

Policy Committee Meeting
January 11, 2021 5:30 PM
MCBOE

1. **Call to Order**

2. **1.901 Charter School Application**

Recent legislation that changes the charter school process went into effect on January 1. Amended charter applications shall be submitted to the TN Charter School Commission. TSBA has updated this model policy to align with this change.

3. **4.209 Alternative Credit Options (new policy)**

Boards are required to have a policy on how students can appeal a denial of course access enrollments. TSBA's model policy covers this requirement.

4. **4.400 Instructional Resources and Materials (delete)**

The contents of this policy is being combined with 4.401 Textbook Selection, Distribution and Care; therefore, policy 4.400 Instructional Resources and Materials is being deleted from our policy book.

5. **4.401 Textbook Selection, Distribution and Care**

A new State Board of Education regulation creates a process for Boards to apply for waivers regarding textbooks and instructional materials. To take advantage of this, a Board must vote to seek a waiver to use materials that are not included on the list approved by the State Textbook Commission. TSBA updated their model policy to include a provision on these waivers.

6. **4.406 Use of the Internet (for review only)**

This policy is included for review only; no changes have been made. Erate requires this policy to be reviewed annually.

7. **5.202 Separation Practices for Non-Certified Employees**

As this policy currently stands, lines 3 and 4 could be interpreted as creating due process rights for non-certified employees that is not supported by state law. TSBA recommends removing these lines for consistency and for implementation purposes.

8. **5.302 Sick Leave**

Page 1, line 21, and page 2, line 14, states that sick leave for maternity purposes may be taken during the period of physical disability only. However, this is no longer the case due to a change in state law - teachers can use sick leave for maternity leave purposes if pregnancy is verified by a physician and are no longer limited to taking this leave only during the period of physical disability.

The language is removed from this policy. Information regarding maternity leave can be found in board policy 5.305 Personal and Professional Leave.

9. **5.303 Personal and Professional Leave**

State law maintains a list of when approval of the principal is required to take personal leave. Items (d) and (e) have been added to align with what is required per state law.

10. **5.3051 FFCRA LEAVE (delete)**

FFCRA Leave is no longer valid.

11. **5.3051 COVID Leave (new)**

This policy will replace the FFCRA Leave policy. This policy will allow us to continue paying employees who are absent due to isolation/quarantine, while reducing the number of qualifying reasons for leave. This policy will remain in effect through March 31, 2021.

12. **6.200 Attendance**

While absences due to school-sponsored events are now being counted as present, students who are absent due to school-endorsed events are counted as excused. This has been added on page 2.

13. **6.303 Interrogations and Searches**

Language has been added on page 2 that closer aligns the policy with state and federal law regarding searches.

14. **6.402 Physical Examinations and Immunizations**

State law allows for religious and medical exceptions from immunization requirements. This policy has been updated to align with TSBA's model policy.

15. **6.403 Student Communicable Diseases**

In order to return to classes, students must be free of lice; however, they don't necessarily have to be free of nits. CDC guidelines, as well as state department of health guidelines, recommend against maintaining a nit-free policy.

16. **6.405 Medicines**

This is a "clean up". We've added a legal reference indicator on page 4 and added/changed some legal references on page 5...per TSBA.

17. **6.500 Special Education Students**

TSBA has updated this policy provision on restraint and isolation with additional information that aligns with state law.

18. **Adjourn**

The meeting adjourned at X p.m.

Chairperson

Superintendent

Marshall County Board of Education

Monitoring: Review: Annually, in August	Descriptor Term: Charter School Applications	Descriptor Code: 1.901	Issued Date: 01/11/21
		Rescinds: 1.901	Issued: 08/12/19

1 *General*

2 This policy shall apply to sponsors and potential sponsors of newly created public charter schools. It
3 shall not apply to charter schools converting from existing public schools. Proposals from existing
4 charter school operators or replicators and applicants proposing to contract with educational service
5 providers shall ~~include the information required by~~ **be in accordance with** state law.¹

6 **APPLICATION PROCESS²**

7 A prospective charter school sponsor shall send the director notice of its intent sixty (60) days prior to
8 February 1 of the year preceding the year in which the proposed charter school plans to begin operation
9 as a public charter school.

10 A sponsor seeking board approval of an initial charter school application must complete the forms
11 provided by the Tennessee Department of Education. The application must provide all the information
12 required by law. The sponsor must demonstrate that the proposed charter school meets the purpose
13 prescribed by law for the formation of a charter school and the proposed charter school will be able to
14 implement a viable program of quality education for its students.³

15 Applications must be submitted to the board **and Department of Education** on or before 4:30 p.m. on
16 February 1 of the year preceding the year in which the proposed charter school plans to begin operation
17 as a public charter school. If the 1st of February falls on a Saturday, Sunday or holiday on which the
18 school district offices are closed, applications will be accepted on the next business day on or before
19 4:30 p.m. Late applications will not be accepted, without exception. The sponsor shall pay an application
20 fee of \$2,500.00.²

21 **REVIEW TEAM¹**

22 If necessary, the board shall appoint a review team to assist in reviewing and evaluating charter school
23 applications. The team shall be composed of members of the administrative staff for the district,
24 community members, and a member of the board with relevant educational, organizational, financial,
25 and legal experience. At the board meeting in December each year, the Director of Schools shall make
26 a recommendation to the board of which members of his/her administrative staff should be appointed to
27 the team. The board shall name the members of the team at its meeting in January of each year. The
28 board shall designate a chair of the review team as the contact person for answering questions about the
29 application process and receiving applications. The Director of Schools shall develop an orientation for
30 the team to ensure consistent evaluation standards and the elimination of real or perceived conflicts of
31 interest.

1 The board shall require a procedure of receiving, reviewing and ruling on applications for the
2 establishment of charter schools by the review team. The procedure shall include a timeline for the
3 application and review process. A copy of the procedure, including the review criteria, shall be available
4 to any interested party upon request.

5 The review team shall:

- 6 1. Evaluate all charter school applications based on the review criteria adopted by the board;
- 7 2. Recommend one of the following options to the board for each application: approve, reject, or
8 reject with stipulations for reconsideration; and
- 9 3. Make recommendations for revocation, renewal or non-renewal of charter contracts.

10

11 **APPROVAL, DENIAL OF APPLICATION⁴**

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13 The Board shall rule by resolution on the approval or denial of a charter application within ninety (90)
14 days of receipt of the completed application or the application shall be deemed approved by law. The
15 Director of Schools shall report the action taken by the Board to the Department of Education.

16

17 **Approval**

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19 The Sponsor of a public charter school that is approved by the Board shall enter into a written agreement
20 with the Board, which shall be binding on the charter school's governing body. This charter school
21 agreement shall be in writing signed by the Sponsor and the Board.

22

23 The Board will receive an annual authorizer fee of three percent (3%) of the annual per student state and
24 local allocations or thirty-five thousand dollars (\$35,000), whichever is less.⁵

25

26 Charter schools approved by the Board of Education are expected to implement the application as
27 submitted and approved. Material variations in operations from the approved application require
28 amendment pursuant to statute and the charter school agreement.⁶

29

30 The Board should not be expected to provide services to charter schools that are not requested during
31 the application process except for those services that are required under state or federal laws. Services
32 agreed to be provided to the charter school by the Board shall be provided at board actual cost. The
33 Board and charter school shall execute a service contract for any additional services.

34

35 New charter school agreements are approved for a ten (10) year period.⁷ The Board may revoke or deny
36 renewal of a charter school agreement for any of the reasons enumerated in state law.⁸

37

38 **Denial**

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40 Upon receipt of the grounds for denial, the sponsor shall have thirty (30) days within which to submit an
41 amended application to correct the deficiencies. The Board shall have sixty (60) days either to deny or
42 to approve the amended application or the application shall be deemed approved by **state** law.⁴

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A denial of an application by the board may be appealed by the sponsor within ten (10) days of the final decision to deny to the ~~State Board of Education~~ **Tennessee Charter School Commission.**⁹

Legal References

1. TCA 49-13-106; State Board of Education Policy 6.111
2. TCA 49-13-107; TCA 1-3-102; TCA 49-13-108; TRR/MS 0520-14-01
3. TCA 49-13-110
4. TCA 49-13-108; TRR/MS 0520-14-01
5. TCA 49-13-128
6. TRR/MS 0520-14-01-06; TCA 49-13-110
7. TCA 49-13-110
8. TCA 49-13-122
9. TCA 49-13-108(b)(5)

Marshall County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Alternative Credit Options	Descriptor Code: 4.209	Issued Date: 01/11/21
		Rescinds:	Issued:

1 **ONLINE COURSES**

2 High school students may earn credit to be applied toward graduation requirements by completing online
3 courses offered through agencies or institutions approved by the Board. Credit from these online courses
4 may be earned only in the following circumstances:

- 5 1. The course is not offered at the high school, or although the course is offered at the high school,
6 the student has an unavoidable scheduling conflict;
- 7 2. The course will serve as a supplement to homebound instruction;
- 8 3. The student has been expelled from a regular school setting, but educational services are to be
9 continued; or
- 10 4. The principal, with agreement from the student’s teachers and parent(s)/guardian(s), determines
11 the student requires a differentiated or accelerated learning environment.

