

**Policy Committee Meeting**  
October 12, 2020 5:15 PM  
MCBOE

1. **Call to Order**

2. **1.403 Agendas**

Adding the word "**business**" to align with policy 1.404 Appeals to and Appearances Before the Board and Administrative Procedure 1.3 Addendum A.

3. **1.803 Tobacco-Free Schools**

The minimum age limit to possess tobacco products is 21; therefore, we changed the policy to read **twenty (20)**.

4. **4.205 Enrollment in College Level Courses**

This is a new policy. "The State Board of Education modified its regulation on students taking college level courses. We (TSBA) have revised our model policy to more clearly align with the updated regulation."

5. **4.302 Field Trips and Excursions**

This update is to clarify that independently-planned trips (such as a teacher organizing a summer trip to Spain) are not board-affiliated, and therefore, the board will not be held liable for accidents, etc., during the trip.

6. **4.605 Graduation Requirements/Activities**

The U.S. Department of Education recently released guidance on school prayer. While students can certainly choose to pray at various times throughout the school day, federal court cases continue to prevent school districts from being directly involved in religious activities. In particular, this new guidance stresses that Boards cannot maintain policies that prevent students from praying in school. As a result, TSBA has updated their model policy to more clearly differentiate between student led prayer and aspects of graduation that are planned or led by district employees.

7. **5.110 Compensation Guides**

In the past, employees could carry 10 vacation days into the next year after June 30. This change allows employees earning vacation days to use them up until July 31, and carry over 10 from that date.

8. **6.304 Student Discrimination/Harassment and Bullying/Intimidation and Cyberbullying**

TSBA updated this policy for clarity.

9. **6.3041 Title IX & Sexual Harassment**

This is a new policy. Many of you are likely familiar with the broad categories that Title IX covers, such as: (1) requiring equity in athletics; (2) prohibiting discrimination in the educational program; and (3) establishing a framework for addressing grievances related to sexual harassment. The new model policy is designed to address the third aspect.

10. **6.305 Student Concerns**

This policy has undergone a major revision. TSBA suggests adopting this one instead of staying with our current 6.305 because of the new Title IX policy.

11. **6.316 Suspension/Expulsion/Remand**

This policy correlates with policy 6.319 Alternative School Programs; therefore, TSBA updated this policy to better relate to it.

12. **6.319 Alternative Education**

The General Assembly recently passed Public Chapter 603, which clarifies that students who commit zero tolerance offenses are not required to be placed in alternative schools or programs. Additionally, the State Board recently approved a regulation clarifying the differences between alternative schools and programs as well as the reasons that may justify removing a student from an alternative school or program. As a result, TSBA has updated and retitled their model policy to align with these changes.

13. **6.409 Reporting Child Abuse**

This month, the General Assembly made significant changes to several statutes that govern child abuse reporting requirements. Two of the most notable changes are: (1) the requirement to have one employee designated as the Child Abuse Coordinator at each school; and (2) the prohibition against notifying parents/guardians of suspected child abuse that occurs on school property. TSBA has revised their model policy to align with the new law.

14. **Adjourn**

Superintendent

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# Marshall County Board of Education

Monitoring: <b>Review: Annually, in September</b>	Descriptor Term:  <b>Agendas</b>	Descriptor Code: <b>1.403</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>1.403</b>	Issued: <b>11/10/11</b>

The Executive Committee of the Board shall be responsible for developing an agenda for each board meeting. Any board member may recommend items to be placed on the agenda for discussion. The particular order may vary from meeting to meeting in keeping with the business at hand.

The agenda (which shall include the consent agenda), together with supporting materials, shall be given to board members at least one (1) day prior to the scheduled date of the meeting. The agenda shall be available for public inspection when it is distributed to the board members. At the beginning of each meeting the Board shall, by a majority vote, approve changes in the agenda for the meeting, which may involve the addition to or deletion of items previously included on the agenda. The Board, however, may not revise board policies or adopt new ones, unless such action has been scheduled.

Staff members or citizens of the district may suggest items for the agenda by presenting proposed items to the director of schools or the chairman of the Board.

For items to be considered on the agenda, they must be received in the director of schools' office at least seven (7) **business** days prior to the scheduled date of the meeting. The person(s) requesting an item on the agenda shall forward any background information to the director of schools' office so that the material will be included in the delivery to the board members prior to the meeting.

The agenda for regular meetings shall ordinarily allow suitable time for the remarks of those members of the public who wish to speak.

Citizens wishing to address the Board must follow guidelines set forth in policy *Appeals to and Appearances Before the Board* (1.404)

## CONSENT AGENDA

While developing the agenda, the chair and director of schools shall identify routine or non-controversial items to be placed on the consent agenda, which shall become a part of the regular agenda. If any member objects to including an item on the consent agenda, that item shall be moved to the regular agenda as an action item requiring discussion. The remaining consent items may be adopted in a single vote without discussion.

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# Marshall County Board of Education

Monitoring: <b>Review: Annually, in September</b>	Descriptor Term:  <b>Tobacco-Free Schools</b>	Descriptor Code: <b>1.803</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>1.803</b>	Issued: <b>08/12/19</b>

- 1 All uses of tobacco, electronic/battery operated devices, vapor products, and all other associated  
2 paraphernalia are prohibited in all of the school district's buildings and in all vehicles that are owned,  
3 leased, or operated by the district.<sup>1,2</sup> Smoking and vaping shall be prohibited in any public seating areas,  
4 including but not limited to, bleachers used for sporting events, or public restrooms.<sup>3</sup>
- 5 District employees and students enrolled in the district's schools will not be permitted to use these  
6 products while they are participants in any class or activity in which they represent the school district.
- 7 Adult staff members are allowed to use vapor products on school campus but not within one hundred  
8 (100) feet of any entrance to the building.
- 9 Any student ~~seventeen (17)~~ **twenty (20)** or under who possesses tobacco products shall be issued a  
10 citation by the school principal/resource officer.<sup>4</sup>
- 11 See Marshall County Board of Education policy 6.313 Discipline Procedures for disciplinary actions.
- 12 Signs will be posted throughout the district's facilities to notify students, employees and all other persons  
13 visiting the school that the use of tobacco and tobacco products is forbidden. The following notice shall  
14 be prominently posted (including at each ticket booth) for elementary or secondary school sporting  
15 events: *Smoking is prohibited by law in seating areas and in restrooms.*<sup>5</sup>

#### Legal References:

1. Section 1042 of the Environmental Tobacco Smoke/Pro-Children Act of 1994
  2. TCA 39-17-1604(6)
  3. TCA 39-17-1604(10)
  4. TCA 39-17-1505
  5. TCA 39-17-1605
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# Marshall County Board of Education

Monitoring: <b>Review: Annually, in November</b>	Descriptor Term:  <b>Enrollment in College Level Courses</b>	Descriptor Code: <b>4.205</b>	Issued Date: <b>10/12/20</b>
		Rescinds:	Issued:

1 *General*

2 Students who successfully complete college level courses aligned to a graduation requirement course  
3 shall receive high school credit.<sup>1</sup>

4 These courses may be offered at the high school,<sup>2</sup> postsecondary institution, or online. If not offered on  
5 the high school campus, the Board shall not be responsible for transportation. Any tuition or fees due to  
6 enrollment in college level courses are the responsibility of the parent(s)/guardian(s).

