

**School Board Meeting
December 8, 2016 6:30 PM
HJSHS Library**

- I. Call to Order
- II. Roll Call
- III. Consent Agenda
 - A. November 2016 Bills
 - B. November 2016 Financial Report
 - C. November 10, 2016 Regular Board Meeting
- IV. Agenda Approval
- V. Regular Agenda
 - A. Discussion of and Consideration for the extension of the contract of employment for the Director of Schools, Dr. Versie Hamlett.
 - B. 2016 Audit Report
 - C. Day on the Hill
 - D. Board Policy Updates - 1st Reading
 - 1. 2.601 Fundraising Activities
 - 2. 3.500 Food Service Management
 - 3. 4.207 English Learners
 - 4. 4.700 Testing Programs
 - 5. 5.1101 Differentiated Pay Plan
 - 6. 5.305 Family and Medical Leave
 - 7. 6.505 Students in Foster Care
 - E. Superintendent's Report
- VI. Citizens Concern
- VII. Adjournment

School Board Meeting

November 10, 2016 6:30 PM
HJSHS Library

Attendance Taken at 6:31 PM:

Present Board Members:

Mr. Terry Johnson
Mr. Leon McNeal
Mr. Chuck Samples
Mr. Lee Williams

Absent Board Members:

Mr. Phillip Hardee

Also present: Dr. Versie Hamlett, Superintendent

I. Call to Order

II. Roll Call

III. Consent Agenda

Motion Passed: Motion to approve the Consent Agenda as presented passed with a motion by Mr. Chuck Samples and a second by Mr. Leon McNeal.

4 Yeas - 0 Nays.

Mr. Phillip Hardee	Absent
Mr. Terry Johnson	Yes
Mr. Leon McNeal	Yes
Mr. Chuck Samples	Yes
Mr. Lee Williams	Yes

III.A. October 2016 Bills

III.B. October 2016 Financial Report

III.C. October 6, 2016 Regular Board Meeting

IV. Agenda Approval

Motion to Amend Passed: To amend the motion from: "Motion to approve the agenda" to: "Motion to approve the agenda as amended adding Beta Club Overnight Trip Approval to the regular agenda" passed with a motion by Mr. Chuck Samples and a second by Mr. Lee Williams.

4 Yeas - 0 Nays.

Mr. Phillip Hardee	Absent
Mr. Terry Johnson	Yes
Mr. Leon McNeal	Yes
Mr. Chuck Samples	Yes
Mr. Lee Williams	Yes

Motion Passed: Motion to approve the agenda as amended adding Beta Club Overnight Trip Approval to the regular agenda passed with a motion by Mr. Chuck Samples and a second by Mr. Lee Williams.

4 Yeas - 0 Nays.

Mr. Phillip Hardee	Absent
Mr. Terry Johnson	Yes
Mr. Leon McNeal	Yes
Mr. Chuck Samples	Yes
Mr. Lee Williams	Yes

V. Regular Agenda

V.A. Discussion of and Consideration for the extension of the contract of employment for the Director of Schools, Dr. Versie Hamlett

Motion Passed: Motion to postpone the discussion of and consideration for the extension of the contract of employment for the Director of Schools, Dr. Versie Hamlett to the December Board Meeting passed with a motion by Mr. Lee Williams and a second by Mr. Chuck Samples.

4 Yeas - 0 Nays.

Mr. Phillip Hardee	Absent
Mr. Terry Johnson	Yes
Mr. Leon McNeal	Yes
Mr. Chuck Samples	Yes
Mr. Lee Williams	Yes

V.B. School Compliance

Motion Passed: Motion to approve the 2016-2017 Compliance Report passed with a motion by Mr. Lee Williams and a second by Mr. Chuck Samples.

4 Yeas - 0 Nays.

Mr. Phillip Hardee	Absent
Mr. Terry Johnson	Yes
Mr. Leon McNeal	Yes
Mr. Chuck Samples	Yes
Mr. Lee Williams	Yes

V.C. Reimbursement Costs

Motion Passed: Motion to approve this budget amendment passed with a motion by Mr. Lee Williams and a second by Mr. Chuck Samples.