12 The express approval of the principal/designee shall be obtained before a student enrolls in an online
13 course. The school shall receive an official record of the final grade before credit toward graduation will
14 be recognized.

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

17 **COURSE ACCESS PROGRAM**

18 Students in grades seven through twelve (7-12) may participate in the statewide course access program.
19 To become eligible to participate, students shall:

- 20 1. Meet all prerequisite requirements for the course access course; and
- 21 2. Be unable to enroll in a comparable course at the student’s school because:
 - 22 a. A comparable course is not offered; or
 - 23 b. A legitimate situation exists that prevents the student from enrolling in a comparable
24 course.¹

25 The Director of Schools shall develop administrative procedures to ensure that students and
26 parent(s)/guardian(s) are given written notice of their right to appeal any denial of a course access course
27 enrollment in a timely manner.² All appeals shall be submitted in writing to the Board within five (5)
28 days of a denial.

29 After a timely appeal is made, the Board will provide written notification to the student and
30 parent(s)/guardian(s) of the time, place, and date of the hearing. The hearing shall be held no later than

1 ten (10) days after the appeal is submitted. At the hearing, the Board shall determine whether there was
2 an error in denying the student the ability to participate in the course access program.³

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Legal References:

1. TRR/MS 0520-01-14-.03(1)
2. TRR/MS 0520-01-14-.03(7)
3. TRR/MS 0520-01-14-.03(6)

Cross References:

Homebound Instruction 4.206
Grading System 4.600
Graduation Requirements 4.605

Marshall County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Instructional Resources and Materials	Descriptor Code: 4.400	Issued Date: 04/08/19
		Rescinds: 4.400	Issued: 11/10/14

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

4 The Board seeks to provide a wide range of instructional materials that cover all levels of difficulty,
5 generate critical thinking, and support the educational programs.

6 Upon request, parents/guardians shall have the ability to inspect the following items: instructional
7 materials, teaching materials, teaching aids, handouts, and tests that are developed by and graded by their
8 child’s teacher. The director of schools shall develop procedures for inspection of materials and
9 distribute these procedures to each principal.

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Legal References:

1. 20 USCA § 1232h(a); TCA 49-6-7003

Marshall County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Textbook Selection, Distribution and Care	Descriptor Code: 4.401	Issued Date: 01/11/21
		Rescinds: 4.401	Issued: 04/08/19

1 *General*

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

5 **SELECTION**¹

6 The selection of textbooks **and instructional materials** shall be completed according to the laws and
7 policies required by the State of Tennessee and the State Textbook Commission. The responsibility for
8 textbook **and instructional materials** selection rests with the local textbook selection committees subject
9 to approval by the Board. **Use of textbooks and instructional materials not on the list approved by the**
10 **State Textbook Commission is permissible if the Board submits a waiver to the State Board of Education**
11 **and such waiver is approved.** The director of schools shall establish a procedure for providing the citizens
12 of the community an opportunity to examine proposed textbooks prior to their final adoption,² including
13 public notice of time and location at which textbooks may be examined. Once the proposed textbooks
14 have been approved by the Board, the director of schools shall post the list of all approved textbooks and
15 instructional materials on the school system's website and send a copy of the list to the commissioner of
16 education.²

17 **DISTRIBUTION**

18 The supervisor of instruction shall be designated by the Board to be responsible for the purchase and
19 distribution of textbooks in each school. The principal shall be responsible for seeing that each student
20 receives the required textbooks at no cost to the student.

21 **CARE OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS**⁴

22 Textbooks **and instructional materials** are property of the Board and shall be returned at the end of the
23 school year, upon completion of the course or upon withdrawal from a course or school.
24 Parents/**Guardians** are to sign an agreement stating they will be responsible for the textbooks **and**
25 **instructional materials** received and used by their children.

26 The following reimbursement schedule shall be used as a guide for collecting fines for lost or destroyed
27 books:

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	Age of Book	Amount Collected
1		
2	0 – 2 years	100% of replacement cost
3	3 – 4 years	75% of replacement cost
4	5 or more years	50% of replacement cost

5 The Board shall approve and periodically review a schedule of fines for damaged books. In cases where
6 the book is damaged to the extent it is no longer useable, the amount collected shall conform to the
7 reimbursement schedule for lost books. A fine may only be assessed in cases where the pupil or parent
8 damages, loses or defaces the textbook either through willful intent or neglect.⁴

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

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

- 14 1. Refusal to issue any additional textbooks until restitution is made; and
- 15 2. Withholding of all grade cards, diplomas, certificates of progress, or transcripts until restitution
16 is made.

17 The principal may waive the assessment of fines when in his/her judgment the student is the victim of
18 uncontrollable circumstances and not responsible for the damages.⁴

19 **INSPECTION REVIEW OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS³**

20 ~~A list of textbooks used by the schools shall be posted on the district webpage and revised annually.~~
21 ~~Textbooks shall be available for inspection by parents/guardians upon request, and the director of schools~~
22 ~~shall develop procedures for the inspection of materials and distribute these procedures to each~~
23 ~~principal.⁵~~

24 **Upon request, parent(s)/guardian(s) shall have the ability to inspect any textbooks and instructional**
25 **materials including, but not limited to, teaching materials, handouts, and tests that are developed by and**
26 **graded by their child’s teacher.**

Legal References:

1. TCA 49-6-2207; TCA 49-2-203(a)(3)
2. TCA 49-6-2207(c),(e),(f); TCA 49-6-2202(d);
TRR/MS 0520-01-18-.02
3. 20 USCA § 1232(h)(a); TCA 49-6-7003
4. TCA 49-3-310(1)(B); TRR/MS 0520-01-02-16(2)

Cross References:

- Surplus Property Sales 2.403
Reconsideration of Instructional Materials and
Textbooks 4.403
Controversial Materials 4.801
Student Fees and Fines 6.709

Marshall County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Use of the Internet	Descriptor Code: 4.406	Issued Date: 01/11/21
		Rescinds: 4.406	Issued: 01/13/20

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

4 **Employees**

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

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

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

26 **Students**

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

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

14 **INTERNET SAFETY MEASURES³**

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

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

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

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

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

32 A written parental consent shall be required prior to the student being granted access to electronic media
33 involving district technological resources. The required permission/agreement form, which shall specify
34 acceptable uses, rules of on-line behavior, access privileges and penalties for policy/procedural
35 violations, must be signed by the parent/legal guardian of minor students (those under 18 years of age)
36 and also by the student. This document shall be executed once every three (3) years and shall be valid
37 only in the school years in which it represents unless parent(s) provide written notice that consent is

1 withdrawn. In order to rescind the agreement, the student's parent/guardian (or the student who is at least
2 18 years old) must provide the director of schools with a written request.

3 **E-MAIL**

4 Users with network access shall not utilize district resources to establish electronic mail accounts through
5 third-party providers or any other nonstandard electronic mail system. All data including e-mail
6 communications stored or transmitted on school system computers shall be monitored.
7 Employees/students have no expectation of privacy with regard to such data. E-mail correspondence
8 may be a public record under the public records law and may be subject to public inspection.²

9 **INTERNET SAFETY INSTRUCTION⁴**

10 Students will be given appropriate instruction in internet safety as a part of any instruction utilizing
11 computer resources. Parents and students will be provided with material to raise awareness of the dangers
12 posed by the internet and ways in which the internet may be used safely.

13 **SOCIAL NETWORKING**

- 14 1. District staff who have a presence on social networking websites are prohibited from posting
15 data, documents, photographs, or inappropriate information that is likely to create a material and
16 substantial disruption of classroom activity.
- 17 2. The board discourages district staff from socializing with students on social networking websites.
18 The same relationship, exchange, interaction, information, or behavior that would be
19 unacceptable in a non-technological medium is unacceptable when done through the use of
20 technology.

21 **VIOLATIONS**

22 Violations of this policy or a procedure promulgated under its authority shall be handled in accordance
23 with the existing disciplinary procedures of this District.