7 Grades earned in such college level courses shall be used to determine class rank, grade point average,  
8 and class valedictorian or salutatorian.

9 **DUAL ENROLLMENT**

10 Students may earn credit by enrolling in a postsecondary institution and taking college level courses.  
11 Students who take and pass dual enrollment courses at a postsecondary institution shall have their  
12 postsecondary credits accepted for high school credit as a substitution for an aligned graduation  
13 requirement course.<sup>3</sup>

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Legal References:

- 1. TRR/MS 0520-01-03-.03(8)
- 2. TRR/MS 0520-01-03-.03(8)(b)
- 3. TRR/MS 0520-01-03-.03(8)(a)

# Marshall County Board of Education

Monitoring: <b>Review: Annually, in November</b>	Descriptor Term:  <b>Field Trips and Excursions</b>	Descriptor Code: <b>4.302</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>4.302</b>	Issued: <b>01/11/00</b>

1 Field trips designed to stimulate student interest and inquiry and to provide opportunities for social  
2 growth and development are considered appropriate extensions of the classroom.

3 To be educationally beneficial, a field trip requires thoughtful selection, careful advance preparation of  
4 the class, and opportunities for students to summarize the experience at the conclusion of the trip. To  
5 this end, teachers and principals will be expected to consider the following factors in selecting field trips:

- 6 1. Relationship of the field trip activity to a particular aspect of classroom instruction;
- 7 2. Distance traveled in terms of the age level of the students;
- 8 3. Mode and availability of transportation; and
- 9 4. Cost.

10 The following guidelines shall be followed in planning and conducting field trips and excursions:

- 11 1. Any teacher desiring to take a group of students on an educational field trip must obtain advance  
12 approval of the principal;
- 13 2. The trip must have a definite purpose and reflect careful planning. Students should be prepared by  
14 general class discussion and/or research;
- 15 3. If bus transportation is required, the principal or his/her designee shall make the necessary  
16 arrangements. A fee will be charged to the school for mileage when school system buses are used;
- 17 4. Signed parental permission forms must be obtained for every student making an off-campus trip  
18 beyond the immediate vicinity of the school. The principal shall ensure that these forms are kept on  
19 file for the remainder of the school year. The form for parental permission must include: purpose,  
20 date, time of departure and return, travel plans, destination, number of chaperones, personal expense  
21 involved, rules of conduct and penalties for violation, and other facts necessary for parents to be fully  
22 informed. This information is to be completed by the school before the form is signed by the parent;
- 23 5. Overnight educational trips and chaperones must be approved by the principal and the director of  
24 schools in advance. These groups must be accompanied by at least one regular staff member and  
25 others from the school who are appropriate for adequate supervision and shall be responsible for  
26 student conduct while away. Whenever possible, a group should be accompanied by at least one  
27 female and one male chaperone if the trip is for a mixed group;

- 1 6. Students shall not be penalized for participating in approved school-sponsored trips and activities.  
2 Teachers shall permit students to make up class assignments missed because of a trip or activity.
- 3 7. All accidents that occur on a school-sponsored trip must be reported by the teacher to the principal  
4 immediately upon returning to school. Serious accidents involving personal injury must be reported  
5 immediately to the principal and/or director of schools. An emergency shall be dealt with promptly  
6 by the teacher or other members of the school staff by taking appropriate action, including sending  
7 the student to the hospital or summoning medical aid or ambulance. In cases where it is necessary to  
8 send the student to the hospital, reasonable effort must be made to notify the parents.
- 9 8. Any school-sponsored trip not meeting the “educationally beneficial” criteria as defined in this  
10 section must have prior approval of the director of schools or his/her designee;
- 11 9. Any school-sponsored trip which is both out-of-state and overnight must have prior approval by the  
12 Board.

### 13 **INDEPENDENTLY PLANNED TRIPS**

14 Trips privately planned by school district employees, acting outside the scope of their employment, are  
15 not authorized by the school district.

16 These trips are not approved by the Board and are not considered a part of the curriculum. Total  
17 responsibility for privately planned trips rests with the chaperone(s) as well as with the  
18 parent(s)/guardian(s) of the students participating in the trip. The following restrictions shall apply:

- 19 1. Board funds or resources shall not be used;  
20 2. School district materials shall not be used;  
21 3. The Board shall not assume any liability;  
22 4. Employees are not authorized to act on behalf of the school district;  
23 5. Recruitment efforts made by an employee shall not occur during the instruction school day; and  
24 6. Absences caused by participation in privately planned trips shall be considered unexcused.

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Cross References:

Advertising and Distribution of Materials in the Schools 1.806  
Special Use of School Vehicles 3.402  
Extracurricular Activities 4.300  
Attendance 6.200

# Marshall County Board of Education

Monitoring: <b>Review: Annually, in November</b>	Descriptor Term: <b>Graduation Requirements/ Activities</b>	Descriptor Code: <b>4.605</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>4.605</b>	Issued: <b>08/12/19</b>

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  
3 on file in the high school.

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

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

10 Before high school graduation, every student shall<sup>1</sup> [1] achieve 26 units of credit, [2] take the required  
11 end-of-course exams<sup>4</sup>, [3] have satisfactory records of attendance and conduct, [4] take the ACT or SAT  
12 prior to graduation<sup>2</sup>, and [5] pass a United States civics test.<sup>3</sup>

## 13 **SPECIAL EDUCATION STUDENTS<sup>4</sup>**

14 Special education students who earn the prescribed twenty-six (26) credit minimum shall be awarded a  
15 regular high school diploma.

### 16 *Special Education Diploma*

17 A special education diploma shall be awarded to students who have not met the requirements for a regular  
18 high school diploma,<sup>5</sup> but have:

- 19 1. Completed four (4) years of high school;
- 20 2. Made satisfactory progress on their IEP; and
- 21 3. Maintained satisfactory records of attendance and conduct.

### 22 *Occupational Diploma*

23 Special education students who do not meet the requirements for a regular high school diploma may be  
24 awarded an occupational diploma if the student has:<sup>1,4</sup>

- 25 1. Completed at least four (4) years of high school;
  - 26 2. Made satisfactory progress on their IEP;
  - 27 3. Maintained satisfactory records of attendance and conduct;
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- 1 4. Completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment
- 2 (SKEMA); and
- 3 5. Has two (2) years of paid or non-paid work experience.

4 The decision to attain an occupational diploma shall be made at the conclusion of the student's 10<sup>th</sup> grade  
5 year or two (2) academic years prior to the expected graduation date.

6 Students who have received a special education diploma or an occupational diploma shall continue to  
7 make progress towards a regular high school diploma until the end of the school year in which they turn  
8 twenty-two (22) years old.

### 9 *Alternate Academic Diploma*

10 Beginning with the 2018-2019 school year, special education students who do not meet the requirements  
11 for a regular high school diploma may be awarded an alternate academic diploma if the student has:<sup>4</sup>

- 12 1. Completed at least four (4) years of high school;
- 13 2. Participated in the high school alternate assessments;
- 14 3. Earned the prescribed 22 credit minimum;
- 15 4. Made satisfactory progress on their IEP;
- 16 5. Maintained satisfactory records of attendance and conduct; and
- 17 6. Completed a transition assessment that measures postsecondary education and training,  
18 employment, independent living, and community involvement.