4 Yeas - 0 Nays.

Mr. Phillip Hardee	Absent
Mr. Terry Johnson	Yes
Mr. Leon McNeal	Yes
Mr. Chuck Samples	Yes
Mr. Lee Williams	Yes

V.D. Basketball Overnight Trip Approval

Motion Passed: Motion to approve the basketball trip request passed with a motion by Mr. Lee Williams and a second by Mr. Chuck Samples.

4 Yeas - 0 Nays.

Mr. Phillip Hardee	Absent
Mr. Terry Johnson	Yes
Mr. Leon McNeal	Yes
Mr. Chuck Samples	Yes
Mr. Lee Williams	Yes

V.E. Beta Club Overnight Trip Approval

Motion Passed: Motion to approve the Beta Club trip request passed with a motion by Mr. Chuck Samples and a second by Mr. Lee Williams.

4 Yeas - 0 Nays.

Mr. Phillip Hardee	Absent
Mr. Terry Johnson	Yes
Mr. Leon McNeal	Yes
Mr. Chuck Samples	Yes
Mr. Lee Williams	Yes

V.F. Superintendent's Report

The Superintendent's Report consisted of:

(A) Veteran's Day Program on Friday at First Baptist Church and the luncheon honoring the Veteran's at the HJSHS.

(B) Recognition of Mrs. Perry, Asst. Principal at HJSHS, being accepted into the Governor's Academy.

(C) Our marketing tool has helped the enrollment increase and produced additional funding for our system. We have four billboards placed around Humboldt as part of the marketing campaign.

(D) National Education Week is the following week and we will be honoring our teachers.

(E) The HHS football team is in the second round of play-offs at Union City on Friday night.

VI. Citizens Concern

Crystal Pankey read a letter expressing to Dr. Hamlett about the excellent job she is doing, to stay strong and know she had the community's support. She then addressed Mr. Johnson, Board Chairman, about her request months ago to act on renewing Dr. Hamlett's contract and he has taken no action. She felt he has intentionally drawn out the process and gone against his constituents.

Don Graves commended Dr. Hamlett on the excellent job she has done and thinks she deserves better.

Ms. Woolfork felt we needed courses to recognize students in honors.

Bubba Hardee addressed Dr. Hamlett with doing a good job, but felt the problem with the school system revolved around money.

VII. Adjournment

Motion Passed: Motion to adjourn passed with a motion by Mr. Chuck Samples and a second by Mr. Leon McNeal.

4 Yeas - 0 Nays.

Mr. Phillip Hardee	Absent
Mr. Terry Johnson	Yes
Mr. Leon McNeal	Yes
Mr. Chuck Samples	Yes
Mr. Lee Williams	Yes

Terry Johnson, Chairman Date

Dr. Versie Hamlett, Superintendent Date

TSBA

Tennessee School Boards Association

2017 Day on the Hill

DoubleTree Nashville Downtown
Cumberland Ballroom

Monday, February 20

4:00 p.m. – 8:00 p.m.

Day on the Hill Registration

6:00 p.m. – 8:00 p.m.

Day on the Hill Reception sponsored by TSBA and Public Risk Insurers

Tuesday, February 21

7:30 a.m. – 8:30 a.m.

Registration and Breakfast

8:30 a.m. – 8:35 a.m.

Welcome

Wayne Blair, TSBA President
Rutherford County

Presentation of Colors

Pledge of Allegiance

8:35 a.m. - 8:50 a.m.

Remarks from Senate & House Leadership

8:50 a.m. - 9:20 a.m.

Importance of Public Education

9:20 a.m. - 10:15 a.m.

TSBA's Position on Upcoming Bills

Ben Torres, TSBA Director of
Government Relations &
Policy/Staff Attorney

10:15 a.m.

Adjourn

10:15 a.m. - afternoon

Meet with Your Legislators

2.601 Fundraising Activities

This policy was re-titled and renumbered from 6.701 and placed in the Financial Management section. TSBA added provisions regarding online fundraising to address concerns with sites like Go Fund me. This policy allows for the use of online fundraising sites under certain circumstances.

3.500 Food Service Management

This policy was revised to incorporate a meal charging provision that complies with new information released by the U.S. Department of Agriculture. TSBA also added a provision regarding the option for students with disabilities to request meal modifications. It is particularly important to note the parent/guardian notification requirements in this policy.

