benediction conducted by a member of the clergy at a public school graduation violated the Establishment Clause of the First Amendment because school officials directed and guided the performance of the prayer and because graduates who objected were "induced to conform."

The school policy at issue permitted principals to invite members of the clergy to give invocations and benedictions at middle school and high school graduations. The selected graduation speaker, a rabbi, was advised by the school principal that the prayer should be nonsectarian and was given a pamphlet, "Guidelines for Civic Occasions," prepared by the National Conference of Christians and Jews. Attendance at the graduation ceremony was not compulsory.

The Court focused upon two "dominant facts" in deciding the case: (1) state officials directed the performance of a formal religious exercise at the secondary school ceremonies; and (2) attendance and participation were "in a fair and real sense obligatory," even though the school district did not require attendance for the receipt of a diploma.

The Court recognized the elementary and secondary school environment as one where subtle pressures existed and where students had no real alternative that would allow them to avoid the fact or appearance of participation in the religious exercises: "There are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools. Prayer exercises in public schools carry a particular risk of indirect coercion."

The Court also concluded that although peer pressure might be "subtle and indirect," it could be "as real as any overt compulsion." The Court reasoned: "It is of little comfort to the dissenter to be told that the act of standing or remaining in silence [during the prayer] signifies mere respect, rather than participation."

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Waivers of Statute, Rules and Regulations	Descriptor Code: 4.607	Issued Date:
		Rescinds:	Issued:

1 If the Board determines that it is in the best interest of the school district, application may be made to the
2 commissioner of education for a waiver of any state board rule or regulation that inhibits or hinders the
3 Board's ability to implement programs designed to improve student achievement.¹ However, the Board
4 will not seek a waiver from those rules and regulations that are specifically excluded by state law.
5

6 Further, the Board may request from the Commissioner of Education a waiver of state law, rule or regu-
7 lation from maximum class sizes in the event a natural disaster has caused displaced students to become
8 enrolled in the school district.²
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Legal References:

- 1. Public Acts, 2006, Public Chapter 727
- 2. Public Acts, 2006, Public Chapter 579

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.607	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is a new policy for Morgan County.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

Public Acts 2006, Public Chapter 727

AN ACT to amend Tennessee Code Annotated, Section 49-1-201, relative to the powers and duties of the commissioner of education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-201, is amended by adding the following as a new, appropriately designated subsection thereto:

Upon application by the LEA, the commissioner of education may waive any state board rule or regulation that inhibits or hinders the LEA's ability to implement innovative programs designed to improve student achievement. However, the commissioner may not waive regulatory or statutory requirements related to:

- (1) Federal and state civil rights;
- (2) Federal, state, and local health and safety;
- (3) Federal and state public records;
- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;
- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability; and
- (11) Open meetings.

No provisions of this subsection shall be construed to impact agreements negotiated under the Educational Negotiations Act, compiled in Tennessee Code Annotated, title 49, chapter 5, part 6.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Public Acts 2006, Public Chapter 579

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-104, is amended by adding the following subsection:

(f) In the event of a natural disaster which results in the enrollment of displaced students, the Commissioner of Education may grant a waiver from the maximum class sizes established in this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Testing Programs	Descriptor Code: 4.700	Issued Date: 06/06/94
		Rescinds: II	Issued: 06/06/94

1 The Board shall provide for a systemwide testing program which shall be periodically reviewed and
2 evaluated. The purposes of the program shall be to:

- 3
- 4 1. Assist in promoting accountability;
- 5 2. Determine the progress of students;
- 6 3. Assess the effectiveness of the instructional program and student learning;
- 7 4. Aid in counseling and guiding students in planning future education and other endeavors;
- 8 5. Analyze the improvements needed in a given instructional area;
- 9 6. Assist in the screening of students with learning difficulties;^{1,2}
- 10 7. Assist in placing students in remedial programs;
- 11 8. Provide information for college entrance and placement; and
- 12 9. Assist in educational research by providing data.

13
14 The director of schools shall be responsible for planning and implementing the program, which in-
15 cludes:

- 16
- 17 1. Determining specific purposes for each test;
- 18 2. Selecting the appropriate test to be given;
- 19 3. Establishing procedures for administering the tests;
- 20 4. Making provision for interpreting and disseminating the results;
- 21 5. Maintaining testing information in a consistent and confidential manner; and
- 22 6. Ensuring that results are obtained as quickly as possible, especially when placement in a special
23 learning program might be necessary.

24
25 State-mandated student testing programs shall be undertaken in accordance with procedures published
26 by the State Department of Education.³

27
28 In addition to such achievement, competency or end-of-course tests as required by the Board and the
29 State Board of Education,³ students must attain a minimum score on the required gateway exams. Stu-
30 dents will have additional opportunities to retake any of the gateway tests in which the minimum score
31 was not obtained and students shall be provided remediation through before or after school tutoring and/
32 or summer school.

33
34 Student scores on the Tennessee Comprehensive Assessment Program's grades three through eight (3-8)
35 shall comprise fifteen (15%) percent of the student's final grade in the spring semester in the subject
36 areas of mathematics, reading/language arts, science and social studies.⁴

37
38 Other tests may be given as requested by students, teachers or parents when approved by the princi-
39 pal.

40
41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

Any test directly concerned with measuring student ability or achievement through individual or group psychological or sociometric tests shall not be administered by or with the knowledge of any employee of the system without first obtaining written consent of the parents or guardians.²

Results of all group tests shall be recorded on the students' permanent records and shall be made available to appropriate personnel in accordance with established procedures.⁵

Legal References:

- 1. Tenn. Code Ann. § 49-10-108
- 2. 20 USCA 1232 g(h)
- 3. TRR/MS 0520-1-3-.03(9)
- 4. Tenn. Code Ann. § 49-1-614
- 5. Tenn. Code Ann. § 10-7-504

Cross References:

- Student Psychological Services 6.406
- Student Records 6.600

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.700

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

This is an updated sample.

District policy used

Customize as indicated

MANDATED BY LAW

LEGAL REFERENCE:

TCA 49-10-108. Testing for disabilities.— (a)(1) Every school district shall test and examine, or cause to be tested and examined, each child attending the public and private schools within its boundaries in order to determine whether such child is disabled.

(2) The tests and examinations shall be administered on a regular basis in accordance with rules and regulations of the state board of education.

(3) As used in this section "schools" means kindergarten (K) and grades one (1) through twelve (12) and, if the school district provides educational programs below kindergarten level or above grade twelve (12), to all children attending such programs.

(b) The requirements of subsection (a) shall not apply to children attending private schools if the children are not residents of this state; provided, that if the state or the school district had an agreement with another state or school district requiring such tests and examinations, the school district shall administer them and report the results to the school district of the child's residence.

(c) Every school district shall make and keep current a list of all children with disabilities required to be tested and examined pursuant to subsections (a) and (b) who are found to be disabled and of all children who are residents of the school district and are receiving home, hospital, institutional or other special education services in other than the regular programs.

20 U.S.C.A § 1232g. Protection of pupil rights

Inspection by parents or guardians of instructional material

(a) All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any research or experimentation program or project shall be available for inspection by the parents or guardians of the children engaged in such program or project. For the purpose of this section "research or experimentation program or project" means any program or project in any applicable program designed to explore or develop new or unproven teaching methods or techniques.

Psychiatric or psychological examination, testing or treatment

(b) No student shall be required, as part of any applicable program, to submit to psychiatric examination, testing, or treatment or psychological examination, testing or treatment, in which the primary purpose is to reveal information concerning:

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or his family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating, and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged and analogous relationships; such as those of lawyers, physicians and ministers; or
- (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of unemancipated minor, without the prior written consent of the parent.

TRR/MS 0520 -1-3-.03 Administration of Schools

(9) Student Evaluation in Grades Kindergarten through grade 8.

(a) The student evaluation program for grades kindergarten through grade 8 shall consist of the following:

1. A criterion-referenced test will be administered in subjects and grade levels in accordance with policy of the State Board of Education.
2. Based on achievement data from the benchmark years 3, 5, and 8, there shall be a research-based intervention initiated by the local education agency for students scoring below proficient in reading, language, and mathematics on the criterion referenced portion of the state achievement test. The intervention shall occur during the year following the benchmark assessment data. The Department of Education shall assist systems in the identification of effective intervention programs. Evidence of compliance with this requirement shall become a component of the school improvement plan.
3. An assessment of writing in grades 5 and 8.

(b) Each student's test data and the student's answer documents, including the test booklets for students using the large-print or Braille editions, will be maintained for a period of one year following test administration. Following this one-year period, individual student test data will then be preserved on storage media.

(c) State mandated student testing programs shall be undertaken in accordance with procedures published by the Department of Education. Local school systems shall develop local policies regarding security of test administration, consistent with Department of Education guidelines.

(d) To assist the decision making process and to better inform policy, the State Department shall annually report to the Board of Education the number and percentage of students scoring Below Basic, but have been promoted to the next grade level by school system. This data shall be disaggregated by subgroups similar to those required for federal reporting.

(e) Local education agencies are encouraged to intervene with struggling students as needed. However, once BEP 2.0 is fully funded* or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments, local education agencies shall provide interventions prior to 1st grade, prior to 5th grade and prior to 9th Grade for students who are not ready for advancement in the education process. For students with identified special needs, the IEP Team shall continue to determine the education program. Evidence of compliance with this requirement shall become a component of the school improvement plan.

School systems are encouraged and empowered to transition from meeting the requirements of section (a)2 of this rule to meeting the requirements of section (e) of this rule before BEP 2.0 is fully funded or specific funding is provided or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments.

1. Once BEP 2.0 is fully funded or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments, schools shall determine the academic and developmental readiness of students for first grade. Students who are found to be either academically or developmentally not ready for first grade shall be provided effective interventions to achieve academic and developmental readiness for the first grade.

2. Once BEP 2.0 is fully funded or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments, fourth grade students will be provided multiple opportunities to demonstrate academic readiness in numeracy and literacy for the fifth grade through a formative assessment process. Students who score Below Basic in the Math or Reading/Language sections of the 4th grade TCAP shall be provided effective interventions to insure those students are ready for success in the middle grades.

3. Once BEP 2.0 is fully funded or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments, eighth grade students who do not demonstrate readiness for the ninth grade by scoring below the Explore Readiness Benchmark Scores in English, Mathematics, Reading, or Science on the Explore examination and who also score Below Basic in corresponding sections on the Math, Reading, Language, or Science sections of the 8th grade TCAP shall be provided effective interventions to insure those students are ready for success in high school.

4. The determination of student readiness as a result of the interventions prior to the first grade, fifth grade, and ninth grade shall be based upon a formative process which should include a variety of data. The analysis of the data shall be made by a team developed by the local education agency that may consist of teachers across various grade levels and content areas, subject areas specialist, principals, and appropriate others. This team must have representatives that recognize and understand alternative measurements and interpretation for English Language Learners (ELL), especially those students who have been in the United States for three years or less. Following data analysis, the team's recommendation shall be provided to the school principal.

The department of education will provide local education agencies with rubrics and other materials that describe performance at the four (4) achievement levels.