### 19 **STUDENT LOAD**

20 All fulltime students in grades 9-12 shall be enrolled each semester in subjects that produce a minimum  
21 of five (5) units of credit for graduation per year. Students with hardships and gifted students may appeal  
22 this requirement to the Director of Schools and then to the Board.<sup>6</sup>

### 23 **GRADUATION ACTIVITIES**

24 Students who have met all graduation requirements on the day of graduation may participate in  
25 graduation activities. If extenuating circumstances exist at any school, the matter shall be presented to  
26 the Director prior to graduation activities.

27 Students and parents of graduating seniors must be notified one week prior to the graduation date if the  
28 student has not met all graduation requirements.

29 Students are expected to participate in all graduation activities. Graduation apparel shall be determined  
30 by the administration of each school and shall be the personal expense of each student, except for  
31 students who are eligible to receive free or reduced price lunches.<sup>8</sup> In such cases, the school shall assume  
32 responsibility for payment of the cap and gown. All other graduation expenses shall be the responsibility  
33 of the student.

34 Graduation ceremonies shall be physically accessible to all students, their parents and/or guardians, and  
35 other interested citizens.<sup>9</sup>

1 Students for whom extenuating circumstances make it impossible to participate in graduation activities  
2 should make their intentions known to the school principal at least ten (10) days prior to the date of  
3 graduation. Students who cannot attend graduation because of their involvement in school approved  
4 activities should advise the principal as soon as possible. Students who do not participate in graduation  
5 will receive their diplomas, or certificates, from the principal's office on the first work day following  
6 graduation ceremonies.

7 **Graduation activities organized by district employees shall not be religious in nature.<sup>11</sup> The content of**  
8 **any students' speeches shall not reflect the endorsement, sponsorship, position, or expression of the**  
9 **school, employees, or Board.**

10 The director of schools shall develop procedures to ensure that students are recognized at graduation  
11 ceremonies for the following achievements:<sup>10</sup>

- 12 • Honors;
- 13 • State Honors;
- 14 • State Distinction;
- 15 • District Distinction;
- 16 • Tri-Star Scholar;
- 17 • Students receiving a TN Seal of Biliteracy;
- 18 • Students voluntarily completing at least ten (10) hours of community service each semester the  
19 student is in attendance at a public high school;
- 20 • Students receiving a gold or platinum medal on National Career Readiness Certificate; and
- 21 • Students graduating with a district-developed work ethic distinction.

## 22 **EARLY GRADUATION<sup>7</sup>**

23 High school students shall be permitted to complete an early graduation program. Students intending to  
24 graduate early shall inform the school principal of this intent prior to the beginning of 9<sup>th</sup> grade or as  
25 soon thereafter as the intent is known.

26 In order to graduate early, students shall meet the following requirements:

- 27 1. Earn the required eighteen (18) credits;
- 28 2. Achieve a benchmark score for each required end-of-course exam;
- 29 3. Attain a cumulative GPA of at least 3.2 on a 4.0 scale;
- 30 4. Meet the minimum ACT or SAT benchmark score;
- 31 5. Obtain a qualifying benchmark score on a world language proficiency assessment; and
- 32 6. Complete at least two (2) types of the following courses:
  - 33 a. AP;
  - 34 b. IB;
  - 35 c. Dual enrollment; or
  - 36 d. Dual credit.

37 The Director of Schools shall develop administrative procedures to ensure that the early graduation  
38 program is conducted in accordance with state law.

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## Legal References

1. TCA 49-6-6001; State Board of Education Policy 2.103
2. TCA 49-6-6001(b); State Board of Education Policy 2.103
3. TCA 49-6-408; Public Acts of 2019, Chp. No. 442; State Board of Education Policy 2.103
4. TRR/MS 0520-01-03-.06(1)(a); State Board of Education Policy 2.103
5. TCA 49-6-6005; State Board of Education Policy 2.103
6. TRR/MS 0520-01-03-.06(1)(a)(7)
7. TCA 49-6-8303; State Board of Education Policy 2.103
8. TCA 49-2-114
9. 28 CFR § 36.201-202
10. TRR/MS 0520-01-03-.06(1)(b); State Board of Education Policy 2.103; Public Acts of 2017, Chapter No. 207
11. *Lee v. Weisman*, 505 U.S. 577(1992), 112 S. Ct. 2649, 120 L. Ed. 2d 467 (1992)

## Cross References

- Section 504 & ADA Grievance Procedures* 1.802
- Basic Curriculum Program 4.201
- Alternative Credit Options 4.209
- Class Ranking 4.602
- Student Fees and Fines* 6.709

# Marshall County Board of Education

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term: <b>Compensation Guides</b>	Descriptor Code: <b>5.110</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>5.110</b>	Issued: <b>06/09/14</b>

1 The director of schools shall establish the salary rating of each person employed and shall recommend  
2 such salary rating to the Board for its approval.<sup>1</sup> (9/1/00)

3 Salaries of all employees, including substitute and supplemental pay, shall be paid by the Board. No  
4 payment to any employee for service performed on behalf of the school system shall be made from any  
5 source other than the Board.<sup>2</sup>

6 Work contracts of professional personnel shall include two-hundred (200) days of responsibility, plus  
7 twenty (20) days for each additional month assigned by the Board. Each work contract shall provide:<sup>3</sup>

- 8 1. A minimum of one hundred eighty (180) student attendance days;
- 9 2. A minimum of five (5) days for in-service education;
- 10 3. One (1) day for parent-teacher conferences;<sup>5</sup>
- 11 4. Ten (10) vacation/holiday days plus one (1) day for each additional twenty (20) days worked;
- 12 and
- 13 5. Four (4) days as designated by the Board.

14 The school calendar adopted by the Board each year shall become part of each employee's work  
15 schedule.

16 Salaries and supplements may be paid from revenue derived from sources other than taxes, provided the  
17 revenue is deposited with, and salaries paid through, the Board. This stipulation includes donations or  
18 contributions from individual, civic, or other non-school related sources of funds from individual school  
19 activity funds, such as gate receipts and concessions.<sup>1,4</sup>

## 20 VACATION DAYS

21 Employees will be allowed to carry up to ten (10) unused vacation days ~~into the next year~~ **after July 31**.  
22 Failure to use any days greater than ten (10) days will result in the loss of said days. ~~The maximum~~  
23 ~~number of days that an employee can carry forward will be ten (10) with the exception of those~~  
24 ~~employees who had accumulated days at May 31, 2001. The maximum number of days that can be~~  
25 ~~carried forward for these employees will be the greater of the number of days accumulated at June 30,~~  
26 ~~2007, or ten (10) days.~~

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Legal References:

1. TCA 49-2-203(a)(1); TCA 49-5-408
2. TCA 49-5-402
3. TCA 49-6-3004
4. TCA 49-6-2006; *Tennessee Internal School Financial Management Manual*, Section 5, Title 6

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Cross References:

School Calendar 1.800  
Revenues 2.400  
Payroll Procedures 2.802

# Marshall County Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Student Discrimination/Harassment and Bullying/Intimidation and Cyberbullying</b>	Descriptor Code: <b>6.304</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>6.304</b>	Issued: <b>07/11/16</b>

1 The Marshall County Board of Education has determined that a safe, civil, and supportive environment  
2 in school is necessary for students to learn and achieve high academic standards. In order to maintain  
3 that environment, acts of bullying, cyber-bullying, discrimination, harassment, **intimidation**, hazing or  
4 any other victimization of students, based on any actual or perceived traits or characteristics are  
5 prohibited.<sup>1</sup>

6 This policy shall be disseminated annually to all school staff, students, and **parent(s)/guardian(s)**<sup>2</sup>. This  
7 policy shall cover employees, employees' behaviors, students and students' behaviors while on school  
8 property, at any school-sponsored activity, on school-provided equipment or transportation, or at any  
9 official school bus stop. If the act takes place off school property or outside of a school-sponsored  
10 activity, this policy is in effect if the conduct is directed specifically at a student or students and has the  
11 effect of creating a hostile educational environment or otherwise creating a substantial disruption to the  
12 education environment or learning process.