24

Legal References:

1. TCA 39-14-602
2. TCA 10-7-512
3. Children's Internet Protection Act (Public Law 106-554)
4. TCA 49-1-221

Cross References:

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

Marshall County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Separation Practices for Non-Certified Employees	Descriptor Code: 5.202	Issued Date: 01/11/21
		Rescinds: 5.202	Issued: 12/08/11

1 **SUSPENSION**

2 A director of schools/designee may suspend an employee at any time when deemed necessary.¹ ~~Before~~
3 ~~an employee is suspended s/he shall be: (1) provided with reasons for the suspension; (2) given an~~
4 ~~opportunity to respond; and (3) given a written decision of the suspension.~~

5 Under no circumstances shall a director of schools suspend an employee with pay. If reinstated, the
6 employee shall be paid full salary for the period of suspension, unless suspension without pay is deemed
7 to be an appropriate penalty.

8 **DISMISSAL**

9 All non-certified (classified) employees are employed at the will of the director. The director of schools
10 may dismiss any non-certified employee during the contract year for any reason.

11 **RESIGNATION**

12 Support personnel shall give the immediate supervisor written notice of resignation at least two (2) weeks
13 (ten (10) working days) in advance of the effective date of voluntary termination. The ten (10) working
14 days may be waived by the director of schools for justifiable reason.

15 The immediate supervisor shall forward copies the day received to the director of schools' office. The
16 payroll office will prepare final payment for the next appropriate scheduled pay day.

17 **RETIREMENT**

18 Retirement shall mean a termination of services under conditions which will allow the employee to draw
19 benefits from retirement plans and/or social security benefits.

20 Employees eligible for retirement benefits may elect to retire at any age according to the provision of
21 the retirement system.

22 Central office personnel shall assist employees in securing retirement benefits; however, it shall be the
23 responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to the
24 central office. It shall be the responsibility of the retiring employee to file for benefits.

25 Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year
26 without loss of retirement benefits.

1

Legal Reference:

1. TCA 49-2-301(b)(1)(EE)(FF)

Marshall County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Sick Leave	Descriptor Code: 5.302	Issued Date: 01/11/21
		Rescinds: 5.302	Issued: 08/08/16

1 PROFESSIONAL PERSONNEL

2 The time allowed for sick leave for professional personnel shall be one (1) day for each month employed
3 during the school year and shall accumulate for an unlimited number of days.¹

4 Sick leave shall be defined as: illness of a teacher from natural causes or accident, quarantine, or illness
5 or death of a member of the immediate family of a teacher, including the teacher's spouse, parents,
6 grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-law,
7 son-in-law, brother-in-law, and sister-in-law.²

8 A signed statement listing the cause of absence shall be provided by the employee on forms furnished
9 by the director of schools and shall promptly be given to the immediate supervisor in support of all
10 claims for sick leave pay. A falsified statement shall be grounds for dismissal.

11 A certificate from the physician on forms furnished by the Board may be required in support of any
12 claim for sick leave pay.¹

13 The principal shall notify the director of schools' office at once if an employee is sick beyond the limit
14 of his/her sick leave accumulation. The substitute teacher, beyond this point, must have a certificate or
15 permit and must be paid according to the state salary scale.

16 Permanent, cumulative sick leave records for each active professional employee shall be kept in the
17 director of schools' office.

18 A teacher, upon employment, may transfer his/her accumulated sick leave from another Tennessee
19 school system, provided that the director of schools of the system in which the accumulated leave was
20 held provides notarized verification.¹

21 ~~Sick leave for maternity purposes may be taken during the period of physical disability only. A teacher
22 may use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive
23 parents are teachers, only one parent may request leave. Written verification from the adoption agency
24 or other entity handling the adoption shall be required before the leave is granted.¹~~

25 SUPPORT PERSONNEL

26 The time allowed for sick leave shall be one (1) day for each month employed during the school year
27 and shall accumulate for an unlimited number of days.

1 Sick leave shall be defined as: illness of an employee from natural causes or accident, quarantine, or
2 illness or death of a member of the employee's immediate family, including the employee's spouse,
3 parent, grandparent, child, grandchild, brother, sister, mother-in-law, father-in-law, daughter-in-law,
4 son-in-law, brother-in-law and sister-in-law.

5 A signed statement listing the cause of absence shall be provided by the employee on forms furnished
6 by the director of schools and shall promptly be given to the immediate supervisor in support of all
7 claims for sick leave pay. A falsified statement shall be grounds for dismissal.

8 A certificate from the physician on forms furnished by the Board may be required in support of any
9 claim for sick leave.

10 The principal shall notify the director of schools' office at once if an employee is sick beyond the limit
11 of his/her sick leave pay.

12 Permanent cumulative sick leave records for each active employee shall be kept in the director of
13 schools' office.

14 ~~Sick leave for maternity purposes may be taken during the period of physical disability only.~~
15 ~~Documentation from a physician may be required.~~

16 Accrued sick leave shall not be compensated due to resignation, retirement or termination.

17 **SICK LEAVE BANK**

18 The purpose of the sick leave bank is to provide sick leave to all employees who have suffered an
19 unplanned personal illness, injury, disability, or quarantine and whose personal sick leave is exhausted.

20 To form a sick leave bank, a minimum of twenty (20) employees from the school system shall petition
21 the Board for permission to establish a sick leave bank. Upon approval, sick leave bank trustees shall be
22 appointed and shall operate as the governing body of the sick leave bank and shall enact rules and
23 regulations consistent with state law⁵. Employees wishing to participate shall initially give a maximum
24 of three (3) days of sick leave. These days are to be deducted from the employee's personal accumulation
25 and donated to the sick leave bank. Donations of sick leave to the bank are nonrefundable and
26 nontransferable.³

27 At any time the number of days in the sick leave bank is less than twenty (20), or one (1) per employee
28 if there are more than twenty (20) members, or at any time deemed advisable, the trustees shall assess
29 each member one (1) or more days of accumulated sick leave. If an employee has no accumulated sick
30 leave at the time of assessment, the first earned days shall be donated as they are accrued by the
31 employee.³

32 An employee who is a member of the sick leave bank may request an allotment of days (for the
33 employee's personal illness only) in the manner designated by the trustees. The need for these days must
34 be verified by a statement from a doctor.

35 By written notice to the trustees, an employee may withdraw from bank participation on June 30 of any
36 year.⁴ Membership withdrawal results in forfeiture of all days contributed.

1 The sick leave bank shall be operated in accordance with state law.

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Legal References

1. TCA 49-5-710
2. TRR/MS 0520-1-2-.04(2)
3. TCA 49-5-807
4. TCA 49-5-806
5. TCA 49-5-804; TCA 49-5-805

Cross References

- Family and Medical Leave 5.305
Physical Assault Leave 5.307

Marshall County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Personal and Professional Leave	Descriptor Code: 5.303	Issued Date: 01/11/21
		Rescinds: 5.303	Issued: 12/14/99

1 Personal and professional leave shall be granted in accordance with laws of the State of Tennessee and
2 rules and regulations of the State Board of Education.

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

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

9 Subject to the following conditions, personal leave may be taken at the discretion of the employee:

- 10 1. Except in emergency, each employee shall give the principal at least one day's notice in writing
11 of intent to take leave;
- 12 2. The approval of the principal of the school shall be required:
 - 13 a. If more than ten percent (10%) of the teachers in any given school request its use on the same
14 day;
 - 15 b. If requested during any prior established student examination period;
 - 16 c. If requested on the day immediately preceding or following a holiday or vacation period.¹
 - 17 d. **If personal leave is requested for days scheduled for professional development or in-service**
18 **training, according to a school calendar adopted by the Board prior to the commencement of**
19 **the school year; or**
 - 20 e. **If personal leave is requested for days scheduled for parent-teacher conferences, according**
21 **to a school calendar adopted by the Board prior to the commencement of the school year.**

22 Professional leave is a short, temporary absence for the purpose of attending workshops and other
23 meetings relating to school business or serving on boards and commissions which meet during daytime
24 hours when appointed by a major, city council, county executive or county commission.² A teacher shall
25 not be granted over ten (10) days' professional leave per year without approval from the Board of
26 Education.

27 Requests shall be submitted to the principal at least five (5) days prior to requested leave of absence.

- 1 In addition, certificated employees shall be granted leave to serve on any board or commission of the
- 2 state when the appointment is made by the Governor or General Assembly. Such leave shall not be
- 3 counted against any other accumulated leave credits. The employee shall notify the principal at least five
- 4 (5) days prior to leave being taken.²

Legal References:

1. TCA 49-5-711; TRR/MS 0520-1-2-.04(3)
2. TCA 49-5-205

DELETE

Marshall County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: <p style="text-align: center;">FFCRA LEAVE</p>	Descriptor Code: <p style="text-align: center;">5.3051</p>	Issued Date: <p style="text-align: center;">12/14/20</p>
		Rescinds:	Issued: <p style="text-align: center;">11/09/20</p>

1 *General¹*

2 Under the Families First Coronavirus Response Act (FFCRA), this policy will be in effect from April 1,
3 2020, until June 30, 2021.