5. Teaching strategies such as coaching, project learning, e-learning, and tutoring along with other best practices which emphasize real-world connections, teacher professional development, innovative scheduling, accelerated/individualized pacing, and technology are recommended to correct learning deficiencies. The State Department of Education shall assist systems in the identification of effective intervention programs and sharing of best practices. Students should be assessed frequently through a variety of measures to determine if the interventions are being successful or if different interventions are needed.

6. Existing data will be used diagnostically to analyze and determine individual student needs. Interventions shall be supportive and ensure students attain the knowledge and skills required to be successful. Interventions allow students to learn at different rates and continue to be successful in subsequent school years. Schools will monitor student progress regularly in years following the intervention to make sure students are advancing appropriately and will intervene with those students who are not.

* The phrase "B.E.P. 2.0 is fully funded" means that changes in the components or factors of the Basic Education Program (BEP) implemented under Acts 2007, ch. 369 have been completely phased in.

Tenn. Code Ann. § 49-1-614. Each local board of education shall develop a policy by which student scores on the Tennessee Comprehensive Assessment Program's grades three through eight (3-8) achievement tests shall comprise a percentage of the student's final grade for the spring semester in the subject areas of mathematics, reading/language arts, science and social studies. The percentage shall be determined by the local board from a range of no less than fifteen percent (15%) and no more than twenty-five percent (25%). The policy shall utilize performance levels determined by the State Board of Education and be developed and implemented for the spring semester of 2011.

Tenn. Code Ann. § 10-7-504. Confidential records.— (4) The records of students in public educational institutions shall be treated as confidential. Information in such records relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing shall not be made available to unauthorized personnel of the institution or to the public or any agency, except those agencies authorized by the educational institution to conduct specific research or otherwise authorized by the governing board of the institution, without the consent of the student involved or the parent or guardian of a minor student attending any institution of elementary or secondary education, except as otherwise provided by law or regulation pursuant thereto and except in consequence of due legal process or in cases when the safety of persons or property is involved. The governing board of the institution, the department of education, and the Tennessee higher education

commission shall have access on a confidential basis to such records as are required to fulfill their lawful functions. Statistical information not identified with a particular student may be released to any person, agency, or the public; and information relating only to an individual student's name, age, address, dates of attendance, grade levels completed, class placement and academic degrees awarded may likewise be disclosed.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Maintaining Test Security	Descriptor Code: 4.701	Issued Date: 06/06/94
		Rescinds: IID	Issued: 06/06/94

1 Annually, the Board of Education will designate a system testing coordinator who shall be responsible
2 for administering, monitoring and maintaining security of all tests to be administered within the school
3 system. The principal of each school shall serve as or designate a building testing coordinator who
4 shall be responsible for the administrating, monitoring and maintaining security of all tests given in
5 his/her school. Test security procedures shall adhere to guidelines issued by the State Department of
6 Education.¹

7
8 Testing coordinators, test administrators and proctors shall be required to sign a statement that the se-
9 curity measures and testing procedures were followed. ²

10
11 The director of schools shall report within 24 hours a breach of security to the State Department of
12 Education Office of Accountability and any testing irregularity to the Division of State Testing. In any
13 class, grade, and/or school where a security breach is strongly suspected or verified, central office staff
14 will be present during subsequent administration of tests for a period of two years.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

36 Legal Reference:

- 37 1. TRR/MS 0520-1-3-.03(9)
- 38 2. TCA 49-1-607

39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.701

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

This is an updated sample.

District policy used

Customize as indicated

MANDATED BY LAW

LEGAL REFERENCE:

TRR/MS 0520 -1-3-.03 Administration of Schools

- (9) Student Evaluation in Grades Kindergarten through Grade 8
- (c) State mandated student testing programs shall be undertaken in accordance with procedures published by the Department of Education. Local school systems shall develop local policies regarding security of test administration, consistent with Department of Education guideline

TCA 49-1-607. Sanders' model–Noncompliance with security guidelines for TCAP or successor test. — Any person found to have not followed security guidelines for administration of the TCAP test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process shall be placed on immediate suspension, and such actions will be grounds for dismissal, including dismissal of tenured employees. Such actions shall be grounds for revocation of state license.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Evaluation of Instructional Program	Descriptor Code: 4.702	Issued Date:
		Rescinds:	Issued:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

The purposes of evaluation of instruction will be:

1. To indicate instructional strengths and weaknesses;
2. To provide information needed for future planning;
3. To provide data for public information;
4. To show the relationship between achievement and the school system's stated goals; and
5. To assess the suitability of the instructional program in terms of community requirements.

A continuing evaluation will be conducted at the school and system-wide level. The needs indicated by this evaluation will be listed on a priority basis and school improvement programs will be aimed at meeting these needs. Supervisors of the various instructional programs will report to the Board annually.

Cross References:
School District Goals 1.700
Curriculum Development 4.200
Evaluation 5.109

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.702

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

This is a new policy for Morgan County.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Controversial Issues	Descriptor Code: 4.800	Issued Date:
		Rescinds:	Issued:

1 The discussion of issues in the classroom which are politically, philosophically or socially controversial
2 shall be relevant to the subject matter being taught, related to educational objectives, appropriate for
3 the age and maturity of students, and shall not materially or substantially disrupt or threaten to disrupt
4 the discipline of the school.

5
6 To ensure that controversial issues are presented and discussed fairly and objectively and with instruc-
7 tion as their goal, the following guidelines shall be observed:

- 8
- 9 1. All personnel will seek to create an atmosphere in which differences of opinion can be voiced
10 without fear and hostility and with mutual respect for all viewpoints;
- 11
- 12 2. Teachers will encourage students to withhold judgment and to avoid making of conclusions until
13 all relevant and significant facts have been assembled, critically examined, and checked for ac-
14 curacy;
- 15
- 16 3. Teachers will seek to develop in students a sense of responsibility for their beliefs, opinions,
17 attitudes and actions;
- 18
- 19 4. Teachers shall place major emphasis upon “why” and “how” to think rather than “what” to think;
20 and
- 21
- 22 5. If the subject matter being taught involves conflicting opinions, theories, or schools of thought,
23 the teacher will ensure that differing sides of an issue are explored in order to help students
24 develop their own critical faculties.
- 25
- 26
- 27
- 28
- 29
- 30

31
32 _____
33 Cross Reference:
34 Staff Rights and Responsibilities 5.600
35
36
37
38
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.800

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

This is a new policy for Morgan County.

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Controversial Materials	Descriptor Code: 4.801	Issued Date:
		Rescinds:	Issued:

1 Parent(s) may request that a student not be required to read a book, use certain materials, or participate
2 in an activity.¹ If the request to the teacher is denied then a written request may be submitted on the
3 appropriate form to the principal.

4
5 No student who is granted such a request shall be penalized academically for his/her failure to partici-
6 pate in an activity, read a book or use certain materials.

7
8 The final decision concerning the use of controversial materials shall rest with the Board.
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Legal Reference:
1. TCA 49-6-1001

Cross References:
Textbook Selection, Distribution and Care 4.401
Selection of Instructional Materials 4.402
Reconsideration of Instructional Materials 4.403
Use of the Internet 4.406
Web Pages 4.407

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.801	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td>Developed Sample</td> </tr> <tr> <td></td> <td>District policy used</td> </tr> <tr> <td></td> <td>Customize as indicated</td> </tr> <tr> <td></td> <td>MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is an updated sample.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TCA 49-6-1001. Flag—Recitation of the Pledge of Allegiance.— (a) All boards of education shall direct, and all teachers employed by the public schools shall give instructions to the pupils of the schools, and shall have the pupils study as a part of the curriculum, the uses, purposes and methods of displaying the American flag and other patriotic emblems, and the history and usage of the pledge of allegiance to the flag of the United States of America.

(b) In recognition of the civic heritage of the United States of America, all students shall be required to learn the Pledge of Allegiance and to demonstrate such knowledge.

(c)(1) Each board of education shall require the daily recitation of the Pledge of Allegiance in each classroom in the school system in which a flag is displayed. Each LEA is encouraged to have a flag in each classroom and patriotic, fraternal, and other organizations or individuals are encouraged to donate flags to schools to enable them to have the flag of the United States of America present in each classroom. Each board of education shall determine the appropriate salute if in uniform; provided, however, that no student shall be compelled to recite the Pledge of Allegiance if the student or the student's parent or legal guardian objects on religious, philosophical or other grounds to the student participating in such exercise. Students who are thus exempt from reciting the pledge of allegiance shall remain quietly standing or sitting at their desks while others recite the Pledge of Allegiance and shall make no display that disrupts or distracts others who are reciting the Pledge of Allegiance. Teachers or other school staff who have religious, philosophical, or other grounds for objecting are likewise exempt from leading or participating in the exercise. If a teacher chooses not to lead the Pledge, another suitable person shall be designated either by the teacher or principal to lead the class. Each board of education shall provide appropriate accommodations for students, teachers or other staff who are unable to comply with the procedures described herein due to disability.

(2) The board of education's code of conduct shall apply to disruptive behavior during the recitation of the Pledge of Allegiance in the same manner as provided for other circumstances of such behavior.

(d)(1) To promote compliance with constitutional restrictions, as well as observance of constitutional rights, that state board of education shall, in consultation with the attorney general and reporter, develop guidelines on constitutional rights and restrictions relating to the recitation of the Pledge of Allegiance to the American flag in public schools.

(2) The state board of education's guidelines shall include, but shall not be limited to, provisions which address the following: the initiative and involvement of local boards of education and individual schools, administrators

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Student Equal Access (Limited Public Forum)	Descriptor Code: 4.802	Issued Date:
		Rescinds:	Issued:

1 Before the beginning or after the end of a school day, students in grades 9 through 12 may initiate
2 noncurriculum-related meetings regardless of the religious or political nature of the meetings.^{1,2,3}

3
4 No funds shall be expended by the school for any such meeting beyond the incidental cost associated
5 with providing meeting space. Groups meeting under this policy shall be required to pay a reasonable
6 fee for compensating school personnel in the supervision of the activity.

7
8 No student may be compelled to attend or participate in a meeting under this policy.

9
10 A student or a group of students who wish to conduct a meeting under this policy must file an applica-
11 tion with the principal at least three days prior to the proposed date.

12
13 The principal shall approve the meeting if from the application he determines that:

- 14
15 1. The meeting is voluntary and student-initiated;
- 16
17 2. There is no sponsorship of the meeting or its content by the school, the government or its agents
18 or employees;
- 19
20 3. The meeting will not materially and substantially interfere with the orderly conduct of the school's
21 educational activities or conflict with other previously scheduled meetings;
- 22
23 4. Employees of the district are to be present in a non-participatory monitoring capacity; however,
24 no employee shall be required to attend in this capacity if the content of the meeting is contrary
25 to the beliefs of the employee; and
- 26
27 5. Nonschool persons will not direct, control or regularly attend.
- 28
29
30
31
32
33
34

35 _____
36 Legal References:

- 37 1. 20 U.S.C.A § 4071
38 2. *Westside Community Schools v. Mergens*, 496 U.S. 226 (1990)
39 3. TCA 49-6-2904

35 _____
36 Cross References:

- 37 Recognition of Religious Beliefs 4.803
38 Prayer and Period of Silence 4.805

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.802	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>This is a new policy for Morgan County.</p>
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

20 U.S.C.A. § 4071 Subchapter VIII - Equal Access

§ 4071. Denial of equal access prohibited

(a) Restriction of limited open forum on basis of religious, political, philosophical, or other speech content prohibited

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

(b) "Limited open forum" defined

A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum-related student groups to meet on school premises during non-instructional time.