13 Building administrators are responsible for educating and training their respective staff and students as  
14 to the definition and recognition of violations of this policy.<sup>3</sup>

## 15 **DEFINITIONS**<sup>4</sup>

16 *Bullying/Intimidation/Harassment* – An act that substantially interferes with a student's educational  
17 benefits, opportunities, or performance, and the act has the effect of:

- 18 • Physically harming a student or damaging a student's property;
- 19 • Knowingly placing a student or students in reasonable fear of physical harm to the student or  
20 damage to the student's property;
- 21 • Causing emotional distress to a student or students; or
- 22 • Creating a hostile educational environment.

23 Bullying, intimidation, or harassment may also be unwelcome conduct based on a protected class (race,  
24 nationality, origin, color, gender, age, disability, religion) that is severe, pervasive, or persistent and  
25 creates a hostile environment.

26 *Cyber-bullying* – A form of bullying undertaken through the use of electronic devices. Electronic devices  
27 include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices,  
28 text messaging, emails, social networking sites, instant messaging, videos, web sites or fake profiles.

29 *Hazing* – An intentional or reckless act by a student or group of students that is directed against any other  
30 student(s) that endangers the mental or physical health or safety of the student(s) or that induces or

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1 coerces a student to endanger his/her mental or physical health or safety. Coaches and other employees  
2 of the school district shall not encourage, permit, condone or tolerate hazing activities.<sup>5</sup>

3 “Hazing” does not include customary athletic events or similar contest or competitions and is limited to  
4 those actions taken and situations created in connection with initiation into or affiliation with any  
5 organization.

## 6 COMPLAINTS AND INVESTIGATIONS

7 Alleged victims of the above-referenced offences shall report these incidents immediately to a teacher,  
8 counselor or building administrator.<sup>6</sup> All school employees are required to report alleged violations of  
9 this policy to the principal/designee. All other members of the school community, including students,  
10 parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

11 While reports may be made anonymously, an individual’s need for confidentiality must be balanced with  
12 obligations to cooperate with police investigations or legal proceedings, to provide due process to the  
13 accused, to conduct a thorough investigation or to take necessary actions to resolve a complaint, and the  
14 identity of parties and witnesses may be disclosed in appropriate circumstances to individuals with a  
15 need to know.

16 The principal/designee at each school shall be responsible for investigating and resolving complaints.  
17 Once a complaint is received, the principal/designee shall initiate an investigation within forty-eight (48)  
18 hours of receipt of the report.<sup>4</sup> If a report is not initiated within forty-eight (48) hours, the  
19 principal/designee shall provide the director of schools with appropriate documentation detailing the  
20 reason why the investigation was not initiated within the required timeframe.<sup>7</sup>

21 **The principal/designee shall immediately notify the parent(s)/guardian(s) when a student is involved in**  
22 **an act of discrimination, harassment, intimidation, bullying, or cyber-bullying. The principal/designee**  
23 **shall provide information on district counseling and support services. Students involved in an act of**  
24 **discrimination, harassment, intimidation, bullying, or cyber-bullying shall be referred to the appropriate**  
25 **school counselor by the principal/designee when deemed necessary.<sup>8</sup>**

26 The principal/designee is responsible for determining whether an alleged act constitutes a violation of  
27 this policy, and such act shall be held to violate this policy when it meets one of the following conditions:

- 28
- 29 • It places the student in reasonable fear or harm for the student’s person or property;
  - 30 • It has a substantially detrimental effect on the student’s physical or mental health;
  - 31 • It has the effect of substantially interfering with the student’s academic performance; or
  - 32 • It has the effect of substantially interfering with the student’s ability to participate in or benefit  
from the services, activities, or privileges provided by the school.

33 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and  
34 complete investigation of each alleged incident. All investigations shall be completed and appropriate  
35 intervention taken within twenty (20) calendar days from the receipt of the initial report.<sup>4</sup> If the  
36 investigation is not complete or intervention has not taken place within twenty (20) calendar days, the  
37 principal/designee shall provide the director of schools with appropriate documentation detailing the  
38 reasons why the investigation has not been completed or the appropriate intervention has not taken

1 place.<sup>4</sup> Within the parameters of the federal Family Educational Rights and Privacy Act (FERPA)<sup>9</sup> at 20  
2 U.S.C. §1232g, a written report on the investigation will be delivered to the parents of the complainant,  
3 parents of the accused students and to the Director of Schools.

#### 4 **RESPONSE AND PREVENTION<sup>10</sup>**

5 School administrators shall consider the nature and circumstances of the incident, the age of the violator,  
6 the degree of harm, previous incidences or patterns of behavior, or any other factors, as appropriate to  
7 properly respond to each situation.

8 A substantiated charge against an employee shall result in disciplinary action up to and including  
9 termination. A substantiated charge against a student may result in corrective or disciplinary action up  
10 to and including suspension.

11 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal  
12 Rights Coordinator or the Human Resources Coordinator. Any student disciplined for violation of this  
13 policy may appeal the decision in accordance with disciplinary policies and procedures.

14 **A substantiated charge against a student may result in corrective or disciplinary action up to and**  
15 **including suspension. The student may appeal this decision in accordance with disciplinary policies and**  
16 **procedures.**

#### 17 **REPORTS**

18 When a complaint is filed alleging a violation of this policy where there is physical harm or the threat of  
19 physical harm to a student or a student's property, the principal/designee of each elementary school,  
20 middle school, or high school shall report the findings and any disciplinary actions to the director of  
21 schools and the chair of the board of education.<sup>11</sup>

22 By July 1 of each year, the director of schools/designee shall prepare a report of all of the bullying cases  
23 brought to the attention of the school officials during the prior academic year. The report shall also  
24 indicate how the cases were resolved and/or the reasons they were still pending. This report shall be  
25 presented to the board of education at its regular July meeting, and it shall be submitted to the state  
26 department of education by August 1.<sup>12</sup>

27 The director of schools shall develop forms and procedures to ensure compliance with the requirements  
28 of this policy and TCA §49-6-4503.