4 The Director of Schools/designee shall post notice of FFCRA requirements and create any necessary
5 administrative procedures. Employees should seek clarification from Human Resources if they have
6 questions regarding the total amount of leave and pay available to them.

PAID SICK LEAVE

Employees, including school nurses, are entitled to up to two (2) weeks of paid sick leave if they are unable to work or telework because the employee:²

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to or advised to quarantine or isolate due to COVID-19. The individual must be someone with a personal relationship to the employee;
5. is caring for his/her son or daughter whose school or place of care is closed, or person who regularly provides child care is unavailable, for reasons related to COVID-19 and no other suitable person is available to care for the child during the requested period of leave. Son or daughter is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability; or
6. is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

This paid leave may be taken if there is work available for the employee to complete and the employee is unable to work or telework for one of the above reasons. Such leave is in addition to any paid leave that an employee may already be entitled to (e.g. existing sick leave). Employees are not required to exhaust any other paid leave benefit in order to utilize this new category of paid sick leave.

EXPANDED FMLA LEAVE

Full-time or part-time employees who have been on the payroll for thirty (30) calendar days prior to the beginning of the leave are eligible for expanded FMLA leave (EFMLEA). This includes employees who were laid off or terminated after March 1, 2020, who had worked for the district for at least thirty (30)

of the prior sixty (60) calendar days and were subsequently rehired or otherwise employed by the district.³

Under the FFCRA, an employee qualifies for EFMLEA leave if the employee is unable to work or telework due to the need to care for his/her son or daughter because of a school or child care facility closure or because the person who regularly provides child care (i.e. this could include a family member or neighbor) is unavailable for reasons related to COVID-19.⁴ In these circumstances, a son or daughter is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability.

Qualifying employees may take twelve (12) weeks of EFMLEA leave.⁵ The amount of leave available may be impacted by any prior use of FMLA.⁶

The first ten (10) days of EFMLEA leave shall be unpaid; however, an employee may choose to take any existing leave benefit during this time. After ten (10) days, EFMLEA leave is paid at two-thirds (2/3) the rate of the employee's regular rate of pay, unless he/she chooses to utilize accrued sick leave or annual leave to cover those days or the amount is capped per federal law.⁷

Legal References:

1. Families First Coronavirus Response Act, Pub. L. No. 116-127, §§ 3102, 5101, et seq, (2020)
2. 29 CFR § 826.20(a); 29 CFR § 826.21; 29 CFR § 826.30(a)
3. 29 CFR § 826.30(b); Coronavirus Aid, Relief, and Economic Security Act (CARES Act), § 3605 (2020)
4. 29 CFR § 826.20(b)
5. 29 CFR § 826.23
6. 29 CFR § 826.23(b); 29 CFR § 826.70
7. 29 CFR § 826.24

Cross References:

Sick Leave 5.302
Family and Medical Leave 5.305

Marshall County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: COVID Leave	Descriptor Code: 5.3051	Issued Date: 01/11/21
		Rescinds:	Issued:

1 The Marshall County School System COVID Leave will be in effect through March 31, 2021.

2 This policy will apply to the following:

- 3 1. I am subject to a Federal, State or local quarantine or isolation order related to COVID-19;
- 4 2. I have been advised by a health care provider to self-quarantine related to COVID-19; or
- 5 3. I am experiencing COVID-19 symptoms and I am seeking a medical diagnosis.

Any employee requesting additional time beyond what's allowed during isolation/quarantine must use personal/sick/vacation days.

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Attendance	Descriptor Code: 6.200	Issued Date: 01/11/21
		Rescinds: 6.200	Issued: 01/13/20

1 Attendance is a key factor in student achievement and therefore, students are expected to be present each
2 day school is in session.

3 The attendance supervisor shall oversee the entire attendance program which shall include:¹

- 4 1. All accounting and reporting procedures and their dissemination;
- 5 2. Alternative program options for students who severely fail to meet minimum attendance
6 requirements;
- 7 3. Ensuring that all school-age children attend school;
- 8 4. Providing documentation of enrollment status upon request for students applying for new or
9 reinstatement of driver's permit or license; and
- 10 5. Notifying the Department of Safety whenever a student with a driver's permit or license
11 withdraws from school.²

12 Student attendance records shall be given the same level of confidentiality as other student records. Only
13 authorized school officials with legitimate educational purposes may have access to student information
14 without the consent of the student or parent(s)/guardian(s).³

15 ABSENCES

16 Absences shall be classified as either excused or unexcused as determined by the principal or assistant
17 principal. Professional documentation shall be required.

18 Excused absences shall include:⁴

19 **I. Medical Excuses:** Students must provide valid documentation for absences which details accurate
20 dates of illness (this includes doctors, dentists, and/or health care agencies). Upon returning to school,
21 a student has three (3) school days in which to submit a note. After three (3) days, the absence(s) will
22 become permanently unexcused.

23
24 **II. Personal Days:** Beginning with the 2020-2021 school year, students will be allowed three (3)
25 excused personal days per semester. These days will cover the following types of absences; however,
26 proper documentation must be presented to the office in order for the absence to be excused:

- 27 1. Personal illnesses, serious family illness or family emergency – (a note from the student's
28 parent/guardian or legal custodian will be required for the student's returning to school). The
29 note should include the reason(s) for and the date(s) of the absence. Upon returning to school, a
30 student has three (3) school days in which to submit a note. After three (3) days, the absence(s)
31 will become permanently unexcused.

- 1 2. Driver's license (documentation is required).
- 2 3. Deaths
- 3 A. In the family – One (1) day will be excused. Additional days will be excused at the discretion
- 4 of the principal (program or death notice is required upon return to school)
- 5 B. Of others – The principal may excuse absences with appropriate documentation.
- 6 4. Religious Holidays/Retreats⁵ – Religious holidays will be excused with proper documentation
- 7 from the parent. Religious retreats must be pre-authorized by the principal with documentation
- 8 from religious church/agency sponsoring the retreat.
- 9 5. Appearance in court (documentation from a court official will be required as documentation).
- 10 6. Pregnancy.
- 11 7. Extreme weather conditions.
- 12 8. **School-endorsed activities.**
- 13

14 **III. Principal's Discretion:** Absences involving extenuating or unusual circumstances may be
15 approved or pre-approved by the principal on a case-by-case basis.

16 Any absence without a note is automatically an unexcused absence.

17 The principal shall be responsible for ensuring that:⁶

- 18 1. Attendance is checked and reported daily for each class;
- 19 2. Daily absentee sheets contain sign in/sign out sheets and indicate students present or absent for
- 20 the majority of the day;
- 21 3. All student absences are verified;
- 22 4. Written excuses are submitted for absences and tardiness; and
- 23 5. System-wide procedures for accounting and reporting are followed.

24 **NON-SCHOOL SPONSORED EXTRACURRICULAR ACTIVITY⁹**

25 A principal/designee may excuse a student to participate in non-school sponsored extracurricular
26 activities. The principal shall document the approval in writing and shall excuse no more than ten (10)
27 absences each school year. No later than seven (7) business days prior to the student's absence, the
28 student shall provide documentation to the school as proof of the student's participation along with a
29 written request for the excused absence from the student's parent/guardian. The request shall include the
30 following:

- 31 1. Student's name and personal identification number;
- 32 2. Student's grade;
- 33 3. The dates of the student's absence;
- 34 4. The reason for the student's absence; and
- 35 5. The signatures of the student and parent/guardian.

36 **RELEASED TIME COURSE¹⁰**

37 A principal/designee may excuse a student to attend a course in religious moral instruction for up to one
38 (1) class period per school day. Students shall not be excused during any class which requires an
39 examination for state or federal accountability purposes.

1 The student shall submit a written consent form signed by the student's parent/guardian prior to
2 participation in the released time course. The principal/designee shall document the approval in writing.
3 The student shall provide documentation to the principal/designee as proof of the student's participation
4 in the released time course.

5 The district shall not be responsible for transporting students to and from the place of instruction.

6 Upon submission of the student's transcript from the entity that provided the released time course, the
7 student may be awarded one-half (1/2) unit of elective credit.

8 The Director of Schools shall develop procedures with secular criteria for determining whether credit
9 shall be awarded.