(c) Fair opportunity criteria

Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that -

- (1) the meeting is voluntary and student-initiated;
- (2) there is no sponsorship of the meeting by the school, the government, its agents or employees;

- (3) employees or agents of the school or government are present at religious meetings only in a non-participatory capacity;
- (4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- (5) non-school persons may not direct, conduct, control or regularly attend activities within the school; and
- (6) non-school persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Construction of subchapter with respect to certain rights

Nothing in this subchapter shall be construed to authorize the United States or any State or political subdivision thereof -

- (1) to influence the form or content of any prayer or other religious activity;
- (2) to require any person to participate in prayer or other religious activity;
- (3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
- (4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;
- (5) to sanction meetings that are otherwise unlawful;
- (6) to limit the rights of groups of students which are not of a specified numerical size; or
- (7) to abridge the constitutional rights of any person.

(e) Federal financial assistance to schools unaffected

Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this subchapter shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Authority of schools with respect to order, discipline, well-being, and attendance concerns

Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and assure that attendance of students at meetings is voluntary.

(Pub. L. 98-377, Title VIII, § 802, Aug. 11, 1984, Stat. 1302.)

Westside Community Schools v. Mergens, 496 U.S. 226 (1990).

The United States Supreme Court held that the Equal Access Act, 20 U.S.C. §§4071-4074, which prohibits local high schools from barring student religious group meetings on school premises, did not violate the Establishment Clause.

The Equal Access Act provides that public secondary schools receiving federal assistance and having a "limited open forum" may not deny students equal access to the forum on the basis of "religious, political, philosophical or other content of the speech." A limited open forum was defined as existing when schools provide the opportunity for "non-curriculum-related student groups to meet on school premises during non-instructional time."

TCA 49-6-2904. Rights of Students.—(a) A student shall have the right to carry out an activity described in any of subparts one (1) through four (4) of subsection (b), if the student does not:

- (1) Infringe on the rights of the school to :
 - (A) Maintain order and discipline;
 - (B) Prevent disruption of the educational process; and
 - (C) Determine educational curriculum and assignments;
- (2) Harass other persons or coerce other persons to participate in the activity; or
- (3) Otherwise infringe on the rights of other persons.

(b) Subject to the provisions of subsection (a) of this section, a student shall be permitted to voluntarily:

- (1) Pray in a public school, vocally or silently, alone or with other students to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate or speak on non-religious matters alone or with other student in such public school;
- (2) Express religious viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on non-religious topics or subjects in such school;
- (3) Speak to and attempt to share religious viewpoints with other students in a public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share non-religious viewpoints with such other students;
- (4) Possess or distribute religious literature in a public school, subject to reasonable time, place, and manner restriction to the same extent and under the same circumstances as a student is permitted to possess or distribute literature on non-religious topics or subjects in such school; and
- (5) Be absent, in accordance with local education agency attendance policy, from a public school to observe religious holidays and participate in other religious practices to the same extent and under the same circumstances as a student is permitted to be absent from a public school for non-religious purposes.

(c) No action may be maintained pursuant to this act unless the student has exhausted the following administrative remedies:

(1) The student or the student's parent or guardian shall state their complaint to the school's principal.

(2) If the concerns are not resolved, then the student or the student's parent or guardian shall make complaint in writing to the director of schools with the specific facts of the alleged violation.

(3) The director of schools shall investigate and take appropriate action to ensure the rights of the student are resolved within thirty (30) days of receiving the written complaint.

(4) Only after the director of schools' investigation and action may a student or the student's parent or guardian pursue any other legal action pursuant to this act.

(d) If a right of a student established under this section is violated by a public school, the student may assert the violation as a cause of action or a defense in a judicial proceeding and obtain appropriate relief against the public school. Any such action shall be brought in the circuit or chancery court where the violation occurred or where the student resides. Standing to assert a cause of action or defense under this section shall be governed by the Tennessee Rules of Civil Procedure and common law interpretations of such rules.

(e) A student prevailing in a claim brought against a public school for a violation of this section or an action brought by a public school against a student for conduct covered by this section shall be entitled to reasonable attorney fees, court cost, and the cost of bringing or defending the action.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Recognition of Religious Beliefs, Customs & Holidays	Descriptor Code: 4.803	Issued Date: 06/06/1994
		Rescinds: IKCA	Issued: 06/06/1994

1 No religious belief or nonbelief shall be promoted by the school system or its employees, and none
2 shall be belittled. All students and staff members shall be tolerant of each other's views. The school
3 system shall use its opportunity to foster understanding and mutual respect among students and parents,
4 whether it involves race, culture, economic background or religious beliefs.¹ In that spirit of tolerance,
5 students and staff members shall be excused from participating in practices which are contrary to their
6 religious beliefs.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

35 _____
36 Legal References:

- 37 1. TCA 49-6-2901-2906; State Board of Education Guidelines-
38 Recitation of the Pledge of Allegiance

35 _____
36 Cross References:

- 37 Student Equal Access 4.802
38 Staff Rights and Responsibilities 5.600
39 Attendance 6.200
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.803	<i>District Sources Consulted:</i>
---------------------------	------------------------------------

Policy Recommendations:	<i>Editor's Comments:</i>
Developed Sample	This is an updated sample.
District policy used	
Customize as indicated	
MANDATED BY LAW	

LEGAL REFERENCE:

TCA 49-6-2901. Short Title.— This part shall be known and may be cited as the “Tennessee Student Religious Liberty Act of 1997”.

TCA 49-6-2902. Legislative Findings.— (a) The General Assembly finds the following:

- (1) Judicial decisions concerning religion, free speech and public education are widely misunderstood and misapplied;
- (2) Confusion surrounding these decisions has caused some to be less accommodating of the religious liberty and free speech rights of student than permitted under the First Amendment to the United States constitution;
- (3) Confusion surrounding these decisions has resulted in needless litigation and conflicts;
- (4) The Supreme Court of the United States has ruled that the establishment clause of the First Amendment to the United States Constitution requires that public schools neither advance nor inhibit religion. Public schools should be neutral in matters of faith and treat religion with fairness and respect;
- (5) Neutrality to religion does not require hostility to religion. The establishment clause does not prohibit reasonable accommodation of religion, nor does the clause bar appropriate teaching about religion;
- (6) Accommodation of religion is required by the free speech and free exercise clauses of the First Amendment as well as by the Equal Access Act (20 U.S.C. 4071 et seq.) and the Religious Freedom Restoration Act of 1993 (42 U.S. C. 2000bb et seq.); and
- (7) Setting forth the religious liberty rights of students in a statute would assist students and parents in the enforcement of the religious liberty rights of the students and provide

impetus to efforts in public schools to accommodate religious belief in feasible cases.

(b) The purpose of this act is to create a safe harbor for schools desiring to avoid litigation and to allow the free speech and religious liberty rights of students to the extent permissible under the establishment clause.

TCA 49-6-2903. Part Definitions.— As used in this act unless the context otherwise requires:

- (1) “Establishment clause” means the portion of the First Amendment to the United States Constitution that forbids laws respecting an establishment of religion.
- (2) “Free exercise clause” means the portion of the First Amendment to the United States Constitution that forbids laws prohibiting the free exercise of religion.
- (3) “Free speech clause” means the portion of the First Amendment to the United States Constitution that forbids law abridging the freedom of speech.
- (4) “Public school” means any school that:
 - (A) Is operated by the state, a political subdivision of the state, or governmental agency within the state; and
 - (B) Receives state financial assistance.
- (5) “Student” means an individual attending a public school.

TCA 49-6-2904. Rights of Students.— (a) A student shall have the right to carry out an activity described in any of subparts one (1) through four (4) of subsection (b), if the student does not:

- (1) Infringe on the rights of the school to :
 - (A) Maintain order and discipline;
 - (B) Prevent disruption of the educational process; and
 - (C) Determine educational curriculum and assignments;
- (2) Harass other persons or coerce other persons to participate in the activity; or
- (3) Otherwise infringe on the rights of other persons.

(b) Subject to the provisions of subsection (a) of this section, a student shall be permitted to voluntarily:

- (1) Pray in a public school, vocally or silently, alone or with other students to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate or speak on non-religious matters alone or with other student in such public school;

- (2) Express religious viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on non-religious topics or subjects in such school;
- (3) Speak to and attempt to share religious viewpoints with other students in a public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share non-religious viewpoints with such other students;
- (4) Possess or distribute religious literature in a public school, subject to reasonable time, place, and manner restriction to the same extent and under the same circumstances as a student is permitted to possess or distribute literature on non-religious topics or subjects in such school; and
- (5) Be absent, in accordance with local education agency attendance policy, from a public school to observe religious holidays and participate in other religious practices to the same extent and under the same circumstances as a student is permitted to be absent from a public school for non-religious purposes.

(c) No action may be maintained pursuant to this act unless the student has exhausted the following administrative remedies:

- (1) The student or the student's parent or guardian shall state their complaint to the school's principal.
- (2) If the concerns are not resolved, then the student or the student's parent or guardian shall make complaint in writing to the director of schools with the specific facts of the alleged violation.
- (3) The director of schools shall investigate and take appropriate action to ensure the rights of the student are resolved within thirty (30) days of receiving the written complaint.
- (4) Only after the director of schools' investigation and action may a student or the student's parent or guardian pursue any other legal action pursuant to this act.

(d) If a right of a student established under this section is violated by a public school, the student may assert the violation as a cause of action or a defense in a judicial proceeding and obtain appropriate relief against the public school. Any such action shall be brought in the circuit or chancery court where the violation occurred or where the student resides. Standing to assert a cause of action or defense under this section shall be governed by the Tennessee Rules of Civil Procedure and common law interpretations of such rules.

(e) A student prevailing in a claim brought against a public school for a violation of this section or an action brought by a public school against a student for conduct covered by this section shall be entitled to reasonable attorney fees, court cost, and the cost of bringing or defending the action.

TCA 49-6-2905.— Construction with First Amendment establishment clause.— (a) Nothing in this act shall be construed to affect, interpret, or in any way address the establishment clause.

(b) The specification of religious liberty or free speech rights in this act shall not be construed to exclude or limit religious liberty or free speech rights otherwise protected by federal, state or local law.

TCA 49-6-2906. Teachers and administrators not to violate the First Amendment establishment clause.— Nothing in this act shall be construed to support, encourage or permit a teacher, administrator or other employee of the public schools to lead, direct or encourage any religious or anti-religious activity in violation of that portion of the First Amendment of the United States Constitution prohibiting laws respecting an establishment of religion.

Florey v. Sioux Falls School District, 619 F.2d 1311 (1980)

Action was brought for declaratory and junctive relief alleging that policy statement and rules adopted by school board violated establishment and free exercise clauses of First Amendment to United States Constitution. The Court held that: (1) school board's adoption of policy and rules permitting observance of holidays and having both a religious and secular basis was not motivated by any attempt to advance or inhibit religion; (2) the primary effect of the rules was the advancement of a secular program of education and not a religion; (3) the rules did not unconstitutionally entangle the school district in religion or religious institutions; and (4) the rules did not violate the free exercise clause of the First Amendment.