#### 29 **RETALIATION AND FALSE ACCUSATIONS**

30 Retaliation against any person who reports or assists in any investigation of an act alleged in this policy  
31 is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation  
32 shall be determined by the administrator after consideration of the nature, severity, and circumstances of  
33 the act.<sup>13</sup>

34 False accusations accusing another person of having committed an act prohibited under this policy are  
35 prohibited. The consequences and appropriate remedial action for a person found to have falsely accused  
36 another may range from positive behavioral intervention up to and including suspension and expulsion.<sup>14</sup>

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Legal References:

1. TCA 49-6-4503(a), (b)(3)
2. TCA 49-6-4506(b)(11)
3. TCA 49-6-4503(b)(12)
4. TCA 49-6-4503(b)(2), (13)
5. TCA 49-2-120
6. TCA 49-6-4503(b)(5)
7. TCA 49-6-4503(b)(6)
8. TCA 49-6-4503(b)(14)
9. 20 USCA § 1232g
10. TCA 49-6-4503(b)(4), (7)-(8)
11. TCA 49-6-4503(d)(3)
12. TCA 49-6-4503(c)(2)(B)
13. TCA 49-6-4503(b)(9)
14. TCA 49-6-4503(b)(10)
15. 20 USCA §§ 1681 to 1686

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Cross References:

- Appeals To and Appearances Before the Board 1.404
- Section 504 and ADA Grievance Procedures 1.802
- Staff-Student Relations 5.610
- Code of Conduct 6.300
- Student Concerns 6.305
- Child Abuse and Neglect 6.409
- Student Suicide Prevention 6.415

# Marshall County Board of Education

Monitoring: <b>Review: Annually, in March</b>	Descriptor Term: <b>Title IX &amp; Sexual Harassment</b>	Descriptor Code: <b>6.3041</b>	Issued Date: <b>10/12/20</b>
		Rescinds:	Issued:

1 *General*

2 In order to maintain a safe, civil, and supportive learning environment, all forms of sexual harassment  
3 and discrimination on the basis of sex are prohibited.<sup>1</sup> This policy shall cover employees, employees'  
4 behaviors, students, and students' behaviors while on school property, at any school-sponsored activity,  
5 on school-provided equipment or transportation, or at any official school bus stop in accordance with  
6 federal law. This policy shall be disseminated annually to all school staff, students, and  
7 parent(s)/guardian(s).<sup>2</sup> The Title IX Coordinator, as well as any personnel chosen to facilitate the  
8 grievance process, shall not have a conflict of interest against any party of the complaint.<sup>3</sup> These  
9 individuals shall receive training as to how to promptly and equitably resolve student and employee  
10 complaints.<sup>3</sup>

11 All employees shall receive training on complying with this policy and federal law.<sup>4</sup>

12 **TITLE IX COORDINATOR<sup>5</sup>**

13 The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of  
14 sexual harassment. He/She shall be kept informed by school-level personnel of all investigations and  
15 shall provide input on an ongoing basis as appropriate.

16 Any individual may contact the Title IX Coordinator at any time using the information below:

17 Julie Thomas, Special Populations Supervisor  
18 700 Jones Circle  
19 Lewisburg, TN 37091  
20 931-359-1581, ext. 12010  
21 julie.thomas@mcstn.net

22 Jennie Carroll, Human Resource Supervisor  
23 700 Jones Circle  
24 Lewisburg, TN 37091  
25 931-359-1581, ext. 12028  
26 jennie.carroll@mcstn.net

27 **DEFINITIONS<sup>4</sup>**

28 "Complainant" is an individual who is alleged to be the victim of conduct that could constitute sexual  
29 harassment.

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1 “Respondent” is an individual who is reported to be the perpetrator of conduct that could constitute  
2 sexual harassment.

3 “Sexual harassment” is conduct on the basis of sex that satisfies one or more of the following:<sup>3</sup>

- 4 1. A school district employee conditioning an aid, benefit, or service of an education program or  
5 activity on an individual’s participation in unwelcome sexual conduct;
- 6 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and  
7 objectively offensive that it effectively denies a person equal access to the education program or  
8 activity; or
- 9 3. Sexual assault,<sup>6</sup> dating violence<sup>7</sup>, domestic violence,<sup>8</sup> or stalking<sup>9</sup> as defined in state and federal  
10 law.

11 Behaviors that constitute sexual harassment may include, but are not limited to:

- 12 1. Sexually suggestive remarks;
- 13 2. Verbal harassment or abuse;
- 14 3. Sexually suggestive pictures;
- 15 4. Sexually suggestive gesturing;
- 16 5. Harassing or sexually suggestive or offensive messages that are written or electronic;
- 17 6. Subtle or direct propositions for sexual favors; and
- 18 7. Touching of a sexual nature.

19 Sexual harassment may be directed against a particular person or persons, or a group, whether of the  
20 opposite sex or the same sex.

21 “Supportive measures” are non-disciplinary, non-punitive, individualized services and shall be offered  
22 to the complainant and the respondent, as appropriate. These measures may include, but are not limited  
23 to, the following:

- 24 1. Counseling;
- 25 2. Course modifications;
- 26 3. Schedule changes; and
- 27 4. Increased monitoring or supervision.

28 The measures offered to the complainant and the respondent shall remain confidential to the extent that  
29 maintaining such confidentiality would not impair the ability of the school district to provide the  
30 supportive measures.

### 31 **GRIEVANCE PROCESS**

32 Upon learning of an instance of alleged sexual harassment, even if no formal complaint is filed, the Title  
33 IX Coordinator shall:

- 34 1. Promptly contact the complainant to discuss the availability of supportive measures;
- 35 2. Consider the complainant’s wishes with respect to supportive measures;
- 36 3. Inform the complainant of the availability of supportive measures; and
- 37 4. Explain the process for filing a formal complaint.<sup>10</sup>

1 While the school district will respect the confidentiality of the complainant and the respondent as much  
2 as possible, some information may need to be disclosed to appropriate individuals. All disclosures shall  
3 be consistent with the school district's legal obligations and the necessity to investigate allegations of  
4 harassment and take disciplinary action.

5 Disciplinary consequences or sanctions shall not be initiated against the respondent until the grievance  
6 process has been completed. Unless there is an immediate threat to the physical health or safety of any  
7 student arising from the allegation of sexual harassment that justifies removal, the respondent's  
8 placement shall not be changed.<sup>11</sup> If the respondent is an employee, he/she may be placed on  
9 administrative leave during the pendency of the grievance process.<sup>12</sup> The Title IX Coordinator shall keep  
10 the Director of Schools informed of any employee respondents so that he/she can make any necessary  
11 reports to the State Board of Education in compliance with state law.<sup>13</sup>

## 12 **Complaints**

13 Any individual who has knowledge of behaviors that may constitute a violation of this policy shall  
14 immediately report such information to the Title IX Coordinator; however, nothing in this policy requires  
15 a complainant to either report or file a formal complaint within a certain timeframe. If the complaint  
16 involves the Title IX Coordinator, the complaint shall be filed with the Director of Schools.

17 If a complaint involves allegations of child abuse, including child abuse on school grounds, appropriate  
18 notification shall be made per the board policy on reporting child abuse.

19 Upon receipt of a formal complaint, the Title IX Coordinator shall promptly:<sup>14</sup>

- 20 1. Provide written notice of the allegations, and the grievance process to all known parties to give  
21 the respondent time to prepare a response before an initial interview;
- 22 2. Inform the parties of the prohibition against making false statement or knowingly submitting  
23 false information;
- 24 3. Inform the parties that they may have an advisor present during any subsequent meetings; and  
25 4. Offer supportive measures in an equitable manner to both parties.

## 26 **Investigations<sup>16</sup>**

27 The Support Services Supervisor and Student Services Supervisor shall serve as the investigators and be  
28 responsible for investigating complaints in an equitable manner that involves an objective evaluation of  
29 all relevant evidence. The burden for obtaining evidence sufficient to reach a determination regarding  
30 responsibility rests on the school district and not the complainant or respondent.