10 **TRUANCY**

11 *General*

12 Annually, the Director of Schools/designee will provide written notice to parent(s)/guardian(s) that
13 attendance at school is required. Students shall be present at least fifty percent (50%) of the scheduled
14 school day in order to be counted present. Students may attend part-time days, alternating days, or for a
15 specific amount of time as indicated in their Individualized Education Plan or 504 Plan and shall be
16 considered present for school attendance purposes.¹¹ If a student is required to participate in a remedial
17 instruction program outside of the regular school day where there is no cost to the parent(s)/guardian(s)
18 and the school system provides transportation, unexcused absences from these programs shall be
19 reported in the same manner.⁹

20 A student who is absent three (3) days without adequate excuse shall be reported to the Director of
21 Schools/designee who will, in turn, provide written notice to the parent(s)/guardian(s) of the student's
22 absence. If a parent does not provide documentation within adequate time excusing those absences, or
23 request an attendance hearing, then the Director of Schools shall implement the progressive truancy
24 intervention plan described below prior to referral to juvenile court.

25 Prior to referral to juvenile court, the following progressive truancy intervention plan will be
26 implemented.

27 **Tier I**

28 Tier I of the progressive truancy intervention plan is triggered at three (3) unexcused absences and shall
29 include the following:

- 30 1. A scheduled/attempted conference with the student and the student's parent(s)/guardian(s);
- 31 2. An attendance contract, based on the conference, signed by the student, the parent(s)/guardian(s),
32 and an attendance supervisor or designee. The contract shall include:
 - 33 a. A specific description of the school's attendance expectations for the student;
 - 34 b. The period for which the contract is effective; and
 - 35 c. Penalties for additional absences and alleged school offenses, including additional
36 disciplinary action and potential referral to juvenile court; and
- 37 3. Regularly scheduled follow-up meetings to discuss the student's progress.

1 Tier II

2 If a student accumulates additional unexcused absences in violation of the attendance contract in Tier I,
3 the student will be subject to Tier II.

4 Under this tier, a school employee shall conduct an individualized assessment detailing the reasons a
5 student has been absent from school. The employee may refer the student to counseling, community-
6 based services, or other services to address the student's attendance problems.

7 Tier III

8 This tier shall be implemented if the truancy interventions under Tier II are unsuccessful. Students will
9 be cited to the Marshall County Schools Truancy Board.

10 Interventions/Recommendations shall be determined by the Marshall County Schools Truancy Board.
11 The interventions shall address student needs in an age-appropriate manner. Finalized plans shall be
12 approved by the Director of Schools/designee.

13 After five (5) unexcused absences and the progressive truancy intervention have been attempted, the
14 student/parent will be referred to Juvenile Court.

15 DRIVER'S LICENSE REVOCATION²

16 More than ten (10) consecutive or fifteen (15) reported absences (unexcused) by a student during any
17 semester renders a student ineligible to retain a driver's permit or license, or to obtain such if of age.

18 In order to qualify for reclaiming a driver's permit or license, the student must make a passing grade in
19 at least three (3) full unit subjects or their equivalency at the conclusion of a subsequent grading period.

20 CREDIT/PROMOTION DENIAL

21 Credit/Promotion denial determinations may include student attendance; however, student attendance
22 may not be the sole criterion.⁶ However, if attendance is a factor, prior to credit/promotion denial, the
23 following shall occur:

- 24 1. Parents and students shall be advised if a student is in danger of credit/promotion denial due to
25 excessive absenteeism.
- 26 2. Procedures in due process are available to the student when credit or promotion is denied.

27 Out-of-School Suspension days are likewise unexcused absences.

28 The principal shall be responsible for ensuring that:⁷

- 29 1. Attendance is checked and reported daily for each class;
- 30 2. Daily absentee sheets contain sign in/sign out sheets and indicate students present or absent for
31 the majority of the day;
- 32 3. All student absences are verified;
- 33 4. Written excuses are submitted for absences and tardiness;

- 1 5. System-wide procedures for accounting and reporting are followed; and
- 2 6. Students who are absent three (3) days without adequate excuse shall be reported to the director
- 3 of schools/designee who will, in turn, provide written notice to the parent(s)/guardian(s) of the
- 4 student's absence.⁸ The director of schools/designee shall also comply with state law regarding
- 5 the reporting of truant students to the proper authorities.⁸

6 **TARDIES, EARLY DISMISSALS AND DETENTION**

- 7 1. Truancy is defined as an unexcused absence for an entire school day, a major portion of the
- 8 school day or any portion of any class, study hall or activity during the school day for which the
- 9 student is scheduled.
- 10 2. Any student who misses more than fifteen (15) minutes of a class period will be counted as
- 11 absent.

12 **ELEMENTARY TARDY* POLICY**

13 *A tardy is defined as a late check in or an early check out from school.

14 After five (5) unexcused tardies, parents will receive written notice from school as a warning that further
15 unexcused tardies will result in a summons to the Marshall County Schools Tardy Review Board. After
16 a student reaches eight (8) unexcused tardies, parents will be summoned to appear before the Tardy
17 Review Board. After a subsequent unexcused tardy, parents may be charged with Educational Neglect
18 in the Marshall County Juvenile Court.

19 Please note: Elementary students receive three parent notes per semester. Parent notes can be used for
20 unexcused tardies.

21 **RULES AND PENALTIES**

- 22 1. A student must present documentation of his/her absence and receive a class admittance note
- 23 before entering class. Documentation must be turned in within three (3) school days from the
- 24 date the student returns to school, or the absences will be unexcused.
- 25 2. All missed classwork and tests (whether from an excused or unexcused absence) may be made
- 26 up if the student makes the request immediately upon returning to school and if class time is not
- 27 taken. Requests for make-up work made prior to the first bell must be provided by the teacher(s)
- 28 by 3:00 p.m. the same day. Make-up work must be completed and returned to the teacher within
- 29 one day per absence.
- 30 3. Time spent in before-school or after-school detention is for disciplinary purposes and will not be
- 31 construed as make-up time. Under no circumstances will detention time be substituted for class
- 32 time and/or work missed.
- 33 4. If a student has an illness that requires hospitalization exceeding ten (10) school days, the student,
- 34 or his/her parent/guardian may apply to the Special Populations Supervisor for a "homebound"
- 35 teacher to provide instruction.
- 36 5. The principal shall be responsible for notifying in writing the director of schools and the parents
- 37 of the student of any action taken by the school.
- 38 6. A student participating in a school-sponsored activity, whether on or off campus, will not be
- 39 counted absent. The student will be eligible to make up all work missed and will receive full

- 1 credit for the assignment upon completion of the work. To qualify as “school-sponsored”, the
2 activity must be school-planned, school-directed, and supervised by an approved sponsor.
- 3 7. Mass exodus, early dismissal, or late arrival of all students, or any segment of students, will not
4 be permitted for any reason except for emergencies such as inclement weather or other
5 unavoidable situations, unless instruction time is made up in full.
- 6 8. Student attendance records will be given the same level of confidentiality as other student
7 records. Only authorized school officials engaged in legitimate educational purposes may have
8 access to student information without the express consent of the parent or guardian, if the student
9 is a minor, or the student, if he or she has attained the age of eighteen (18).⁴
- 10 9. Foreign exchange students will be dealt with on a case-by-case basis by the principal.

11 **ATTENDANCE HEARING¹⁰**

12 Students with excessive (more than five (5)) unexcused absences or those in danger of credit/promotion
13 denial shall have the opportunity to appeal to an attendance hearing committee appointed by the
14 principal. If the student chooses to appeal, the student or his/her parent(s)/guardian(s) shall be provided
15 written or actual notice of the appeal hearing and shall be given the opportunity to address the committee.
16 The committee will conduct a hearing to determine if any extenuating circumstances exist to excuse an
17 absence(s) or to determine if the student has met attendance requirements that will allow him/her to pass
18 the course or be promoted. Upon notification of the attendance committee decision, the principal shall
19 send written notification to the Director of Schools/designee and the parent(s)/guardian(s) of the student
20 of any action taken regarding the excessive unexcused absences. The notification shall advise
21 parent(s)/guardian(s) of their right to appeal such action within two (2) school days to the Director of
22 Schools/designee.

23 The appeal shall be heard no later than ten (10) school days after the request for appeal is received.

24 Within five (5) school days of the Director of Schools/designee rendering a decision, the student’s
25 parent(s)/guardian(s) may request a hearing by the Board, and the Board shall review the record.
26 Following the review, the Board may affirm or overturn the decision of the Director of Schools/designee.
27 The action of the Board shall be final.