Washegesic v. Bloomington Public Schools, 813 F. Supp. 559 (W.D. Mich. 1993).

The federal district court ruled that a secondary school's display of a framed print of the head of Christ violated the Establishment Clause of the First Amendment. The court found that the objective of the prominently displayed print was to promote religion, that the primary effect advanced Christianity, and that the display excessively entangled government and religion. The court reasoned that the display of the print -- which was not placed in "a historical, ethical or artistic context" -- gave the imprimatur of school sponsorship of the Christian religion and, thus, the display potentially had an unconstitutional "coercive influence" on the students who may have "acquiesce[d] to the promoted religion."

Defendants in the case contended that the "mere exposure" to religious objects was not unconstitutional and that the school should not be compelled to "sanitize" its buildings of "every vestige of religious material." The court agreed, but concluded that there was a "marked contrast between requiring that the school dispel every trace of objectionable material and ordering that it remove, from prominent display, the portrait of the leading figure of the Christian religion." The court also rejected the argument that the portrait was not inherently religious, concluding that any reasonable observer would find that the portrait "transmits a religious message."

TCA 49-6-3016. Special days and holidays.—(a) Thanksgiving Day and December 25 are set apart as holidays for all the public schools, and boards of education are authorized to pay the salary of teachers of all schools that have not closed their term for the year at the same rate as if the teachers had taught school on those holidays; provided, that the failure to teach on any other day or days within the scholastic term shall not be counted as time for which salary shall be allowed.

(b) The governor shall proclaim February of each year as American history month in Tennessee. The governor shall issue a proclamation calling upon all elementary school teachers and all teachers of American history in secondary school to arrange special programs at some time during American history month, and calling upon the people of the entire state to observe it in some fitting manner, having as their objectives the advancement of the study of American history and the promotion of American heritage.

(c) The month of February of each and every year is officially recognized and designated as "Tennessee and American History Month," and the public schools, colleges and universities shall give due regard to such.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Religion in the Curriculum	Descriptor Code: 4.804	Issued Date: 06/06/1994
		Rescinds: IKCA	Issued: 06/06/1994

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

It is essential that the teaching *about* religion—and not *of* a religion be conducted in a factual, objective and respectful manner in accordance with the following guidelines:

1. Music, art, literature, or drama with a religious theme or basis is permitted as part of the curriculum for school-sponsored activities and programs provided it is essential to the learning experience in the various fields of study and is presented objectively;
2. The emphasis on religious themes in the arts, literature and history should be only as extensive as necessary for a balanced and comprehensive study of these areas. Such studies shall never foster any particular religious tenets or demean any religious beliefs; and
3. Student-initiated expressions to questions or assignments which reflect their beliefs or non-beliefs about a religious theme shall be accommodated. For example, students are free to express religious belief or non-belief in compositions, art forms, music, speech and debate.

Cross References:
Basic Curriculum Program 4.201
Staff Rights & Responsibilities 5.600

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.804

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

This is a new policy for Morgan County, incorporating some ideas from previous policy language.

Morgan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Prayer and Period of Silence	Descriptor Code: 4.805	Issued Date: 06/06/1994
		Rescinds: IKCA	Issued: 06/06/1994

1 There shall be no school-sponsored or school-directed public prayer at any school-sponsored or school-
2 directed activity¹, but a period of silence ² shall be observed.

3
4 The teacher of the first class of each day shall call the students to order and announce that a moment
5 of silence is to be observed. No other action shall be taken by a teacher other than to maintain silence
6 for the full time.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

32 _____
33 Legal References:

- 34 1. *Lee v. Weisman*, 505 U.S. 112 S. Ct.2649, 120 L. Ed.2d 467 (1992)
35 2. Tenn. Code Ann. § 49-6-1004; 49-6-2901, et seq., USCA 20 § 7904

32 _____
33 Cross Reference:

34 Student Equal Access 4.802

36
37
38
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 4.805

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

This is a new policy for Morgan County.

District policy used

Customize as indicated

MANDATED BY LAW

LEGAL REFERENCE:

Lee v. Weisman, 505 U.S. 577, 112 S. Ct. 2649, 120 L. Ed.2d 467 (1992)

The United States Supreme Court ruled that an invocation and benediction conducted by a member of the clergy at a public school graduation violated the Establishment Clause of the First Amendment because school officials directed and guided the performance of the prayer and because graduates who objected were "induced to conform."

The school policy at issue permitted principals to invite members of the clergy to give invocations and benedictions at middle school and high school graduations. The selected graduation speaker, a rabbi, was advised by the school principal that the prayer should be nonsectarian and was given a pamphlet, "Guidelines for Civic Occasions," prepared by the National Conference of Christians and Jews. Attendance at the graduation ceremony was not compulsory.

The Court focused upon two "dominant facts" in deciding the case: (1) state officials directed the performance of a formal religious exercise at the secondary school ceremonies; and (2) attendance and participation were "in a fair and real sense obligatory," even though the school district did not require attendance for the receipt of a diploma.

TCA 49-6-1004. Period of silence or prayer.—(a) In order for all students and teachers to prepare themselves for the activities of the day, a period of silence of approximately one (1) minute in duration shall be maintained in each grade in public schools at the beginning of each school day. At the opening of the first class each day, it is the responsibility of each teacher in charge of each class to call the students to order and announce that a moment of silence is to be observed. The teacher shall not indicate or suggest to the students any action to be taken by them during this time, but shall maintain silence for the full time. At the end of this time, the teacher shall indicate resumption of the class in an appropriate fashion, and may at that time make school announcements or conduct any other class business before commencing instruction.

(b) It is lawful for any teacher in any of the schools of the state which are supported, in whole or in part, by the public funds of the state, to permit the voluntary participation by students or others in prayer. Nothing contained in this section shall authorize any teacher or other school authority to prescribe the form or content of any prayer.

(c) Notwithstanding the provisions of subsections (a) and (b), nonsectarian and nonproselytizing voluntary benedictions, invocations or prayers which are initiated and given by a student volunteer or student volunteers may be permitted on public school property during school-related noncompulsory student assemblies, school-related student sporting events, and school-related commencement ceremonies. Such permission shall not be construed to indicate any support, approval or sanction by the state of Tennessee or any governmental personnel or official of the contents of any such benedictions, invocations or prayers or to be the promotion or establishment of any religion, religious belief or sect.

U.S.C.A. § 7904. School Prayer

(a) Guidance

The Secretary shall provide and revise guidance, not later than September 1, 2002 and of every second year thereafter, to State educational agencies, local educational agencies, and the public on constitutionally protected prayer in public elementary schools and secondary schools, including making the guidance available on the Internet. The guidance shall be reviewed, prior to distribution, by the Office of Legal Counsel of the Department of Justice for verification that the guidance represents the current state of the law concerning constitutionally protected prayer in public elementary schools and secondary schools.

(b) Certification

As a condition of receiving funds under this chapter, a local educational agency shall certify in writing to the State educational agency involved that no policy of the local educational agency prevents or otherwise denies participation in constitutionally protected prayer in elementary schools and secondary schools, as detailed in the guidance required under subsection (a) of this section. The certification shall be provided by October 1 of each year. The state educational agency shall report to the Secretary by November 1 of each year a list of those local educational agencies that have not filed the certification or against which complaints have been made to the State educational agency that the local educational agencies are not in compliance with this section.

(c) Enforcement

The Secretary is authorized and directed to effectuate subsection (b) of this section by issuing and securing compliance with rules or orders with respect to a local educational agency that fails to certify, or is found to have certified in bad faith, that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools.

***Wallace v. Jaffree*, 472 U.S. 38 (1985)**

The United States Supreme Court ruled that an Alabama statute, which authorized public school teachers to hold a one-minute period of silence for "meditation or voluntary prayer" each day, was passed for the sole purpose of returning voluntary prayer to the public schools and, thus, was unconstitutional. Based on its review of the legislative history of the law, the Court concluded that the law did not have a secular purpose, finding that its only purpose was to advance religion, in violation of the Establishment Clause of the First Amendment.

School District of Abington v. Schempp, 374 U.S. 203 (1963)

The United States Supreme Court ruled that a school district policy which required that the school day begin with a Bible reading, or a recitation of the Lord's Prayer, or both, constituted a government-sponsored religious practice that advanced religion in violation of the Establishment Clause of the First Amendment.

Engel v. Vitlae, 370 U.S. 421 (1962)

The Court ruled that school officials could not constitutionally compose a prayer and require that it be recited in public schools at the beginning of the school day -- even if the prayer was denominationally neutral and its observance was voluntary. The practice constituted a violation of the Establishment Clause of the First Amendment.

The nonsectarian prayer at issue provided: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country."

Doe v. Duncanville Independent School District, 986 F.2d 953 (5th Cir. 1993)

The Fifth Circuit Court of Appeals ruled that a public school's practice of permitting a coach to conduct prayers with a basketball team at practice and at the end of basketball games was a probable violation of the Establishment Clause of the First Amendment. As a result, the court affirmed the order of the lower court that had granted the motion of a student and her father to preliminarily prohibit school employees from leading, encouraging, promoting or participating in prayer with or among students during school or extra-curricular activities. The Court found that the *Lee v. Weisman* opinion of the United States Supreme Court was "the most recent in a long line of cases carving out of the Establishment Clause what essentially amounts to a per se rule prohibiting public-school-related or -initiated religious expression or indoctrination."

AGO 93-38 (April 20, 1993).—Application of First Amendment to T.C.A. Sec. 49-6-1004(b), House Bills 1110 and 1111 and prayer before football games.

QUESTIONS: 1. Whether T.C.A. Sec. 49-6-1004(b), which authorizes voluntary prayer in public schools, is constitutional.

2. Whether it is permissible for a public high school to have a prayer before football games.

3. Whether House Bill 1110 and House Bill 1111, which permit the legislative bodies of Cheatham County and Robertson County to provide for non-sectarian prayer at schools, public assemblies and sporting events, are constitutional.

OPINIONS: 1. T.C.A. Sec. 49-6-1004(b) is unconstitutional under the Establishment Clause of the First Amendment to the United States Constitution.

2. A public prayer before a public high school football game is not permissible under the Establishment Clause of the First Amendment to the United States Constitution.

3. Both bills are unconstitutional under the Establishment Clause of the First Amendment to the United States Constitution.

ANALYSIS: 1. & 2. Prayer in public elementary and secondary schools is a subject that has been addressed in a number of United States Supreme Court cases. In a recent case, the United States Supreme Court stated:

Our society would be less than true to its heritage if it lacked abiding concern for the values of its young people, and we acknowledge the profound belief of adherents to many faiths that there must be a place in the student's life for precepts of a morality higher even than the law we today enforce. We express no hostility to those aspirations, nor would our oath permit us to do so.