31 Once a complaint is received, the Investigator shall initiate an investigation within forty-eight (48) hours  
32 of receipt of the complaint. If an investigation is not initiated within forty-eight (48) hours, the  
33 investigator shall provide the Title IX Coordinator with appropriate documentation detailing the reasons  
34 why the investigation was not initiated within the required timeframe.

35 All investigations shall be completed within twenty (20) calendar days from the receipt of the initial  
36 complaint. If the investigation is not complete within twenty (20) calendar days, the investigator shall  
37 provide the Title IX Coordinator with appropriate documentation detailing the reasons why the  
38 investigation has not been completed.

1 All investigations shall:

- 2 1. Provide an equal opportunity for the parties to present witnesses and evidence;
- 3 2. Not restrict the ability of either party to discuss the allegations under investigation or gather and  
4 present relevant evidence;
- 5 3. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that  
6 seek disclosure of information protected under a legally recognized privilege unless such  
7 privilege has been waived;<sup>17</sup>
- 8 4. Provide the parties with the same opportunities to have others present during any grievance  
9 proceeding;
- 10 5. Provide to parties whose participation is requested written notice of the date, time, location,  
11 participants, and purpose of all investigative interviews, or other meetings, with sufficient time  
12 for the party to prepare to participate;
- 13 6. Provide both parties an equal opportunity to inspect and review any evidence directly related to  
14 the allegations in the formal complaint; and
- 15 7. Result in the creation of an investigative report that fairly summarizes relevant evidence.
  - 16 1. Prior to the completion of the investigative report, the investigator shall send to each party  
17 the evidence subject to inspection and review. All parties shall have at least ten (10) days to  
18 submit a written response which shall be taken into consideration in creating the final report.

19 Within the parameters of the federal Family Education Rights and Privacy Act,<sup>18</sup> the Title IX Coordinator  
20 shall keep the complainant and the respondent informed of the status of the investigation process. At the  
21 close of the investigation, a written final report on the investigation will be delivered to the  
22 parent(s)/guardian(s) of the complainant, parent(s)/guardian(s) of the respondent, and to the Director of  
23 Schools.

#### 24 **Determination of Responsibility<sup>19</sup>**

25 The respondent is presumed not responsible for the alleged conduct until a determination regarding  
26 responsibility is made at the conclusion of the grievance process.<sup>20</sup> The clear and convincing evidence  
27 standard shall be used in making this determination.<sup>21</sup>

28 The Director of Schools shall act as the decision-maker. He/She shall receive the final report of the  
29 investigation and allow each party the opportunity to submit written questions that he/she wants asked  
30 of any party or witness prior to the determining responsibility.

31 The decision-maker shall make a determination regarding responsibility and provide the written  
32 determination to the parties simultaneously along with information about how to file an appeal.

33 A substantiated charge against a student may result in corrective or disciplinary action up to and including  
34 expulsion. A substantiated charge against an employee shall result in disciplinary action up to and  
35 including termination.

36 After a determination of responsibility is made, the Title IX Coordinator shall work with the complainant  
37 to determine if further supportive measures are necessary. The Title IX Coordinator shall also determine  
38 if further supportive measures are necessary. The Title IX Coordinator shall also determine whether any  
39 other actions are necessary to prevent reoccurrence of the harassment.

## 1 **APPEALS**<sup>22</sup>

2 Either party may appeal from a determination of responsibility based on a procedural irregularity that  
 3 affected the outcome, new evidence that was not reasonably available at the time of the determination  
 4 that could affect the outcome, or an alleged conflict of interest on the part of the Title IX Coordinator or  
 5 any personnel chosen to facilitate the grievance process. Appeals shall be submitted to the Title IX  
 6 Coordinator within ten (10) days of a determination of responsibility.

7 Upon receipt of an appeal, the Title IX Coordinator shall:

- 8 1. Assign an impartial hearing officer within five (5) days of receipt of the appeal; and
- 9 2. Notify the parties in writing.

10 During the appeal process, the parties shall have a reasonable, equal opportunity to submit written  
 11 statements. Within ten (10) calendar days, the hearing officer shall issue a written decision describing  
 12 the result of the appeal and the rationale for the result. The written decision shall be provided  
 13 simultaneously to both parties.

## 14 **RETALIATION**<sup>23</sup>

15 Retaliation against any person who makes a report or complaint or assists, participates, or refuses to  
 16 participate in any investigation of an act alleged in this policy is prohibited.

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### Legal References:

1. 34 CFR § 106.1
2. 34 CFR § 106.8(b),(c)
3. 34 CFR § 106.45(b)(1)(iii); 34 CFR § 106.45(b)(10)(D)
4. 34 CFR § 106.30(a)
5. 34 CFR § 106.8(a)
6. 20 USCA 1092(f)(6)(A)(v); TCA 36-3-601(10); TCA 71-6-302
7. 34 USCA 12291(a)(10)
8. 34 USCA 12291(a)(8); TCA 40-14-109
9. 34 USCA 12291(a)(30); TCA 39-17-3151 TCA 36-3-601(11)
10. 34 CFR § 106.44(a)
11. 34 CFR § 106.44(c)
12. 34 CFR § 106.44(d)
13. TRR/MS 0520-02-03-.09(2); TCA 49-5-417(c)
14. 34 CFR § 106.45(b)(2)
15. 34 CFR § 106.45(b)(3)
16. 34 CFR § 106.45(b)(5); 34 CFR § 106.45(b)(1)(v)
17. 34 CFR § 106.45(b)(1)(x)
18. 20 USCA § 1232g
19. 34 CFR § 106.45(b)(7)
20. 34 CFR § 106.45(b)(1)(iv)
21. 34 CFR § 106.45(b)(1)(vii)
22. 34 CFR § 106.45(b)(8)
23. 34 CFR § 106.71

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### Cross References:

Section 504 and ADA Grievance Procedures 1.802  
 Discrimination/Harassment of Employees (Sexual,  
 Racial, Ethnic, Religious) 5.500  
 Staff-Student Relations 5.610  
 Code of Conduct 6.300  
 Student Discrimination, Harassment, Bullying, Cyber-  
 bullying, and Intimidation 6.304  
 Child Abuse and Neglect 6.409

# Marshall County Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Student Concerns</b>	Descriptor Code: <b>6.305</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>6.305</b>	Issued: <b>02/13/17</b>

1 Decisions made by school personnel, such as aides, teachers, or assistant principals, which students  
2 believe are unfair or in violation of pertinent policies of the Board or individual school rules may be  
3 appealed to the school principal/designee. To appeal, students shall contact the principal’s office in their  
4 school and provide their name, the issue, and the reason for their appeal on a printed form available at  
5 the school office within two (2) days. The appeal shall be decided confidentially and promptly,  
6 preferably within two (2) school days.

7 However, if the principal does not make a decision within two (2) school days, students or  
8 parent(s)/guardian(s) may appeal at that time by contacting the Director of Schools/designee at the  
9 central office. The information provided should include the student’s name, the school, and a description  
10 of the problem.

11 An investigation and decision shall be made within two (2) school days and communicated to the school  
12 principal and student by telephone. A written copy of the decision also shall be sent to the student and  
13 the principal.