28 The Director of Schools/designee shall ensure that this policy is posted in each school building and
29 disseminated to all students, parents, teachers, and administrative staff.

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Legal References:

1. TRR/MS 0520-01-03-.08(1)(a); TCA 49-6-3006
2. TCA 49-6-3017(c)
3. 20 USCA § 1232g
4. TRR/MS 0520-01-02-.17(1)(c)
5. TCA 49-6-2904(b)(5)
6. TCA 49-6-3007
7. TCA 49-6-3021
8. TCA 49-6-3007; TCA 49-6-3009
9. TCA 49-6-3022
10. TCA 49-2-130; Public Acts of 2019, Chapter No. 272
11. TCA 49-2-203(b)(7); TCA 49-6-3002(b)
12. TRR/MS 0520-01-02-.17

Cross References

School Calendar 1.800
Extracurricular Activities 4.300
Interscholastic Athletics 4.301
Field Trips and Excursions 4.302
Reporting Student Progress 4.601
Promotion and Retention 4.603
Voluntary Pre-K Attendance 6.2011
Students in Foster Care 6.505
Students from Military Families 6.506
Student Records 6.600

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Interrogations and Searches	Descriptor Code: 6.303	Issued Date: 01/11/21
		Rescinds: 6.303	Issued: 031909

1 INTERROGATIONS BY SCHOOL PERSONNEL

2 School personnel have a duty to report any reasonable suspicion that a student is carrying, or has carried,
3 a weapon or is violating, or has violated, a provision of the Tennessee Drug Control Act to the principal,
4 the principal's designee or, if the principal and the principal's designee are unavailable and the offense
5 was committed on school property, to the appropriate authorities.¹

6 Students may be questioned by teachers or principals about any matter pertaining to the operation of a
7 school and/or the enforcement of its rules. Questioning must be conducted discreetly and under
8 circumstances which will avoid unnecessary embarrassment to the student being questioned. Any student
9 answering falsely, evasively or refusing to answer a proper question may be subject to disciplinary
10 action, including suspension.

11 If a student is suspected or accused of misconduct or infraction of the student code of conduct, the
12 principal may interrogate the student, without the presence of parent(s)/guardian(s) or legal custodians
13 and without giving the student constitutional warnings.

14 INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)

15 If the principal has requested assistance by the police department to investigate a crime involving his/her
16 school, the police shall have permission to interrogate a student suspect in school during school hours.
17 The principal shall first attempt to notify the parent(s)/guardian(s) or legal custodians of the student of
18 the intended interrogation unless circumstances require otherwise. The interrogation may proceed
19 without attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee
20 shall be present during the interrogation.¹

21 The use of police women or female staff members is desirable in the interrogation of female students.

22 POLICE-INITIATED INTERROGATIONS

23 If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated
24 crimes committed outside of school hours, the police department shall first contact the principal
25 regarding the planned interrogation, inform him/her of the probable cause to investigate within the
26 school. The principal shall make reasonable effort to notify the parent(s)/guardian(s) or legal custodians
27 of the interrogation unless circumstances require otherwise. The interrogation may proceed without
28 attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee shall be
29 present during the interrogation.

30

1 SEARCHES BY SCHOOL PERSONNEL

2 Any principal, or his/her designee, having reasonable suspicion may search any student, place or thing
3 on school property or in the actual or constructive possession of any student during any organized school
4 activity off campus, including buses, vehicles of students or visitors (*Notice shall be posted in the school*
5 *parking lot that vehicles parked on school property by students or visitors are subject to search for*
6 *drugs, drug paraphernalia or dangerous weapons*), and containers or packages if he/she receives
7 information which would cause a reasonable belief that the search will lead to the discovery of:

- 8 1. Evidence of any violation of the law;
- 9 2. Evidence of any violation of school rules or regulations or proper standards of student or faculty
10 conduct;
- 11 3. Any object or substance which, because of its presence, presents an immediate danger of harm
12 or illness to any person.

13 A student using a locker that is the property of the school system does not have the right of privacy in
14 that locker or its contents. All lockers or other storage areas provided for student use on school premises
15 remain the property of the school system and are provided for the use of students subject to inspection,
16 access for maintenance and search. *Notice shall be posted in each school that lockers and other storage*
17 *areas are school property and are subject to search.*

18 A student may be subject to physical search or a student's pocket, purse or other container may be
19 required to be emptied because of the results of a locker search, or because of information received from
20 a teacher, staff member or other student if such action is reasonable to the principal. All of the following
21 standards of reasonableness shall be met:

- 22 1. A particular student has violated policy;
- 23 2. The search could be expected to yield evidence of the violation of school policy or disclosure of
24 a dangerous weapon or drug;
- 25 3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline,
26 safety, supervision and education of students;
- 27 4. The primary purpose of the search is not to collect evidence for a criminal prosecution; and
- 28 5. The search shall be reasonably related to the objectives of the search and not excessively intrusive
29 in light of the age and sex of the student, as well as the nature of the infraction alleged to have
30 been committed.

31 School officials may conduct hand-held or walk-through metal detector checks of a student's person or
32 personal effects.

33 **In order to ensure a safe and secure learning environment, compliance with all of the provisions of the**
34 **School Security Act of 1981 shall be followed.^{1,2}**

35 USE OF ANIMALS

36 When necessary, dogs or other animals trained to detect drugs or dangerous weapons may be used in
37 conducting searches, but the animals shall be used only to pinpoint areas which need to be searched and
38 shall not be used to search the persons of students or visitors.

1 **USE OF METAL DETECTORS**

2 In view of the escalating presence of weapons in the schools, the Board of Education authorizes the use
3 of hand-held or walk-through metal detectors to check a student's person or personal effects as follows:

4 School officials or law enforcement officers may conduct metal detector checks of groups of individuals
5 if the checks are done in a minimally-intrusive, nondiscriminatory manner (e.g., on all students in a
6 randomly selected class; or every third individual entering an athletic event). Metal detector checks of
7 groups of individuals may not be used to single out a particular individual or category of individuals.

8 If a school official or a law enforcement officer has reasonable suspicion to believe that a particular
9 student is in possession of an illegal or unauthorized metal-containing object or weapon, s/he may
10 conduct a metal detector check of the student's person and personal effects.

11 A student's failure to permit a metal detector check as provided in this policy will be considered grounds
12 for disciplinary action including possible suspension.

13 The director of schools shall develop procedures for use of metal detectors.

14 **SEARCHES BY POLICE**

15 If public health or safety is involved, upon request of the principal who shall be present, police officers
16 may make a general search of students' lockers and desks, or students' or nonstudents' automobiles for
17 drugs, weapons or items of an illegal or prohibited nature.

18 If the principal has received reliable information which he/she believes to be true that evidence of a
19 crime or of stolen goods, not involving school property of members of the school staff or student body,
20 is located on school property and that any search for such evidence or goods would be unrelated to school
21 discipline or to the health and safety of a student or the student body, he/she shall request police
22 assistance; and procedures to obtain and execute a search warrant shall thereafter be followed.

23 Anything found in the course of the search conducted in accordance with this policy which is evidence of
24 a violation of the law or a violation of student conduct standards may be:

25 1. Seized and admitted as evidence in any hearing, trial, suspension or dismissal proceeding. It
26 should be tagged for identification at the time it is seized and kept in a secure place by the
27 principal or the principal's designee until it is presented at the hearing. At the discretion of the
28 principal, the items seized may be returned to the parent or guardian of a student or, if it has no
29 significant value, the item may be destroyed, but only with the express written permission of the
30 director of schools.

31 2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or
32 drug as defined in TCA 49-6-4202 shall be turned over to an appropriate law enforcement official
33 after completion of an administrative proceeding at which its presence is reasonably required.

34 Whenever the possibility of uncovering evidence of a criminal nature exists, the principal or his/her
35 designee may request the assistance of a law enforcement officer to:

- 1 1. Search any area of the school premises, any student or any motor vehicle on the school premises;
2 or
- 3 2. Identify or dispose of anything found in the course of a search conducted in accordance with this
4 policy.

5 The involvement of law enforcement officials is encouraged when there is reasonable cause to suspect
6 that criminal evidence is about to be uncovered.

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Legal Reference:

1. TCA 49-6-4202 through TCA 49-6-4212
2. TCA 49-6-4201 *et seq*; Tenn. Op. Att’y Gen. No. 14-21 (February 24, 2014)

Cross Reference:

Reporting Child Abuse 6.409

Marshall County Board of Education

Monitoring: Review: Annually in May	Descriptor Term: Physical Examinations and Immunizations	Descriptor Code: 6.402	Issued Date: 01/11/21
		Rescinds: 6.402	Issued: 08/14/08

1 **PHYSICAL EXAMINATIONS¹**

2 The principal shall ensure that there is a complete physical examination of each student prior to:

- 3 1. Entering school for the first time² and
- 4 2. Participating as a member of any athletic team or in any other strenuous physical activity
- 5 program.³

6 Cost of the examination shall be covered by the parent/guardian of the student. These records shall be
7 on file in the principal's office.