Lee v. Weisman, 505 U.S. ____, 112 S.Ct. 2649, 2661, 120 L.Ed.2d 467 (1992). However, as the Sixth Circuit noted in *Americans United for Separation of Church and State v. City of Grand Rapids*, 980 F.2d 1538, 1548 (6th Cir.1992), the Courts have been especially vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools. "Students in such institutions are impressionable and their attendance is involuntary." Edwards, supra. 107 S.Ct. at 2577. See also *Lee v. Weisman*, ____, U.S., ____, 112 S.Ct. 2649, 2658, 120 L.Ed.2d 467 (1992) ("[T]here are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools."); *Mozert v. Hawkins County Bd. of Educ.*, 827 F.2d 1058, 1072 (6th Cir.1987) (Kennedy, J., concurring) (quoting *School Dist. of Grand Rapids V. Ball*, 478 U.S. 373, 105 S.Ct. 3216, 3222, 87 L.Ed.2d 267 (1985)), cert. denied, 484 U.S. 1066, 108 S.Ct. 1029, 98 L.Ed.2d 993 (1988). It is with these concerns in mind that a court would examine the questioned statutes and practices.

T.C.A. Sec. 49-6-1004(b) states:

It is lawful for any teacher in any of the schools of the state which are supported, in whole or in part, by the public funds of the state, to permit voluntary participation by students or others in prayer. Nothing contained in this section shall authorize any teacher or other school authority to prescribe the form or content of any prayer.

In 1980, this Office opined that a "program of group prayer in conjunction with public school sports practices is violative of the Establishment Clause." Tenn.Atty.Gen.Op. 80-342 (November 21, 1980). That opinion was based on the existing United States Supreme Court precedent interpreting the Establishment Clause of the First Amendment. (FN1) In particular, the opinion relied on *School District of Abington Township v. Shempp*, 374 U.S. 203, 83 S.Ct. 1560, 10 L.Ed.2d 844 (1963) and *Engle v. Vitale*, 370 U.S. 421, 82 S.Ct. 1261, 8 L.Ed.2d 601 (1962). In *Shempp* a state required a Bible verse reading and the recitation of the Lord's Prayer every morning. Students could choose not to participate.

In *Engle* students in classrooms recited a prayer composed by the state Board of Regents. Both practices were found to violate the Establishment Clause. The voluntary aspects did not save the practices. "The Establishment Clause does not depend upon any showing of direct government compulsion...." *Engle v. Vitale*, 370 U.S. at 430, 82 S.Ct. at 1266-67. Our 1980 opinion observed:

In its cases considering the Establishment Clause the Supreme Court has consistently held that the clause "withdrew all legislative power respecting religious belief or the expression thereof." *School District of Abington Township v. Shempp*, supra, 374 U.S. at 222, 83 S.Ct. at 1571.

Consequently, the 1980 opinion concluded that T.C.A. Sec. 49-1923 [now T.C.A. Sec. 49-6-1004(b)] was unconstitutional.

Several years after our 1980 opinion, its conclusions were supported by *Wallace v. Jaffree*, 472 U.S. 38, 105 S.Ct. 2479, 86 L.Ed.2d 29 (1985). At issue in that case was an Alabama statute that permitted a minute of silence each morning in all public schools for meditation or voluntary prayer. The Court applied the three-part test first used in *Lemon v. Kurtzman*, 403 U.S. 602, 91 S.Ct. 2105, 29 L.Ed.2d 745 (1971). This test indicates that for a statute to be valid under the Establishment Clause, it must have a secular purpose, its principal or primary effect must be one that neither advances nor inhibits religion and it must not create excessive entanglement of government with religion. *Wallace v. Jaffree*, 472 U.S. at 55, 105 S.Ct. at 2489. The Alabama statute clearly failed to pass the first prong of the three-part test-- it had no secular purpose.

The addition of "or voluntary prayer" indicates that the State intended to characterize prayer as a favored practice. Such an endorsement is not consistent with the established principle that the government must pursue a course of complete neutrality toward religion.

Wallace v. Jaffree, 472 U.S. at 60, 105 S.Ct. at 2491. The fact that it was voluntary did not affect the court's decision. *Id.*, 472 U.S. at 60, footnote 50, 105 S.Ct. at 2491, footnote 50.

In *Lee v. Weisman*, ____, U.S. ____, 112 S.Ct. 2649, 120 L.Ed.2d 467 (1992), the Supreme Court held that a public school could not provide for a non-sectarian prayer to be given at graduation ceremonies by a clergyman chosen by the school. Although the Court's majority opinion did not expressly apply the Lemon test, the majority expressly declined to reconsider *Lemon*. *Id.*, 112 S.Ct. at 2649. Consequently, the Court of Appeals for the Sixth Circuit has noted that the Lemon test still appears to govern Establishment Clause cases. *Americans United for Separation of Church and State v. City of Grand Rapids*, 980 F.2d 1538, 1543 (6th Cir.1992).

Under existing United States Supreme Court precedents, T.C.A. Sec. 49-6-1004(b) is unconstitutional. It has no secular purpose and its primary effect is to advance religion. Therefore it fails to satisfy the first two parts of the Lemon test. Likewise, a prayer before a public high school football game fails to meet the Lemon test and is unconstitutional.

3. Both House Bill 1110 and House Bill 1111 add the following language to T.C.A. Sec. 40-6-1004:

(c)(1) Notwithstanding the provisions of subsections (a) and (b), a county commission may provide for the use of non-sectarian prayer at schools, public assemblies, and sporting events within that county. Such action by a commission shall affect that county only, and shall not be construed to indicate any support, approval, or sanction by the state of Tennessee of the contents or use of the prayer. Any action to defend the contents or use of the county approved prayer shall be the responsibility of the county alone.

A provision denoted (c)(2) is also added by each bill which requires a two-thirds vote by the county legislative bodies of Cheatham County (House Bill 1110) and Robertson County (House Bill 1111) respectively before the bills become effective. These bills apply to no other counties.

Wallace v. Jaffree, supra, and *Lee v. Weisman*, supra, lead to the conclusion that both House Bill 1110 and House Bill 1111 are unconstitutional. These bills have no secular purpose and therefore fail the first prong of the Lemon test. Their primary effect is to advance religion, therefore they also fail the second prong of the Lemon test. It is the opinion of this Office that under existing precedents, House Bills 1110 and 1111 violate the Establishment Clause of the First Amendment to the United States Constitution.

***Santa Fe Independent School District v. Doe*, 99 U.S. 62 (2000)**

Prior to 1995 a student elected as Santa Fe High School's student council chaplain delivered a prayer over the public address system before each home varsity football game. Respondents, Mormon and Catholic students or alumni and their mothers, filed a suit challenging this practice and others under the Establishment Clause of the First Amendment. While the suit was pending, petitioner school district (District) adopted a different policy, which authorizes student elections, the first to determine whether "invocations" should be delivered at games, and the second to select the spokesperson to deliver them. After the students held elections authorizing such prayers and selecting a spokesperson, the District Court entered an order modifying the policy to permit only nonsectarian, nonproselytizing prayer. The Fifth Circuit held that, even as modified by the District Court, the football prayer was invalid. The Court held that the District's policy permitting student-led, student initiated prayer at football games violates the Establishment Clause.

(a) The Court's analysis is guided by the principles endorsed in *Lee v. Weisman*, 505 U.S. 577. There, in concluding that a prayer delivered by a rabbi at a graduation ceremony violated the Establishment Clause, the Court held that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way that establishes a state religion or religious faith, or tends to do so, *id.*, at 587. The District argues unpersuasively that these principles are inapplicable because the policy's messages are private student speech, not public speech. The delivery of a message such as the invocation here—on school property, at school-sponsored events, over the school's public address system, by a speaker representing the student body, under the supervision of school faculty, and pursuant to a school policy that explicitly and implicitly encourages public prayer—is not properly characterized as "private" speech. Although the District relies heavily on this Court's cases addressing public forums, *e.g.*, *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, it is clear that the District's pregame ceremony is not the type of forum discussed in such cases. The District simply does not evince an intent to open its ceremony to indiscriminate use by the student body generally, see, *e.g.*, *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 260, 270, but, rather, allows only one person, to give the invocation, which is subject to particular regulations that confine the content and topic of the student's message. The majoritarian process implemented by the District guarantees, by definition, that minority candidates will never prevail and that their views will be effectively silenced. See *Board of Regents of Univ. of Wis. System v. Southworth*, 529 U.S. _____. Moreover, the District has failed to divorce itself from the invocations' religious content. The policy involves both perceived and actual endorsement of religion, see *Lee*, 505 U.S. at 590, declaring that the student elections take place because the District "has chosen to permit" student-delivered invocations, that the invocation "shall" be conducted "by the high school student council" "[u]pon advice and direction of the high school principal," and that it must be consistent with the policy's goals, which include "soleminiz[ing] the event." A religious message is the most obvious method of solemnizing an event. Indeed, the only type of message expressly endorsed in this policy is an "invocation," a term which primarily describes an appeal for divine assistance and, as used in the past at Santa Fe High School, has always entailed a focused religious message. A conclusion that the message is not a "private speech" is also established by factors beyond the policy's text, including the official setting in which the invocation is delivered, see, *e.g.*, *Wallace*, 472 U.S., at 73, 76, by the policy's sham secular purposes, see *id.*, at 75, and by its history, which indicates that the District intended to preserve its long-sanctioned practice of prayer before football games, see *Lee*, 505 U.S., at 596. Pp. 9—18.

(b) The Court rejects the District's argument that its policy is distinguishable from the graduation prayer in *Lee* because it does not coerce students to participate in religious observances. The first part of this

argument—that there is no impermissible government coercion because the pregame messages are the product of student choices—fails for the reasons discussed above explaining why the mechanism of the dual elections and student speaker do not turn public speech into private speech. The issue resolved in the first election was whether a student would deliver prayer at varsity football games, and the controversy in this case demonstrates that the students' views are not unanimous on that issue. One of the Establishment Clause's purposes is to remove debate over this kind of issue from the governmental supervision or control. See *Lee*, 505 U.S., at 589. Although the ultimate choice of student speaker is attributable to the students, the District's decision to hold the constitutionally problematic election is clearly a choice attributable to the students, the District's decision to be hold the constitutionally problematic election is clearly a choice attributable to the State, *id.*, at 587. The second part of the District's argument—that there is no coercion here because attendance at an extracurricular event, unlike a graduation ceremony, is voluntary—is unpersuasive. For some students, such as cheerleaders, members of the band, and the team members themselves, attendance at football games is mandated, sometimes for class credit. The District's argument also minimizes the immense social pressure, or truly genuine desire, felt by many students to be involved in the extracurricular event that is American high school football. *Id.*, at 593. The Constitution demands that school not force on students the difficult choice between whether to attend these games or to risk facing a personally offensive religious ritual. See *id.*, at 596. Pp. 18-21.

MORGAN COUNTY BOARD OF EDUCATION

Head Lice	Descriptor Code: JGCF	Issued Date:
------------------	--	---------------------

The purpose of this policy is to provide guidelines for the prevention and control of Head Lice in students and staff attending Morgan County Schools.

Morgan County Schools will enforce a no-lice policy and focus on active infestations following CDC guidelines. Active infestations will be defined as the presence of live lice and/or the presence of viable nits found within one-fourth (1/4) inch of the scalp.