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Cross References:

- Appeals To & Appearances Before the Board 1.404
- Instructional Program 4.100
- Student Discrimination, Harassment, Bullying,  
Cyberbullying, and Intimidation 6.304
- Title IX & Sexual Harassment 6.3041

# Marshall County Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Suspension/Expulsion/Remand</b>	Descriptor Code: <b>6.316</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>6.316</b>	Issued: <b>12/09/13</b>

1 **DEFINITIONS:<sup>1</sup>**

2 **Suspension:** dismissed from attendance at school for any reason not more than ten (10) consecutive  
3 days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be  
4 applied to avoid expulsion from school.

5 **Expulsion:** removal from attendance for more than ten (10) consecutive days or more than fifteen  
6 (15) days in a month of school attendance. Multiple suspensions that occur consecutively  
7 shall constitute expulsion.

8 **Remand:** assignment to an alternative school

9 **REASONS FOR SUSPENSION/EXPULSION:**

10 Any principal, principal-teacher or assistant principal (herein called principal) may suspend/expel any  
11 student from attendance at school or any school-related activity on or off campus or from attendance at  
12 a specific class or classes, or from riding a school bus, without suspending such student from attendance  
13 at school (in-school suspension), for good and sufficient reasons including, but not limited to:<sup>2</sup>

- 14 1. Willful and persistent violation of the rules of the school;
  - 15 2. Immoral or disreputable conduct, including vulgar or profane language;
  - 16 3. Violence or threatened violence against the person of any personnel attending or assigned to any  
17 school;
  - 18 4. Willful or malicious damage to real or personal property of the school, or the property of any person  
19 attending or assigned to the school;
  - 20 5. Inciting, advising or counseling of others to engage in any of the acts herein enumerated;
  - 21 6. **Marking, defacing, or destroying school property;**
  - 22 7. Possession of a pistol, gun or firearm on school property;<sup>3</sup>
  - 23 8. Possession of a knife, etc., as defined in TCA 39-17-1309, on school property;
  - 24 9. Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or  
25 threatening language;
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- 1 10. Unlawful use or possession of barbitol or legend drugs, as defined in TCA 53-10-101;<sup>3</sup>
- 2 11. Engaging in behavior which disrupts a class or school-sponsored activity;
- 3 12. Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or  
4 destructive device including chemical weapons on school property or at a school sponsored event;
- 5 13. One (1) or more students initiating a physical attack on an individual student on school property or  
6 at a school activity, including travel to and from school;
- 7 14. Off-campus criminal behavior resulting in felony charges; when behavior poses a danger to persons  
8 or property or disrupts the educational process; or
- 9 15. Any other conduct prejudicial to good order or discipline in any school.

10 **Except in an emergency, a principal shall not suspend any student until that student has been advised of**  
11 **the nature of his/her misconduct, questioned about it, and allowed to give an explanation.**

12 If as a result of an investigation, a principal or his/her designee finds that a student acted in self-defense  
13 under a reasonable belief that the student, or another to whom the student was coming to the defense,  
14 may have been facing the threat of imminent danger of death or serious bodily injury, then the student  
15 may not face any disciplinary action.<sup>1</sup>

#### 16 **IN-SCHOOL SUSPENSION:**<sup>5</sup>

- 17 1. Students given an in-school suspension in excess of one (1) day from classes shall attend either  
18 special classes attended only by students guilty of misconduct or be placed in an isolated area  
19 appropriate for study; and
- 20 2. Personnel responsible for in-school suspension will see that each student is supervised at all times  
21 and has textbooks and classwork assignments from his/her regular teachers. Students given in-school  
22 suspension shall be required to complete academic assignments and shall receive credit for work  
23 completed.

#### 24 **PROCEDURES FOR OUT-OF-SCHOOL SUSPENSION AND EXPULSION:**<sup>6</sup>

- 25 1. Unless the student's continued presence in the school, class or school-related activity presents an  
26 immediate danger to the student or other persons or property, no principal shall suspend/expel any  
27 student until that student has been advised of the nature of his/her misconduct, questioned about it,  
28 and allowed to give an explanation.
- 29 2. Upon suspension/expulsion of any student (in-school suspension in excess of one (1) day), the  
30 principal shall make an immediate attempt to contact the parent or guardian to inform them of the  
31 suspension/expulsion. The student shall not be sent home before the end of the school day unless the  
32 parent or guardian has been contacted.
- 33 3. The principal shall notify the parent or guardian and the director of schools or designee in writing:

- 1 a. Of the suspension/expulsion and the cause for it; and  
 2 b. A request for a meeting with the parent or guardian, student and principal, to be held as soon as  
 3 possible, but no later than five (5) days following the suspension/expulsion.
- 4 4. Immediately following the scheduled meeting, whether or not attended by the parent or guardian or  
 5 student, the principal shall determine the length of the suspension/expulsion and set conditions for  
 6 readmission. If the principal determines the length of the suspension to be between six (6) and the  
 7 maximum of ten (10) days, the principal shall develop and implement a plan for correcting the  
 8 behavior when the student returns to school.
- 9 5. If at the time of the suspension the principal determines that an offense has been committed which,  
 10 in the judgment of the principal would justify a suspension/expulsion for more than ten (10) days,  
 11 he/she may suspend/expel/remand the student unconditionally for a specified period of time or upon  
 12 such terms and conditions as are deemed reasonable.
- 13 6. The principal shall immediately give written or actual notice to the parent or guardian and the student  
 14 of the right to appeal the decision to suspend/expel/remand for more than ten (10) days. All appeals  
 15 must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by  
 16 the parent or guardian, the student or any person holding a teaching license who is employed by the  
 17 school system if requested by the student.
- 18 7. The appeal from this decision shall be to the Board or to a disciplinary hearing authority appointed  
 19 by the Board.
- 20 8. If the suspension/expulsion occurs during the last ten (10) days of any term or semester, the student  
 21 shall be permitted to take such final examinations or submit such required work as necessary to  
 22 complete the course of instruction for that semester, subject to conditions prescribed by the principal.
- 23 9. Students who have been suspended Out of School, placed in In-School Suspension, or placed in  
 24 Alternative School may not participate in any school related extracurricular activities until the end  
 25 of the regular school day on the last day of the suspension.

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 Legal References:

1. TCA 49-6-3007(li)
2. TCA 49-2-203(a)(7); TCA 49-6-3401(a)
3. TCA 49-6-4216; TCA 39-17-1309; TCA 39-17-417
4. TCA 49-6-3401(i)
5. TCA 49-6-3401(b)(l)
6. TCA 49-6-3401(4)-(6); Goss v. Lope: 419 U.S. 565 (Ohio 1975);  
 Individuals with Disabilities Act Amendments of 1997 § 615

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 Cross References:

- Procedural Due Process 6.302
- Interference/Disruption of School Activities 6.306
- Bus Conduct 6.308
- Zero Tolerance Offenses 6.309
- Dress Code 6.310
- Discipline Procedures 6.313
- Disciplinary Hearing Authority 6.317



# Marshall County Board of Education

Monitoring: <b>Review: Annually, in March</b>	Descriptor Term: <b>Alternative Education</b>	Descriptor Code: <b>6.319</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>6.319</b>	Issued: <b>04/09/18</b>

1 *General*

2 The board shall operate an alternative school program for students in grades seven through twelve (7-  
3 12) who have been suspended or expelled from regular school programs.<sup>1</sup>

4 **An alternative school is a short-term intervention program designed to provide educational services  
5 outside the regular school program for students who have been suspended or expelled. The alternative  
6 school is located in a separate facility from the regular school program.**