4.207 English Learners

This policy has been re-titled and revised to align with ESSA. Under ESSA, students for whom English is a second language are no longer referred to as ESL students. Instead, these students are referred to as English learners or ELs. Additionally, districts must ensure that parental notification requirements are met.

4.700 Testing Programs

This policy has been updated to assist districts in complying with State Board of Education rules.

5.1101 Differentiated Pay Plan

This policy was developed at the request of a district to comply with TCA 49-3-306. TSBA wanted to make it available to all of their subscribers.

5.305 Family and Medical Leave

Due to the complex nature of the Family and Medical Leave Act, TSBA has received questions from several districts about proper implementation. As a result, they have reorganized this policy to bring clarity to the implementation process.

6.505 Students in Foster Care

This is a new policy that TSBA developed in response to ESSA's amendment of the McKinney-Vento Education of Homeless Children and Youth Assistance Act. Previously, students in foster care were treated similarly to homeless students. After these new amendments, however, there are separate processes governing the placement and transportation of students in foster care or students awaiting foster care placement.

Humboldt City Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Fundraising Activities	Descriptor Code: 2.601	Issued Date:
		Rescinds:	Issued:

1 *General*

2 The following general guidelines shall be followed:

- 3 1. Fundraising activities shall be authorized by the board and shall be for the purpose of
4 supplementing funds for established school programs and not for supplementing funds which are
5 the responsibility of the public.
- 6 2. Fundraising companies and other salespersons shall obtain permission in writing from the
7 director of schools' office in order to visit the schools.
- 8 3. Any commission payable by companies shall be paid in the form of reduced prices to the students
9 or paid into the activity fund of the school for use by the school. No school employee shall
10 personally benefit from any fundraising activity.
- 11 4. The principal must obtain written approval from the director of schools or designee for all
12 fundraising activities, including online fundraising activities, that involve the participation of the
13 general student population in the marketing process of the fundraising effort. All other
14 fundraising activities, including online fundraising activities, must have written approval from
15 the principal and comply with all administrative procedures issued by the director of schools.
16 The authorization request shall contain the following information:¹
- 17 a. A list of the proposed fundraising activities;
- 18 b. Purpose of the fundraising activity;
- 19 c. Proposed uses of funds raised;
- 20 d. Expected student involvement in fundraising activity (school-wide or individual class or
21 club); and
- 22 e. Margin of profit and how it is to be paid to the school.
- 23 5. The director of schools shall determine whether or not the activity will benefit the school, con-
24 tribute to the welfare of the student body, and supplement, not replace, funds necessary to fulfill
25 the board's required contributions.
- 26 6. Students shall not be excused from a regular class to participate in a fundraising activity. No
27 grade in a subject or course shall be affected by a student's participation in a fundraising activity.

1 7. No quotas shall be imposed on students involved, and their efforts shall be voluntary. Students
2 who do not participate in fundraising activities shall not be punished or discriminated against in
3 any way.

4 This policy shall not be construed as preventing a teacher from using instructional or informational
5 materials even though the materials might include reference to a brand, a product, or a service.

6 **LOTTERIES**

7 No fundraising activity shall be conducted which distributes prizes or makes awards to winners from
8 among purchasers of chances by means of tickets through a random selection process.²

9 **ONLINE FUNDRAISING**

10 Individual schools may establish school-wide online fundraising accounts. The accounts must meet all
11 fundraising requirements established by the board and the *Internal School Uniform Accounting Policy*
12 *Manual*. The principal/designee of each school shall have access to the established fundraising account
13 to ensure all funds are properly accounted for, and the information is recorded in the school's
14 accounting records by the designated personnel. Online fundraising shall not be used on behalf and for
15 the benefit of an outside party.

16 Employees shall not engage in online fundraising in their official capacity as district employees nor
17 make any reference to non-school sponsored fundraisers, online or otherwise, that would lead another
18 to believe such activity is an approved school fundraiser.