- When the School Nurse determines that live lice and/or viable nits are present, the parent/guardian will be notified (verbal communication is preferred).
- Immediate removal of the child is unnecessary, he/she may be sent home by the end of the day.
- The parent/guardian must report to the nurse for instruction and educational materials before picking up their child.
- If the School Nurse and/or administrator have been unable to contact the parent/guardian, the student ~~may return to the classroom until the end of the day and~~ will be allowed to ride the school bus home.
- The student is expected back in school the next day either (1) lice free and/or (2) progress made in removal of Nits monitored by the School Nurse.
- At this time the parent/guardian will return a completed Head Lice Checklist and with Proof of Treatment. The School Nurse will determine if the student may return to class.
- If the student is not Lice free the next school day, he/she will be sent home.
- Attendance Policy JB -7-6-99: #8... When a student contracts Head Lice, they will be excused the day they are sent home and the next day only. Only 2 occurrences of Head Lice will be excused in a school year.
- The School Nurse will continue to re-educate the parent/guardian and to reassess the student for progress in nit removal. The student may return to class. The parent/guardian will be allowed seven (7) days to completely remove the remainder of the nits.
- Parent/guardian must show proof of treatment.
- Parent/guardian must sign "Head Lice Checklist"
- Students must be lice free (verified by the nurse) the next school day or the student cannot attend class.

Legal References

www.cdc.gov/parasites/lice/head/schools.html

Rule 1200-14-01-.24

T.C.A. §§68-1-103, 68-1-201 and 68-5-104

National Association of School Nurses Position Statement (www.nasn.org)

TSBA POLICY INSIGHT

TCAP Testing

Public Chapter 1127 requires Boards to adopt a policy which will base a percentage of the final Spring Semester grade in the subject areas of mathematics, reading/language arts, science and social studies on the TCAP grades 3-8 scores. Boards must choose a range from 15% to 25%. The policy will utilize performance levels determined by the State Board of Education.

The only levels adopted by the State Board are the performance levels adopted in July of this year. However, it is not clear how these scores will translate into a meaningful grade for the purpose of this policy. In the absence of guidance on this subject, any local Board policy becomes suspect. Hopefully, further information will be forthcoming from the State Board prior to the deadline for these final grades. Copies

This Edition

Generally, the *Policy Insight* newsletter is delivered to systems which subscribe to the TSBA Policy Maintenance Service. I would like to thank those systems which participate in this service. You will notice that this is much lighter than usual. Don't worry, as the full fall edition will be coming out next week with some other changes to the TSBA policies. Thankfully, it will not be as many as the last edition.

If you are not from a subscribing system, you may be wondering why you received a

INSIDE THIS ISSUE

TCAP Testing	1
This Edition	1

of the revised policy, the enacting legislation and the State Board Guidelines are attached.

Another issue is the "phase out" of the Gateway exams. The last class that was subject to the Gateways as a requirement for graduation was the 9th grade class of 2008-2009. Next year that language will be removed from the TSBA sample policy. The language remains more for historical reference at this point than any real effect. If you have any questions concerning these changes, please feel free to contact me.

Joel H. Moseley
Director of Policy & Staff Attorney
JMoseley@tsba.net

notice. There are two answers to that question. First, and most important, because

this represents a fundamental change in the way that student grades will be calculated, it is important to TSBA that your system knows about the changes to the law and the TSBA sample policy. The second reason is to give you an idea how TSBA's Policy Maintenance Service can help your system.

Once again, I would like to thank the subscribing systems for their continued support. If you are interested in subscribing, please contact me at jmoseley@tsba.net or at (800)448-6465, extension 3906.

2nd Reading

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

2nd Reading

Tennessee School Boards Association

38
39
40
41

Monitoring: Review: Annually, in November	Descriptor Term: Testing Programs	Descriptor Code: 4.700	Issued Date:
		Rescinds:	Issued:
			Page 1 of 2

The Board shall provide for a systemwide testing program which shall be periodically reviewed and evaluated. The purposes of the program shall be to:

1. Assist in promoting accountability;
2. Determine the progress of students;
3. Assess the effectiveness of the instructional program and student learning;
4. Aid in counseling and guiding students in planning future education and other endeavors;
5. Analyze the improvements needed in a given instructional area;
6. Assist in the screening of students with learning difficulties;^{1,2}
7. Assist in placing students in remedial programs;
8. Provide information for college entrance and placement; and
9. Assist in educational research by providing data.

The director of schools shall be responsible for planning and implementing the program, which includes:

1. Determining specific purposes for each test;
2. Selecting the appropriate test to be given;
3. Establishing procedures for administering the tests;
4. Making provision for interpreting and disseminating the results;
5. Maintaining testing information in a consistent and confidential manner; and
6. Ensuring that results are obtained as quickly as possible, especially when placement in a special learning program might be necessary.

State-mandated student testing programs shall be undertaken in accordance with procedures published by the State Department of Education.³

In addition to such achievement, competency or end-of-course tests as required by the Board and the State Board of Education,³ students must attain a minimum score on the required gateway exams. Students will have additional opportunities to retake any of the gateway tests in which the minimum score was not obtained and students shall be provided remediation through before or after school tutoring and/or summer school.

Student scores on the Tennessee Comprehensive Assessment Program's grades three through eight (3-8) shall comprise fifteen (15%) percent of the student's final grade in the spring semester in the subject areas of mathematics, reading/language arts, science and social studies.⁴

Other tests may be given as requested by students, teachers or parents when approved by the principal.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

Any test directly concerned with measuring student ability or achievement through individual or group psychological or sociometric tests shall not be administered by or with the knowledge of any employee of the system without first obtaining written consent of the parents or guardians.²

Results of all group tests shall be recorded on the students' permanent records and shall be made available to appropriate personnel in accordance with established procedures.⁵

Legal References:

- 1. Tenn. Code Ann. § 49-10-108
- 2. 20 USCA 1232 g(h)
- 3. TRR/MS 0520-1-3-.03(9)
- 4. Tenn. Code Ann. § 49-1-614
- 5. Tenn. Code Ann. § 10-7-504

Cross References:

- Student Psychological Services 6.406 46
- Student Records 6.600 47
- 48
- 49

2nd Reading

PUBLIC CHAPTER NO. 1127**SENATE BILL NO. 3427****By Finney, Kelsey, Stewart, Tate, Black**

Substituted for: House Bill No. 3545

By Maddox, Maggart, Harwell, Towns; Mr. Speaker Williams; Hardaway, Naifeh, Richardson, Ramsey, Brown, Eldridge, Fincher, Ty Cobb, Kevin Brooks, Coleman, Camper, McDonald, Barker, Litz, Dunn, Haynes, Winningham, Lynn, Montgomery, Fitzhugh, Carr, Todd, Lollar, Yokley, Evans, Harry Brooks, Hensley, Stewart, McCormick, Campfield, Weaver, Shaw, Bone, White, Curtis Johnson

AN ACT to amend Tennessee Code Annotated, Title 49, relative to student assessments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following language as a new section:

§ 49-1-614. Each local board of education shall develop a policy by which student scores on the Tennessee Comprehensive Assessment Program's grades three through eight (3-8) achievement tests shall comprise a percentage of the student's final grade for the spring semester in the subject areas of mathematics, reading/language arts, science and social studies. The percentage shall be determined by the local board from a range of no less than fifteen percent (15%) and no more than twenty-five percent (25%). The policy shall utilize performance levels determined by the State Board of Education and be developed and implemented for the spring semester of 2011.

SECTION 2. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b) Beginning with the 2011-2012 school year and every school year thereafter, there shall be a testing window of two (2) consecutive school weeks for the administration of the Tennessee Comprehensive Assessment Program's grades three through eight (3-8) achievement tests. Testing shall begin no earlier than the first Monday occurring on or after April 22; provided, however, that the Tennessee Comprehensive Assessment Program tests shall not be administered prior to the completion of one hundred fifty (150) days of instruction. Those local education agencies with schools beginning on the second Monday in August or before shall test during the first week of the testing window. The Commissioner of Education shall have the authority to adjust the testing schedule for reasons including, but not limited to, natural disaster, prolonged inclement weather, or serious outbreak of contagious illness.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: June 8, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 29th day of June 2010



PHIL BREDESEN, GOVERNOR

2nd RC

2nd Reading

Morgan County Schools Policy
Sick Leave Bank for Education Support Personnel

Approved 1/3/11
Code 5.3022

PURPOSE:

The purpose of the Sick Leave Bank is to provide sick leave to contributors to the bank who have suffered a personal illness, injury, disability, or quarantine and whose personal sick leave, or any other applicable paid leave, has been exhausted.

SICK LEAVE BANK COMMITTEE:

The ESP Sick Leave Bank shall be administered by a Committee of Trustees in accordance with the provisions and procedures outlined below. The committee shall be composed of five (5) members: one (1) member appointed by the School Board from its membership; two (2) members appointed by the Association from its ESP membership; the President of MCEA or his/her designee; and the director of schools, or his designee, who shall chair the Committee. The Committee shall be appointed in compliance with the policies of the Morgan County School Board.

MEMBERSHIP:

Persons entitled to sick leave under Morgan County School Board policy can become members of the bank by donating two (2) days of accumulated sick leave.

RULES:

1. Any ESP employee shall be eligible to participate in the ESP Sick Leave Bank; however, a minimum participation of fifty (50) members shall be required to establish the Bank.
2. Any support personnel who elects to participate in the bank shall initially have two (2) days of sick leave deducted from his/her personal accumulation and deposited to the ESP Sick Leave Bank. Such employees electing to participate shall do so only during the months of August, September, or October of any year. Donations of sick leave to the Bank are nonrefundable and nontransferable unless the Bank is dissolved. New employees may contribute within the first thirty (30) days after their effective employment. Applications must be received by the business office of the Morgan County School System within fifteen (15) days of the end of the enrollment window.
3. If at any time the number of days in the Sick Leave Bank is less than fifty (50) or one (1) per member if there are more than fifty (50) members, or at any time deemed advisable, the committee shall assess each member one (1) or more days of accumulated sick leave. If a member has no accumulated sick leave at the time of assessment, the first earned days shall be donated as they are accrued by the employee.
4. By written notice to the Trustees, a member may withdraw from Bank participation effective June 30, next. Membership withdrawal shall result in forfeiture of all days contributed.
5. Members of the ESP Sick Leave Bank shall be eligible to make application to the Bank for sick leave only after being a member of the Bank for thirty (30) calendar days.
6. A participant shall not receive any sick leave from the Bank until after having exhausted all accumulated paid leave, including all paid Board extensions, **and then only after satisfying a five (5) working day waiting period. (This would be five (5) days of work time without pay prior to receiving any days from the bank.)**
7. Leave grants from the Bank, recommended by the Board of Trustees, shall be in units of no more than twenty (20) consecutive pay days for the individual applicant. Applicants may submit requests for extensions before or after their prior grants expire; the maximum number of days any participant may receive in any fiscal year is **sixty (40)**. The maximum number of days any participant may receive as a result of any one or recurring diagnosed illness or accident is **ninety**

Morgan County Schools Policy

Sick Leave Bank for Education Support Personnel

Approved 1/3/11

(60) days. Days from the Bank may not be utilized for those days when an employee would not receive pay. The Trustees may establish regulations restricting the number of days which may be drawn from the Bank by one (1) member on account of one (1) illness, particularly any known illness existing at the time the employee elected to participate in the Bank.