7 Alternative school programs shall be operated in accordance with state laws and the rules of the State  
8 Board of Education, and instruction shall proceed as nearly as practicable in accordance with the  
9 instructional programs at the student's home school.<sup>2</sup>

10 The director of schools shall develop procedures that provide appropriate educational opportunities for  
11 all students assigned to an alternative education program. These educational opportunities shall utilize  
12 Tennessee's academic standards, incorporate innovative teaching strategies, deliver research-based  
13 instructional techniques, and provide the resources necessary to foster student learning and  
14 achievement.<sup>3</sup>

15 ~~Annually, the director of schools/designee shall submit the following information to the Department of  
16 Education:<sup>3</sup>~~

- 17 ~~1. Alternative school(s) or program(s) currently in operation in the district;~~
- 18 ~~2. Number and grade level of students served in an alternative education program;~~
- 19 ~~3. Primary reason for student assignment to an alternative education program; and~~
- 20 ~~4. Number of faculty and staff serving each alternative education program.~~

21 **ASSIGNMENT<sup>3</sup>**

22 **Students who have been suspended for more than ten (10) days or expelled shall be assigned to the  
23 alternative school or program if there is staff and space available.<sup>4</sup> Availability of staff and space shall  
24 be determined at the time the disciplinary decision is rendered. The Director of Schools/designee shall  
25 make this determination by evaluating factors including, but not limited to, the following:**

- 26 **1. Level of supervision available;**
  - 27 **2. Safety considerations; and**
  - 28 **3. Type of infraction.**
- 29
-

1 Students who have committed zero tolerance offenses are not required to be assigned to alternative  
2 schools or programs.<sup>5</sup>

3 Prior to the assignment of the student to an alternative school program, the director of schools/designee  
4 shall provide written notice to the student's parent/guardian stating the reason for the student's  
5 placement.<sup>6</sup>

6 Placement in an alternative education setting shall be reserved for students who significantly disrupt the  
7 educational process. If a student has an active Individualized Education Plan, a 504 plan, or is suspected  
8 of having a disability, all state and federal laws, rules, and regulations related to special education shall  
9 be followed. The director of schools/designee shall develop procedures regarding placement of students  
10 in the program, taking into consideration the impact of exclusionary discipline practices.<sup>7</sup>

11 Attendance in alternative school programs shall be mandatory, and students attending an alternative  
12 school located outside of the school district shall provide their own transportation.

13 The director of schools/designee shall monitor and regularly evaluate the academic progress of each  
14 student enrolled in an alternative education program.

#### 15 **REMOVAL<sup>8</sup>**

16 A student may be removed from the alternative school or program if:

- 17 1. He/She violates the rules of the alternative school or program; or
- 18 2. He/She is not benefitting from the assignment and all interventions have been exhausted  
19 unsuccessfully.

#### 20 **ADDITIONAL OFFENSES<sup>9</sup>**

21 Any new disciplinary offense committed during a student's original suspension or expulsion period shall  
22 be treated as a new and separate offense. These offenses shall not constitute an extension of the original  
23 suspension or expulsion.

#### 24 **TRANSITION PLANS<sup>10</sup>**

25 The director of schools/designee shall develop procedures regarding the implementation of transition  
26 plans for the integration of students ~~entering and exiting the program~~ assigned to the alternative school.

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Legal References:

1. TCA 49-6-3402(a); State Board of Education Policy 2.302
2. TCA 49-6-3402(b); TRR/MS 0520-01-02-.09
3. State Board of Education Policy 2.302
4. Public Acts of 2020, Chapter No. 603
5. Public Acts of 2020, Chapter No. 603; TRR/MS 0520-01-02-.09(6)(a)
6. TRR/MS 0520-01-02-.09(9)(i)
7. TRR/MS 0520-01-02-.09(9)(h)
8. Public Acts of 2020, Chapter No. 603
9. TRR/MS 0520-01-02.09(9)(g)(2)
10. TRRM/MS 0520-01-02-.09(m)

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Cross References:

Special Education 4.202  
Suspension/Expulsion/Remand 6.316  
Student Disciplinary Hearing Authority 6.317  
Special Education Students 6.500

# Marshall County Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Reporting Child Abuse</b>	Descriptor Code: <b>6.409</b>	Issued Date: <b>10/12/20</b>
		Rescinds: <b>6.409</b>	Issued: <b>08/13/18</b>

1 *General*

2 The Director of Schools shall:<sup>1</sup>

- 3 1. Designate one employee as the Child Abuse Coordinator (the Coordinator) and an additional
- 4 employee to serve as the Alternate Child Abuse Coordinator (the Alternate) for each school;
- 5 2. Require that the Coordinator and the Alternate receive appropriate training;
- 6 3. Supply the Coordinator with all necessary resources;
- 7 4. Ensure that all school personnel annually complete the child abuse training program required by
- 8 state law.<sup>2</sup>

9 The Coordinator shall assist any employee with appropriately reporting and responding to instances of  
10 child abuse or child sexual abuse.

11 **REPORTING**

12 All personnel shall be alert for any evidence of child abuse, sexual abuse, or neglect.<sup>3</sup> If personnel know  
13 or have reasonable cause to suspect child abuse, sexual abuse, or neglect, a report shall be filed  
14 immediately with the Coordinator, the Department of Children’s Services (DCS), and law enforcement.<sup>4</sup>

15 The report shall include, to the extent known by the reporter:<sup>5</sup>

- 16 1. The name, address, telephone number, and age of the child;
- 17 2. The name, address, and telephone number of the parents or persons having custody of the child;
- 18 3. The nature and extent of the abuse or neglect; and
- 19 4. Any evidence to the cause or any other information that may relate to the cause or extent of the
- 20 abuse or neglect.

21 The Director of Schools/designee shall develop reporting procedures, including sample indicators of  
22 abuse and neglect, and shall disseminate the procedures to all school personnel.

23 **CONFIDENTIALITY**

24 District employees shall keep all information regarding any child abuse confidential in accordance with  
25 state law.

26

27

## 1 INVESTIGATIONS

2 School administrators and employees have a duty to cooperate, provide assistance and information in  
3 child abuse investigations<sup>6</sup> including permitting DCS teams to conduct interviews while the child is at  
4 school. The principal may control the time, place and circumstances of the interview but may not insist  
5 that a school employee be present even if the suspected abuser is a school employee or another student.  
6 The principal is not in violation of any laws by failing to inform parent(s)/guardian(s) that the child is to  
7 be interviewed even if the suspected abuser is not a member of the child's household.<sup>7</sup>

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### Legal References:

1. H.B. 2461, 111<sup>th</sup> Tenn. Gen. Assembly (2020)
2. TCA 37-1-408
3. TCA 37-1-403(a)(1); TCA 37-1-412; TCA 37-1-602;  
TCA 37-1-605(a)(4)
4. TCA 37-1-403(a)(2); H.B. 2461, 111<sup>th</sup> Tenn. Gen.  
Assembly (2020)
5. TCA 37-1-403(b)
6. TCA 37-1-611(b)
7. Tenn. Op. Atty. Gen. No. 87-101 (June 9, 1987)

### Cross References

Recommendations and File Transfers 5.203  
Staff-Student Relations 5.610  
Interrogations and Searches 6.303  
Student Discrimination, Harassment, Bullying,  
Cyber-bullying, and Intimidation 6.304  
Title IX & Sexual Harassment 6.3041