Legal References

1. *Tennessee Internal School Uniform Accounting Policy Manual*, Section 4-32
2. Tenn. Op. Att'y Gen. No. 03-049 (Apr. 22, 2003)

Cross References

Student Activity Funds Management 2.900
Staff Gifts and Solicitations 5.605

Humboldt City Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Food Service Management	Descriptor Code: 3.500	Issued Date:
		Rescinds:	Issued:

1 The School Nutrition Program shall be operated on a nonprofit basis and shall comply with all rules
2 and regulations pertaining to nutrition, health, sanitation, internal accounting procedures, and service
3 of foods and will meet all state and federal and local requirements necessary for participation.¹

4 The system's food service supervisor will oversee the program. All products and services necessary for
5 the operation of the school nutrition department shall be procured using a procurement plan which
6 must comply with federal and state purchasing procedures.

7 School Nutrition may include the following programs: National School Lunch Program, Fresh Fruit
8 and Vegetable Program, School Breakfast Program, Seamless Summer Option, and Afterschool Snack
9 Program. Meals and snacks that are offered shall meet the federal requirements for reimbursement as
10 defined by federal regulations.²

11 As required for participation in the School Nutrition Programs, the board agrees to the following:

12 1. Meals must be made available to all students in attendance.

13 2. Free and reduced-price meals/snacks must be made available to students who are determined
14 eligible for these benefits.

15 Students who participate in no-cost or reduced-cost meals will not be distinguished in any way from
16 other students during food service.

17 Students will be permitted to bring their lunches from home and to purchase allowable beverages and a
18 la carte items at school.

19 Procedures for implementing guidelines established by the State Department of Education, School
20 Nutrition Program are on file in the district food service procedures manual.

21 *Students Requesting Modified Meals*

22 The School Nutrition Program shall make reasonable modifications to accommodate children with
23 disabilities. These modifications will be made on a case-by-case basis when supported by a written
24 statement from a licensed healthcare professional who is authorized to write prescriptions under state
25 law.

26 The director of schools shall develop procedures for notifying parents/guardians of the process for
27 requesting meal modifications, and arrange for an impartial hearing process to resolve grievances
28 related to requests for modifications based on a disability.

1 *Competitive Foods*

2 The sale of competitive foods must comply with all local procedures, but at a minimum must be as
3 stringent as the current state and federal regulations concerning competitive foods.³

4 *Charging Meals*

5 In the event a student does not have adequate funds to purchase a meal, he/she will be allowed to
6 charge the meal.

7 The director of schools shall ensure that this policy is provided in writing to all households at the start
8 of each school year and to households that transfer to the school during the school year.

9 *Collection of Unpaid Meal Charges*

10 The district shall make reasonable efforts to collect debts resulting from unpaid meal charges prior to
11 the end of the school year. Uncollected charges from the previous fiscal year shall be considered
12 delinquent debt. The director shall establish reasonable methods and a timeframe for collection of
13 delinquent debt. Any use of third parties to collect delinquent debt must be approved by the board.
14 Upon recommendation of the director, the board may classify delinquent debt as bad debt, which shall
15 be considered uncollectable and categorized as an operating loss.⁴

Legal References

1. TCA 49-6-2302, 2303; TRR/MS 0520-01-06-.04
2. 7 CFR § 210.10-.13
3. 7 CFR § 210.11
4. 2 CFR 200.426

Cross References

Deposit of Funds 2.500
Financial Reports and Records 2.701

Humboldt City Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: English Learners	Descriptor Code: 4.207	Issued Date:
		Rescinds:	Issued:

1 If the inability to speak and understand the English language excludes a student from effective
2 participation in the educational programs offered by the district, the district shall take reasonable actions
3 to provide the student equal access to its programs. Students who are English learners (“EL”) shall be
4 identified, assessed, and provided appropriate services. No child shall be admitted to or excluded from
5 any program or extra-curricular activity based on the student’s surname or EL status.¹

6 The director of schools shall evaluate the effectiveness of the district’s language assistance programs to
7 ensure EL students will acquire English proficiency and the ability to participate in the standard
8 instructional program within a reasonable period of time.

9 **ENGLISH LANGUAGE INSTRUCTION PROGRAM**

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

- 11 1. Appropriately identify EL students in a timely, valid, and reliable manner.
- 12 2. Determine the appropriate instructional environment for EL students.
- 13 3. Provide EL students with a language assistance program that is educationally sound and proven
14 successful.
- 15 4. Annually assess the English proficiency of EL students and monitor the progress of students in
16 order to determine their readiness for standard instructional program.
- 17 5. Monitor the progress of students that have exited the EL program.