8. In the event a member is physically or mentally unable to make a request to the Sick Leave Bank for use of sick leave days, a family member or agent may file the request.

9. Sick leave granted a member from the Bank need not be repaid by the individual except as all members are uniformly assessed.

10. Grants of sick leave from the Bank shall not be made to any member on account of any elective surgery, or illness of any member of the participant's family, or for any period the member is receiving disability benefits from social security or the state or local retirement plan, or under the Workers' Compensation Law, or earned income from any other employer or contractor. Grants given in excess of allowable circumstances will be refunded by the bank member who received the excess benefits.

11. A member shall lose the right to obtain the benefits of the Sick Leave Bank by:

- (a) resignation or termination of employment;
- (b) cancellation of participation which is effective on June 30, next;
- (c) being on approved leave of absence with the exception of personal illness or disability leave;
- (d) or retirement.

12. All actions of the Trustees shall require three (3) affirmative votes and shall be final and binding.

PROCEDURES:

1. Contributions to the Bank must be made on the form prescribed by the Committee of Trustees.
2. Each member must sign an enrollment card stating that he/she is aware of the provisions of the Bank and relieve the Board of Education and/or Morgan County Education Association from any liability as a result of action by the Committee.

3. All requests to draw from the Bank must be made on a Sick Leave Bank Request Form and submitted to the Committee of Trustees within thirty (30) days of the first dates bank usage is requested. In extreme and unusual cases, exceptions may be approved.

4. All requests to draw from the Bank must be accompanied by a physician's statement on the approved form confirming the cause of illness or injury and must be signed by the physician. An applicant may be required to undergo at his/her expense a medical review by a physician approved by the Committee.

5. Notice will be made to the payroll department only of approved actions. Payroll will take no action in anticipation of the approval during the period of processing and payment will be started on the next regularly scheduled payroll for the individual.

6. The Committee shall maintain the record of all contributions, withdrawals, and the status of the Bank. Records of the Bank will be subject to annual audit as the school system is audited.

7. If a member does not use all days advanced from the Bank, the unused days will be returned to the Bank.

8. All days collectively contributed to the Bank and not used in any one fiscal year, shall be carried over to the next fiscal year.

9. Application forms for the Bank will be provided by the Board of Education and can be obtained from the Central Office.

Morgan County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School Attendance Areas	Descriptor Code: 1.703	Issued Date:
		Rescinds:	Issued:

1 The Board shall establish school attendance areas and periodically review boundary adjustments. The
2 director of schools shall enforce these areas as established by the Board.¹
3

4 The primary considerations governing the establishment of a school attendance area are:
5

- 6 1. The educational opportunity afforded students;
- 7
- 8 2. The capacity of each school; and
- 9
- 10 3. The geographic location of each school in relationship to the surrounding student population.
11

12 Students who use the school bus service must attend the school in the zone in which they reside. Stu-
13 dents who use transportation other than the school bus service shall be permitted to attend any school
14 which is appropriate for their level.
15

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33 Legal Reference:

- 34 1. TCA 49-6-403(c)
35
36
37
38
39
40
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 1.703

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

49-6-403. Attendance and length of term. —

(c) Local boards of education shall designate the schools which the pupils shall attend.

MORGAN COUNTY BOARD OF EDUCATION

SUPPORT PERSONNEL LONGEVITY PAY

Descriptor Code:
GCRI

Issued Date:
4/5/99

All support personnel shall receive longevity pay as specified below:

- All support personnel shall receive fifty (\$50.00) per year of service, up to ten (10) years.
- Employees must have worked six (6) months in a school year or fiscal year to accumulate one (1) year of service for longevity pay purposes.
- A school year is defined as that time period beginning with the opening of school to the last day of school as approved in the Morgan County School Calendar for that year.
- A fiscal year is defined as that period beginning July 1st through June 30th of each year.
- Longevity pay or years of experience pay is paid for one (1) support personnel position only.
- If an employee transfers from one position to another position, longevity experience transfers.
- All support personnel shall receive a check for the full amount due once each year.
- Longevity pay is normally paid the week prior to Thanksgiving vacation.
- Longevity pay is based on experience accumulated as per the previous year.
- If any support personnel quits or resigns their position, they have one year (365 days) to return to employment and retain their accumulated longevity experience. After, one year (365 days) they shall lose all longevity experience.
- If any support personnel is terminated from employment, they shall immediately lose all accumulated longevity experience.

Tennessee First to the Top
Local System Scope of Work
Instructions

The Scope of Work provides the plan for use of money designated for a local school system from the Race to the Top grant. The funds are for a four-year period and the Scope of Work should specify use for each year. General guidelines are as follows:

1. Total planned expenditures over four years must match the total amount designated for the local system.
 - o Budgeted amounts for individual years may vary, but the minimum appropriation for year 1 should be no less than 25% of the total LEA award. LEAs may request all of the money in year 1 if justifiable to accomplish bold and innovative reform.
 - o Actual expenditures may fall within 90% - 110% of budgeted amount without submission of a budget amendment.
 - o Money not spent during a designated year may be rolled to the ensuing year.
 - o In general, there are few restrictions on the use of RTTT funds except that they must be related to the state proposal and not supplant existing expenditures. The purpose of the grant is to provide bold and innovative reform that supports the State's approved Race to the Top application. They must also
 - Payment of maintenance costs
 - Stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public
 - Purchase or upgrade of vehicles
 - Improvements of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities
 - School modernization, renovation, or repair that is inconsistent with State law
2. Planned activities **must** relate to and support the state application. Allowable uses of RTTT funds are outlined on a separate page and must be coded in the Scope of Work.
3. Planned activities that create recurring costs for the local system beyond the four-year scope of the grant must be noted. The local funding body must attest that they are aware of the recurring costs and that they acknowledge that these costs will become the responsibility of the local funding body.
4. The Scope of Work may be submitted by a local system or by a consortium of systems. If submitted by a consortium, all of the above stipulations apply to each participating system. A lead system must be identified that will receive, disburse, and account for all funds. Separate cost centers must be maintained by the lead system to account for all RTTT funds.

Instructions:

1. Each year of expenditures should be detailed on a separate sheet. Complete the system (or consortium)
2. Complete the Scope of Work for each year. A sample sheet is included.
 - o Activity – Describe the activity planned for supporting the state RTTT application.
 - o Correlation to state plan – Code the activity to the appropriate aspect of the state grant application using coding in chart on separate page.
 - o Correlation to TCSPP – Provide a brief explanation of how this activity supports the system TCSPP.
 - o Plan for Implementation – Outline the system plan for implementing this activity. Designate planned purchases, contracted services, personnel expenses, etc.
 - o Key personnel - list the system employees who will be responsible for overseeing this activity.
 - o Provide an overview for how this activity will be evaluated for implementation and effectiveness.
 - o Budget – Provide amount designated for the activity.

- o Recurring expense – Indicate if this use of funds will create recurring expenses for the local system beyond the four-year scope of the funding. If a system indicates that any recurring costs will be incurred in any planned area, the local funding agency must sign the attestation on the signature page.

**State Department of Education
Tennessee Race to the Top
Timeline**

Date	Action
March 29, 2010	Announcement of RTTT award
April 19, 2010	Letter of announcement to local systems
April 21, 2010	Jackson (West Tennessee Grand Division) explanation of <i>Scope of Work</i>
April 22, 2010	Nashville (Middle Tennessee Grand Division) explanation of <i>Scope of Work</i>
April 23, 2010	Knoxville (East Tennessee Grand Division) explanation of <i>Scope of Work</i>
May 14, 2010	<i>Scope of Work</i> due to Field Service Center
May 17-18, 2010	Field Service Center review of <i>Scope of Work</i>
May 19-20, 2010	Findings presented to DOE review team
May 21, 2010	Systems notified of disposition of <i>Scope of Work</i>
May 27, 2010	Resubmission of <i>Scopes of Work</i> not meeting requirements
May 28, 2010	Final review of <i>Scope of Work</i>
June 1, 2010	Submission to USDOE of all <i>Scopes of Work</i>

Elements of the State Reform Plan

- B. Standards and Assessments (State Application pages 53-62)
 - (3) Supporting the transition to enhanced standards and high-quality assessments

- C. Data Systems to Support Instruction (State Application pages 63-74)
 - (3) Using data to improve instruction:
 - (i) Use of local instructional improvement systems
 - (ii) Professional development on use of data
 - (iii) Availability and accessibility of data to researchers

- D. Great Teachers and Leaders (State Application pages 75-118)
 - (2) Improving teacher and principal effectiveness based on performance: (pages 80-96)
 - (i) Measure student growth
 - (ii) Design and implement evaluation systems
 - (iii) Conduct annual evaluations
 - (iv)
 - (a) Use evaluations to inform professional development
 - (b) Use evaluations to inform compensation, promotion, and retention
 - (c) Use evaluations to inform tenure and/or full certification
 - (d) Use evaluations to inform removal
 - (3) Ensuring equitable distribution of effective teachers and principals: (pages 97-111)
 - (i) High-poverty and/or high-minority schools
 - (ii) Hard-to-staff subjects and specialty areas
 - (5) Providing effective support to teachers and principals: (pages 112-118)
 - (i) Quality professional development
 - (ii) Measure effectiveness of professional development

- E. Turning Around the Lowest-Achieving Schools State Application pages 119-130)
 - (2) Turning around the lowest-achieving schools

**Tennessee First to the Top
Local System Scope of Work**

System: Example School System

* If consortium, list all participating systems with lead system first

Director of Schools: Horace Mann

* If consortium, list Director of lead system

Total amount of award (over four years): \$800,000

System Contact Person: _____

Year 1 (2010-11)

Phone Number: _____

Activity	Correlation to state plan	Correlation to TCSP	Plan for Implementation	Key Personnel	Performance Measure Target	Budget	Recurring Expense Y / N
Revise current local curriculum and pacing guides to reflect new standards	B(3)	Goal 1	Pay stipend to (\$500) to thirty teachers (selected from core subjects across all grades) for three days prior to start of school year to revise guides. Print and distribute guides.	Curriculum Supervisor	Curriculum and pacing guides in place by July 1, 2011	25,000	N
Extend current local formative assessment measurements from current grades 3 through 5 to include grade 6	B(3)	Goal 1	Pay stipend to (\$500) to twelve teachers (selected from core subjects) for three days prior to start of school year to develop test bank items. Incorporate new tests into existing system.	Testing Coordinator	Grade six assessment in place by December, 2010	12,500	N
Provide two-day institute for all teachers on use of data (TVAAS, TCAP, formative) for guiding instructional decisions	C(3)(iii) D(5)(ii)	Goal 1	Schedule as part of pre-school inservice. Contract with vendor to schedule presenters and sessions.	Elementary and Secondary Supervisors	95% attendance of all teachers	50,000	N
Provide gap elimination remediation between American Diploma Project and Common Core standards before and after school (including Saturdays) to identified at-risk students.	E(2)	Goal 1	Contract with community groups to provide personnel, supervision, and materials for identified students.	Federal Programs Supervisor	10% improvement in TCAP scores for students served	75,000	N
Provide training for prospective administrators	D(2) D(5)	Goal 3	Develop and implement a prospective administrators institute utilizing local personnel. Pay stipends to participating trainers.	Assistant Supt	Ten prospective administrators enrolled	10,000	N
Provide hiring bonus for new or transferring teachers into schools or subject areas certified as hard-to-staff	D(3)(i)(ii)	Goal 4	Pay \$2,000 one-time bonus to teachers hired or transferred into schools or subject areas certified by the school board as hard-to-staff.	Human Resources Director	25% reduction in waivers and alternative licenses	40,000	N