8 **SCREENINGS**

9 Screenings may be conducted periodically by Marshall County Schools as required by the ~~Coordinated~~
10 ~~School Health Program~~ Tennessee Department of Education and the Department of Health. Screenings
11 may include blood pressure, body mass index, vision, hearing, scoliosis and dental. Parents/guardians
12 will receive written notice of any screening result that indicates a condition that might interfere or tend
13 to interfere with a student's progress. **The school district will not conduct physical examinations of a**
14 **student without parental consent or by court order, unless the health or safety of the student or others is**
15 **in question.**⁴

16 **IMMUNIZATIONS**

17 No students entering school, including those entering kindergarten or first grade, those from out-of-state
18 and those from nonpublic schools, will be permitted to enroll (or attend) without proof of immunization,
19 as determined by the Commissioner of Public Health **unless circumstances outlined in state or federal**
20 **law prevent a student from producing such records.**^{2,5} It is the responsibility of the parents or guardians
21 to have their children immunized and to provide such proof to the principal or designee of the school
22 which the student is to attend.⁵

23 Exceptions, ~~in the absence of an epidemic or immediate threat thereof~~, will be granted to any child whose
24 parent or guardian shall file with school authorities a signed, written statement that such measures
25 conflict with **one of the following:** ~~his/her religious tenets and practices; or due to medical reasons if~~
26 ~~such child has a written statement from his/her doctor excusing him from such immunization.~~⁴

- 27 1. His/Her religious tenets and practices if in the absence of an epidemic or immediate threat of an
28 epidemic;⁶ or
- 29 2. Due to medical reasons if the student has a written statement from his/her doctor excusing
30 him/her from the immunization.⁷

1 The Director of Schools shall ensure that appropriate immunization records are maintained for each
2 student.

3 ~~Proof of exceptions will be in writing and filed in the same manner as other immunization records.~~

4 ~~A list of transfer students shall be kept at each school throughout the school year in order that their
5 records can be monitored by the Department of Health and Environment.~~

6 ~~In general, the school district will not conduct physical examinations of a student without parental
7 consent to do so or by court order, unless the health or safety of the student or others is in question.⁵~~

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Legal References:

1. 20 USCA § 1232h(c)
2. TRR/MS 0520-01-03-.08(2)(a)
3. TRR/MS 0520-01-03-.08(2)(b)
4. Tennessee School Health Screening Guidelines,
https://www.tn.gov/content/dam/tn/education/csh/csh_school_health_screening_guidelines.pdf
5. TCA 49-6-5001(a),(c)
6. TCA 49-6-5001(b)(2)
7. TCA 49-6-5001(c)(2)

Cross References:

Promoting Student Welfare 6.400

Marshall County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Student Communicable Diseases	Descriptor Code: 6.403	Issued Date: 01/11/21
		Rescinds: 6.403	Issued: 10/17/16

1 No student will be denied an education solely because of a communicable disease or parasite or fungal
2 infestation, and his/her educational program shall be restricted only to the extent necessary to minimize
3 the risk of transmitting the disease.

4 Parents or guardians of infected students shall inform appropriate school officials of the infection so that
5 proper precautions for the protection of other students, employees, and the infected student shall be
6 taken.

7 No student with a communicable disease which may endanger the health of either himself/herself or
8 other individuals will enter or remain in the regular school setting.^{1,2} If a school principal has reason to
9 believe a student has a communicable disease which may endanger the health of either himself/herself
10 or other individuals in the regular school setting, the principal shall assign the student to a setting which
11 will protect other students, employees and the student himself/herself.

12 If the principal has reason to believe that the student has a long-term communicable disease, the principal
13 must require confirmation from a physician or the County Health Department as to the student's
14 condition. If the student is confirmed to have a long-term communicable disease, the principal shall refer
15 the student for special education services.³

16 The principal may request that further examinations be conducted by a physician or County Health
17 Department and may request periodic re-examinations after the student has been readmitted to the
18 school.²

19 The names of all students excluded from school under this policy will be filed at each school, with the
20 health provider or designee. (All student records are confidential.)

21 *Procedures for implementing local board policies are on file in the district CSH procedures manual.*

22 **HEAD LICE**

23 No student will be denied an education solely by reason of head lice infestation and his educational
24 program shall be restricted only to the extent necessary to minimize the risk of transmitting the
25 infestation.

26 It shall be the responsibility of the principal or school nurse to notify the parents in the event a child has
27 pediculosis (head lice ~~and/or nits~~). A letter will be sent home by the child to explain the condition,
28 requirements for readmission and deadlines for satisfactory completion of the treatment.

1 Upon exclusion, satisfactory evidence must be submitted to school personnel that the student has been
2 treated for pediculosis (head lice ~~and/or nits~~). This evidence may include but not be limited to:

- 3 1) Proof of treatment with a pediculicide product (head lice shampoo); and
- 4 2) Satisfactory examination by a school health official.

5 Children diagnosed with scabies or lice shall have proof of treatment prior to readmission.

6 Treatment and prevention procedures will be developed by the director of schools/designee/school nurse
7 and distributed to all classroom teachers.

8 A student will be expected to have met all requirements for treatment and return to school no later than
9 two (2) days following exclusion for head lice ~~and/or nits~~. All days in excess of the allowable period will
10 be marked ~~an~~ as unexcused and referred to the attendance supervisor at the proper time.

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Legal References:

- 1. TRR/MS 0520-1-3-.08(2)(c)
- 2. TCA 49-2-203(b)(2)
- 3. TRR/MS 0520-1-3-.08(2)(g)(2)(v)

Cross References:

- Special Education 4.202
- Special Programs 4.206

Marshall County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Medicines	Descriptor Code: 6.405	Issued Date: 01/11/21
		Rescinds: 6.405	Issued: 04/09/18

1 A student shall not possess any prescribed or over-the-counter medication at any time during the school
2 day, at a school activity, or on school grounds.

3 The purpose of administering medications in school is to help each student maintain an optimal state of
4 health to enhance his or her education. Medications should be limited to those required during school
5 hours and necessary to provide the student access to the educational program. This policy applies during
6 the school day and at school-approved functions.

7 The intent of this policy is to limit the number of medications given in school, yet assure safe
8 administration of medications for those students who require them.

9 A designated employee(s) will be assigned by each school administrator to assist in the self-
10 administration by students of medications in school. Related in-service training will be provided.

11 Tennessee Code Annotated 49-5-415 states that the Board may permit an employee “to assist in self-
12 administration (by students) of medication.” Self-administration by the student with assistance of school
13 staff shall be permitted under the following conditions:

- 14 1. The student must be competent to self-administer non-prescription or prescription medication
15 with assistance;
- 16 2. The student’s condition, for which the medication is authorized and/or prescribed, must be stable;
- 17 3. The self-administration of medication must be properly documented;
- 18 4. Guidelines, not inconsistent with this section, for the assistance in the self-administration of non-
19 prescription and/or prescription medications by personnel in the school setting, developed by the
20 Department of Education and approved by the Board of Nursing, must be followed;
- 21 5. The student’s parent or guardian must give permission in writing for school personnel to assist
22 with self-administration of medication. Such written permission shall be kept in the student’s
23 school records; and
- 24 6. Assistance with self-administration shall primarily include storage and timely distribution of
25 medication.

26 When a student is determined by the school administrator and a health care professional (a school nurse
27 or the student’s physician) to be incompetent to self-administer medications, this team shall develop and
28 implement an appropriate plan of administration of medication. In determining competency,
29 consideration will be given to mental and physical abilities as well as chronological age.

1 It shall be the duty of the principal of the school to adhere to the following procedures for students
2 requiring self-administration of medication at school. This must be done in order to insure their safety
3 and to avoid adverse reaction and legal repercussion.