18 **PARENTAL NOTIFICATION³**

19 Parents of EL students shall be given notice of, and information regarding, the instructional program
20 within the first thirty (30) days of the school year, or within the first two weeks of a student being placed
21 in a language instruction educational program (LIEP). At a minimum, the notice will include the
22 following:³

- 23 1. The reason for identifying the child as an EL student;
- 24 2. The child’s level of English language proficiency, including how the level was assessed, and the
25 status of the child’s academic achievement;
- 26 3. Methods of instruction used in the program, methods of instruction in other available programs,
27 and how they differ;

- 1 4. How the program meets the educational strengths and needs of the student, and how the program
2 will help the student reach English language proficiency and meet academic standards;
- 3 5. Program exit requirements, rate of transition to a standard instructional program classroom, and
4 expected rate of high school graduation;
- 5 6. How the program meets the goals of an EL student with an IEP; and
- 6 7. Information on the parents' right to withdraw the student from the program or choose another
7 program or method of instruction if available.
- 8 Parental involvement will be encouraged and parents will be regularly apprised of their child's progress.⁴

Legal References

1. Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(D)
2. Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 3113(b)(3)(B)
3. Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(A)
4. Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(C)

Humboldt City Board of Education

Monitoring: Review: Annually, in December	Descriptor Term: Testing Programs	Descriptor Code: 4.700	Issued Date: Click here to enter a date
		Rescinds:	Issued:

1 *General*

2 The board shall provide for a system-wide testing program which shall be periodically reviewed and
3 evaluated. The purposes of the program shall be to:

- 4 1. Assist in promoting accountability;
- 5
- 6 2. Determine the progress of students;
- 7
- 8 3. Assess the effectiveness of the instructional program and student learning;
- 9
- 10 4. Aid in counseling and guiding students in planning future education and other endeavors;
- 11
- 12 5. Analyze the improvements needed in each instructional area;
- 13
- 14 6. Assist in the screening of students with learning difficulties;^{1,2}
- 15
- 16 7. Assist in placing students in remedial programs;
- 17
- 18 8. Provide information for college entrance and placement; and
- 19
- 20 9. Assist in educational research by providing data.

21 The director of schools shall be responsible for planning and implementing the program, which includes:

- 22 1. Determining specific purposes for each test;
- 23
- 24 2. Selecting the appropriate test to be given;
- 25
- 26 3. Establishing procedures for administering the tests;
- 27
- 28 4. Making provisions for interpreting and disseminating the results;
- 29
- 30 5. Maintaining testing information in a consistent and confidential manner; and
- 31
- 32 6. Ensuring that results are obtained as quickly as possible, especially when placement in a special
33 learning program might be necessary.

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

3 **WEIGHTING OF TCAP AND EOC SCORES**

4 Student scores on the Tennessee Comprehensive Assessment Program's grades three through eight (3-8)
5 shall comprise fifteen (15%) percent of the student's final grade in the spring semester in the subject
6 areas of mathematics, reading/language arts, science, and social studies.⁴ The director of schools may
7 exclude Tennessee Comprehensive Assessment Program scores from students' final grades if scores are
8 not received by the district at least five (5) instructional days before the end of the school year.⁵

9 High School End of Course Exam scores will be included in students' final grades as follows:⁶

- 10 a) 2016-2017 school year - 10% of the student's second semester average of a yearlong course or
11 10% of the last nine weeks' average in a semester long block class.
12 b) 2017-2018 school year - 15% of the student's second semester average of a yearlong course or
13 15% of the last nine weeks' average in a semester long block class.
14 c) 2018-2019 school year - ___% of the student's second semester average of a yearlong course or
15 ___% of the last nine weeks' average in a semester long block class.