Total budget 2010-11

\$212,500

**Tennessee First to the Top
Local System Scope of Work**

System: Morgan

Director of Schools: Dr. Edd Diden

* If consortium, list all participating systems with lead system first

* If consortium, list Director of lead system

Total amount of award (over four years): \$214,893

System Contact Person: Wanda Lane

Year 1 (2010-11)

Phone Number: 423-346-6214

Activity	Correlation to state plan	Correlation to TCSP	Plan for Implementation	Key Personnel	Performance Measure Target	Budget	Recurring Expense Y / N
Instructional Technology Coach- Coordinate technology skills development of all educators for the appropriate integration into the instructional process	D 5i	Goal 1	Technology Educator will access and plan technology for integration of the curriculum (11 month contract). Pre-assessment survey will be developed to determine skills most needed by teachers and offer training in those areas. (new position)	Instructional Supervisor Tech. Coord.	50% of all teachers completing performance standards/ 10% increase in TCAP, EOC and Writing scores	60,000	N
Elementary and Secondary academic coaches will provide support and assistance with demonstration of best teaching practices including induction of new teachers. This will also include observation and feedback for all teachers. Also assist with classroom management.	D 5	Goal 1,3	Contract with 2 retired teachers 120 day contract \$250.00 a day. Induction and assistance for new or struggling teachers. (new positions)	Elementary Secondary Supervisor	100% of new teachers will participate in the program	65000 (includes training and travel)	N
Leadership Academy - Developing the next generation of outstanding school principals (Collaboration with University of Tennessee-Knoxville Center for Educational Leadership).	D 5	Goal 1,2	Implement an intensive cohort to prepare talented aspiring principals for school leadership as well as professional development for current principals. Incorporate software program PD 360 in development of leadership capacity.	Director of Schools	Phase 1: 10-12 aspiring leaders will participate in the academy	19,000	N
Professional Development training for all administrators and teachers on use of TVAAS, TCAP and Standards for guiding instructional decisions.	B 3 c3ii	Goal 1	Schedule as part of summer and after school in-service. Pay stipends to trainers and stipends to teachers attending training. Trainers will attend summer standards training this year (2010-2011).	Federal Programs Sp.Ed. Curriculum Supervisor	50% increase in utilization of TVASS restricted site/10% decrease in number of students classified as Accelerate I	70,893	N

Total budget 2010-11

\$214,893

Total budget 2011-12

\$214,893

**Tennessee First to the Top
Local System Scope of Work**

System: Morgan

* If consortium, list all participating systems with lead system first

Director of Schools: Dr. Edd Diden

* If consortium, list Director of lead system

Total amount of award (over four years): \$214,893

System Contact Person: Wanda Lane

Year 3 (2012-13)

Phone Number: 423-346-6214

Activity	Correlation to state plan	Correlation to TCSP	Plan for Implementation	Key Personnel	Performance Measure Target	Budget	Recurring Expense Y / N
Instructional Technology Coach- Coordinate technology skills development of all educators for the appropriate integration into the instructional process	D 5i	Goal 1	Technology Educator will access and plan technology for integration of the curriculum (11 month contract). Pre-assessment survey will be developed to determine skills most needed by teachers and offer training in those areas. (new position)	Instructional Supervisor Tech. Coord.	80% of all teachers completing performance standards/ 20% increase in TCAP, EOC and Writing scores	60,000	N
Elementary and Secondary academic coaches will provide support and assistance with demonstration of best teaching practices including induction of new teachers. This will also include observation and feedback for all teachers. Also assist with classroom management.	D 5	Goal 1,3	Contract with 2 retired teachers 120 day contract \$250.00 a day. Induction and assistance for new or struggling teachers. (new positions)	Elementary Secondary Supervisor	Retention for new teachers will be 80% and at least 80% of new teachers will rank at least "effective" on new evaluation system	65,000	N
Leadership Academy - Developing the next generation of outstanding school principals (Collaboration with University of Tennessee-Knoxville Center for Educational Leadership).	D 5	Goal 1.2	Implement an intensive cohort to prepare talented aspiring principals for school leadership as well as professional development for current principals. Incorporate software program PD 360 in development of leadership capacity	Director of Schools	At least 3 graduates from the program rank "highly effective" and the other 7 rank at least "effective" as rated through performance contract.	19,000	N
Systemwide data coaches will be employed as full-time teachers and paid stipends to assist both teachers and administrators at individual schools to interpret and analyze student data and progress.	B 3 c3ii	Goal 1,2	This will be developed and implemented through the use of formative and summative assessments to guide instructional decisions.	Federal Programs Sp.Ed. Curriculum Supervisor	Analyze all formative and summative assessments for 15% student growth on TCAP tests including grades 3-8 reading and math; and 15% growth in math on EOC	70,893	N

Total budget 2012-13

\$214,893

**Tennessee First to the Top
Local System Scope of Work**

System: Morgan

Director of Schools: Dr. Edd Diden

* If consortium, list all participating systems with lead system first

* If consortium, list Director of lead system

Total amount of award (over four years): \$214,893

System Contact Person: Wanda Lane

Year 4 (2013-14)

Phone Number: 423-346-6214

Activity	Correlation to state plan	Correlation to TCSPP	Plan for Implementation	Key Personnel	Performance Measure Target	Budget	Recurring Expense Y / N
Instructional Technology Coach- Coordinate technology skills development of all educators for the appropriate integration into the instructional process	D 5i	Goal 1	Technology Educator will access and plan technology for integration of the curriculum (11 month contract). Pre-assessment survey will be developed to determine skills most needed by teachers and offer training in those areas. (new position)	Instructional Supervisor Tech. Coord.	85% of all teachers completing performance standards/ 25% increase in TCAP, EOC and Writing scores	60,000	N
Elementary and Secondary academic coaches will provide support and assistance with demonstration of best teaching practices including induction of new teachers. This will also include observation and feedback for all teachers. Also assist with classroom management	D 5	Goal 1,3	Contract with 2 retired teachers 120 day contract \$250 a day. Induction and assistance for new or struggling teachers. (new positions)	Elementary Secondary Supervisor	Retention for new teachers will be 85% and at least 85% of new teachers will rank at least "effective" on new evaluation system	65,000	N
Leadership Academy - Developing the next generation of outstanding school principals (Collaboration with University of Tennessee-Knoxville Center for Educational Leadership)	D 5	Goal 1,2	Implement an intensive cohort to prepare talented aspiring principals for school leadership as well as professional development for current principals. Incorporate software program PD 360 in development of leadership capacity	Director of Schools	At least 4 graduates from the program rank "highly effective" and the other 6 rank at least "effective" as rated through performance contract	19,000	N
Systemwide data coaches will be employed as full-time teachers and paid stipends to assist both teachers and administrators at individual schools to interpret and analyze student data and progress.	B 3 c3ii	Goal 1,2	This will be developed and implemented through the use of formative and summative assessments to guide instructional decisions.	Federal Programs Sp.Ed. Curriculum Supervisor	Analyze all formative and summative assessments for 20% student growth on TCAP tests including grades 3-8 reading and math; and 20% growth in math on EOC	70,893	N

Total budget 2013-14

\$214,893

**Tennessee First to the Top
Local System Scope of Work**

System: Morgan

* If consortium, list all participating systems with lead system first

Director of Schools: Dr. Edd Diden

* If consortium, list Director of lead system

Total amount of award (over four years): \$859,572

Summary of Four-Year Scope of Work

Year	Budget	Recurring Expense Y / N
2010-11	214,893	N
2011-12	214,893	N
2012-13	214,893	N
2013-14	214,893	N
Total Four-Year Budget	\$859,572.00	*If any recurring expenses have been incurred over the four-year period, attestation below must be signed.

Total four-year budget must match amount of award

Required System Signatures

I have approved the "Scope of Work" for use of funds generated by the "Race to the Top" grant, am fully committed to it, and will support its implementation. I understand that recurring costs that can be paid from curent level LEA funding do not require a funding agency sign off.

Director of Schools _____

On behalf of the Board of Education, I affirm that the Board has approved the "Scope of Work" for use of funds generated by the "Race to the Top" grant and that the Board is fully committed to it and will support its implementation.

Chair, Board of Education _____

TEA Representative _____ (Optional)

*

On behalf of the funding agency for the Board of Education, I affirm that the funding agency is aware that "Scope of Work" for use of funds generated by the "Race to the Top" grant creates recurring costs beyond the four-year scope of the grant and that they acknowledge that these costs will become the responsibility of the local funding body.

Chair, Local Funding Agency _____

SYSTEM TEACHING EFFECTIVENESS SUMMARY

District Name: Morgan County
 School Name: All Schools

Number of Teacher/Subject/Grades by Teaching Effectiveness Category

TCAP Subjects

Teaching Effectiveness Category	Below Reference, Least Effective		Below Reference, Approaching Average Effectiveness		At Reference, Average Effectiveness		Above Reference, Above Average Effectiveness		Above Reference, Most Effective						
	I	II	III	IV	V	VI	VI	VI	VI						
System	n/a	55	64	n/a	19	29	n/a	50	37	n/a	15	7	n/a	12	12
State	n/a	6,656	10,928	n/a	5,098	5,599	n/a	13,785	10,136	n/a	4,358	2,939	n/a	6,605	4,890

High School Subjects

Teaching Effectiveness Category	Below Reference, Least Effective			Below Reference, Approaching Average Effectiveness			At Reference, Average Effectiveness			Above Reference, Above Average Effectiveness			Above Reference, Most Effective		
	I	II	III	IV	V	VI	VI	VI	VI	VI	VI	VI	VI	VI	
System	n/a	***	5	n/a	***	5	n/a	13	12	n/a	***	***	n/a	5	7
State	n/a	1,153	921	n/a	632	612	n/a	1,578	1,927	n/a	546	739	n/a	1,192	978

Notes: The reference for high school teachers is the state average teacher. For grades 4-8, it is the gain based on the state growth standard set in 2008-2009. Teachers who teach multiple tested subjects/grades are counted separately for each subject/grade in this report. Counts less than 5 are displayed as "****".

Rules for Effectiveness Level Determination

- Level Five, Most Effective: Teachers whose students are making substantially more progress than the state growth standard/state average (the teacher's index is 2 or greater).
- Level Four, Above Average Effectiveness: Teachers whose students are making more progress than the state growth standard/state average (the teacher's index is equal to or greater than 1 but less than 2).
- Level Three, Average Effectiveness: Teachers whose students are making the same amount of progress as the state growth standard/state average (the teacher's index is equal to or greater than -1 but less than 1).
- Level Two, Approaching Average Effectiveness: Teachers whose students are making less progress than the state growth standard/state average (the teacher's index is equal to or greater than -2 but less than -1).
- Level One, Least Effective: Teachers whose students are making substantially less progress than the state growth standard/state average (the teacher's index is less than -2).