4 **LONG TERM PRESCRIPTION MEDICATIONS** (In excess of two weeks)

- 5 1. Written orders must be provided by a physician, dentist, or nurse practitioner (Health Care
6 Provider) who has the legal right to write a prescription, detailing the name of the drug, dosage,
7 and time medication is to be given. The *Administration of Medication Request Form* must be
8 completed by both the Health Care Provider and the parent or guardian of the student in order
9 that the school may comply with the Health Care Provider's order.
- 10 2. Medication must be transported to and from school in the original, pharmacy labeled container
11 by a parent or responsible adult.
- 12 3. The person responsible for assisting in administering the medication must read the doctor's
13 orders to become familiar with proper administration, taking care to note the dosage and time as
14 well as the potential benefits and side effects of the medication. All medications given must be
15 recorded on the Medication Record.
- 16 4. All medication must be kept in a secured area designated by the principal.
- 17 5. Renewal or changes.
 - 18 a. All long-term medication must be renewed at the beginning of the new school year.
 - 19 b. Any change in medication or dosage during the school year requires new documentation.
 - 20 c. Changes in prescription medication shall have written authorization from the licensed
21 prescriber and the parent. The change will be noted on the Medication Administration Form
22 (MAR) without obliterating the previous information. Only a Registered Nurse or Licensed
23 Practical Nurse employed by Marshall County Public Schools can make changes on the
24 MAR. Changes can include but are not limited to: time, dose, addition, discontinuation, etc.
- 25 6. All original medication orders must be kept in the school office file and copy given to the teacher
26 responsible for the student when necessary.
- 27 7. All medication documentation must be kept on file in the student's health record.
- 28 8. At the end of the school year, the parent must remove the remaining or unused medication, or it
29 will be disposed of in an appropriate manner. If the medication order changes during the school
30 year, the parent must pick up remaining or unused medication.
- 31 9. If a parent and physician agree that a student should self-medicate without assistance (e.g.
32 inhaler), this should be indicated on the *Administration of Medication Report Form*.
- 33 10. T.C.A. 49-5-415 was amended that under certain circumstances students can carry and self-
34 administer inhalers for asthma. The LEA must permit possession and self-administration of
35 prescribed, metered dose, asthma-reliever inhaler by any student with asthma if the student's
36 parent or guardian provides a written statement from the doctor that the student suffers from
37 asthma and has been instructed in self-administration of a prescribed, metered dose, asthma-
38 reliever inhaler. Items 1, 3, 5, 6, 7, 8 under "Long Term Prescription Medications" apply to
39 inhalers.

40 **NOTE:** School nurses will monitor storage and proper documentation of medications administered on a
41 regular basis to insure that medications are handled properly.

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1 **EMERGENCY MEDICATIONS**

2 Emergency meds need to be available to the student immediately.

- 3 A. The ability of a student to carry emergency medications should be determined by age,
4 competency, and doctor's orders.
5 B. All emergency medications will require a current doctor's order on file.
6 C. Emergency meds include inhalers¹, epi-pens², and glucagon².

7 **SHORT TERM PRESCRIPTION MEDICATION** (Up to two weeks)

8 In the event medication must be given during school hours, it must be sent in the original container (e.g.
9 antibiotics) with a dosage spoon or cup and a signed note from the parent or guardian specifying student's
10 name, dosage, and time to be given. Items 4, 5, 7, and 8 under "Long Term Prescription Medications"
11 apply to short term prescription medications, also. Medications given must be recorded on the
12 Medication Record.

13 **OVER-THE-COUNTER MEDICATIONS** (Non-Prescription)

14 A student shall not possess any prescribed or over-the-counter medication at any time during the school
15 day, at a school activity, or on school grounds.

16 The school may assist in a student's self-administration of over-the-counter medications with the written
17 permission of the parent/guardian. All non-prescription medication to be self-administered in school
18 shall:

- 19 A. Be brought in with the manufacturer's original label with the ingredients listed and the child's
20 name affixed to the container;
21 B. Require a written parental/guardian request, which shall include:
22 a. Child's name
23 b. Name and signature of parent/guardian
24 c. Name of medication
25 1) Dosage
26 2) Route of administration
27 3) Frequency and time of administration
28 d. Discontinuation date
29 e. Reason medication is needed
30 f. Parent's/Guardian's phone number in case of emergency
31 C. Medication must be transported to and from school by a parent or responsible adult and given to
32 a designated Marshall County Public School employee.
33 D. No homeopathic or herbal medications shall be self-administered with assistance at school (these
34 drugs are not standardized by the FDA).

35 **NOTE:** Volunteer personnel, trained by the school nurses, may administer emergency medicines to a
36 student based on that student's Individual Health Plan (IHP).

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1 BLOOD GLUCOSE SELF-CHECKS²

2 Upon written request of a parent or guardian, and if included in the student's medical management plan
3 and in the IHP, a student with diabetes shall be permitted to perform a blood glucose check or administer
4 insulin using any necessary diabetes monitoring and treatment supplies, including sharps. The student
5 shall be permitted to perform the testing in the clinic with the school nurse.

6 Sharps shall be stored in a secure, but accessible, location, including the student's person, until use of
7 such sharps is appropriate.

8 Use and disposal of sharps shall be in compliance with the guidelines set forth by the Tennessee
9 Occupational Safety and Health Administration (TOSHA).³

10 STUDENTS WITH PANCREATIC INSUFFICIENCY OR CYSTIC FIBROSIS⁴

11 Students diagnosed with pancreatic insufficiency or cystic fibrosis shall be permitted to self-manage
12 their prescribed medication in a manner directed by a licensed healthcare provider without additional
13 assistance or direction. The Director of Schools shall develop procedures for the development of both
14 an Individualized Healthcare Plan (IHP) and an Emergency Care Plan (ECP) that conforms to state law
15 for every student with pancreatic insufficiency or cystic fibrosis that wishes to self-medicate.

16 STUDENTS WITH ADRENAL INSUFFICIENCY⁵

17 The parent/guardian of a student diagnosed with adrenal insufficiency shall notify the school district of
18 the student's diagnosis. Once notified, the district shall observe the following procedure:

- 19 1. The district shall train school personnel who will be responsible for administering the medication
20 for the treatment of adrenal insufficiency and any who volunteer to administer the medication.
- 21 2. The district shall maintain a record of all school personnel who have completed this training.
- 22 3. If a student is suffering from an adrenal crisis, a school nurse or other licensed health care
23 professional may administer the prescribed medication to the student. If a school nurse or other
24 licensed health care professional is not immediately available, trained school personnel may
25 administer the prescribed medication.

26 The director of schools shall develop procedures on the administration of medications that treat adrenal
27 insufficiency and recordkeeping per rules set forth by the State Board of Education.

28 *Procedures for implementing local board policies are on file in the district CSH procedures manual.*

Legal References:

Guidelines for Use of Health Care Professionals and Health Care Procedures in a School Setting, including Guidelines for Managing Life Threatening Food Allergies in Tennessee Schools (Tennessee Department of Education and Tennessee Department of Health)(2007)

1. ~~TCA 49-5-415~~; ~~TCA 49-50-1602~~ *et seq.*;
~~TRR/MS 0520-01-13-.03~~
2. ~~TCA 68-140-510~~ ~~TCA 49-50-1602(d)(7)~~
3. ~~TCA 49-5-415(d)(7)~~, ~~Public Acts 2006, Chapter No. 54~~ ~~State Board of Education Policy 4.205~~; ~~TRR/MS 0800-01-10~~
4. ~~Public Acts of 2015, Chapter No. 321~~ ~~TCA 49-50-1601~~
5. ~~TRR/MS 0520-01-13~~; State Board of Education Policy 4.205

Cross Reference:

Student Health Services 6.401
Emergency Allergy Response Plan 6.412

Marshall County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Special Education Students	Descriptor Code: 6.500	Issued Date: 11/08/10
		Rescinds:	Issued:

1 All disabled students between the ages of three and twenty-one (inclusive) shall receive the benefit of a
2 free appropriate public education. This provides the assurance that these students will be educated with
3 non-disabled students to the maximum extent appropriate, and should be placed in separate or special
4 classes only when the severity of the disabled is such that education in regular classes cannot be achieved
5 satisfactorily.¹

6 Eligibility standards and options of service for special education services will be based upon the criteria
7 for disabling conditions specified in Rules, Regulations, and Minimum Standards, Tennessee State
8 Board of Education.²

9 Students receiving special education services shall not be restrained, except as permitted by law **and**
10 **regulations.**^{3,4} **The Director of Schools shall develop administrative procedures to govern the following:**

- 11 1. **Personnel authorized to use isolation and restraint;**
- 12 2. **Training requirements for personnel working with special education students; and**
- 13 3. **Incident reporting procedures.**⁴

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Legal References:

1. TCA 49-10-103(c)
2. TRR/MS 0520-01-09-.01
3. TCA § 49-10-1301, *et seq.*
4. **TRR/MS 0520-01-09-.23**

Cross References:

**Special Education Student Services and Class
Size 4.202
Compulsory Attendance Ages 6.201
Alternative Education 6.319**