16 The director of schools may exclude end-of-course (EOC) scores from students' final grades if scores
17 are not received by the district at least five (5) instructional days before the end of the course.⁵

18 **TESTING INFORMATION AND PARENTAL CONSENT**

19 Any test directly concerned with measuring student ability or achievement through individual or group
20 psychological or socio-metric tests shall not be administered by or with the knowledge of any employee
21 of the system without first obtaining written consent of the parents or guardians.²

22 Results of all group tests shall be recorded on the students' permanent records and shall be made
23 available to appropriate personnel in accordance with established procedures.⁷

24 No later than July 31st of each year, the board shall publish on its website information related to state
25 and board mandated tests that will be administered during the school year. The information shall
26 include:⁸

- 27 1. The name of the test;
28
29 2. The purpose and use of the test;
30
31 3. The grade or class in which the test will be administered;
32
33 4. The tentative date or dates that the test will be administered;
34

- 1 5. The time and manner in which parents and students will be notified of the results of the test;
2 and
3
4 6. How parents can access the questions and answers on their student's state-required tests.⁸
- 5 Beginning with the 2015-2016 school year and for school years thereafter, the testing information shall
6 also be placed in student handbooks or other school publications that are provided to parents on an
7 annual basis.

Legal References

1. TCA 49-10-108
2. 20 USCS 1232(g)
3. TRR/MS 0520-01-03-.03(9)
4. TCA 49-1-617
5. Public Acts of 2015, Chapter No. 256
6. TRR/MS 0520-01-03-.06(1)(c)(2)
7. TCA 10-7-504
8. TCA 49-6-6007; Public Acts of 2016, Chp. No. 844

Cross References

Student Records 6.600

Humboldt City Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Differentiated Pay Plan	Descriptor Code: 5.1101	Issued Date:
		Rescinds:	Issued:

- 1 Annually, the director of schools shall recommend a differentiated pay plan to the board for approval.
- 2 The plan shall follow the guidelines established by the State Board of Education and will reflect the
- 3 needs of the district.

- 4 Once approved by the board, the differentiated pay plan shall be submitted to the Tennessee
- 5 Department of Education for review and approval.

Legal References

1. TCA 49-3-306(h)

Cross References

Humboldt City Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Family and Medical Leave	Descriptor Code: 5.305	Issued Date: Click here to enter a date.
		Rescinds:	Issued:

1 PURPOSE

2 To entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the
3 care of a child, spouse, or parent who has a serious health condition.

4 ELIGIBILITY

5 Anyone who has been employed for at least twelve (12) months by the school system and anyone who has at least
6 1,250 hours of service (hours used for leave, even FMLA leave, shall not be credited for service for purposes of
7 FMLA eligibility¹) during the previous twelve-month period.²

8 GENERAL PRINCIPLES

9 An eligible employee shall be granted, upon request, up to twelve (12) weeks unpaid leave during a fixed calendar
10 year for the following reasons:

- 11 1. the birth of a child;
- 12 2. the placement of a child with the employee for adoption or foster care;
- 13 3. a serious health condition of the employee that makes the employee unable to perform the essential
14 functions of his or her job position;
- 15 4. the care of a spouse, child, parent, or next of kin of the employee who has a serious health condition; and
- 16 5. any qualifying circumstances arising out of the fact that a spouse, child, or parent of the employee is on
17 covered active duty, or has been notified of an impending call or order to covered active duty, in the
18 Armed Forces.

19 Granting of leave under this policy shall be subject to, and in accordance with, the provisions of applicable federal
20 and state laws. An employee may substitute accrued paid leave for unpaid time. Use of accrued paid leave shall
21 run concurrently with and be counted toward the employee's total period of FMLA leave.

22 MATERNITY/PATERNITY LEAVE

- 23 1. *Relationship between FMLA leave and Tennessee Maternity Act leave*- FMLA leave shall run
24 concurrently with leave provided under the Tennessee Maternity Act, which affords eligible employees
25 leave for a period not to exceed four (4) months for the adoption, pregnancy, childbirth and nursing of a
26 newborn child.³
27
- 28 2. *Teachers' Sick Leave*- In accordance with state law, upon written request of the teacher accompanied by
29 a statement from the teacher's physician verifying pregnancy, any teacher who goes on maternity leave
30 shall be allowed to use all or a portion of the teacher's accumulated sick leave for maternity leave purposes
31 during the period of the teacher's physical disability only, as determined by a physician. Upon verification
32 by a written statement from an adoption agency or other entity handling an adoption, a teacher may also

1 be allowed to use up to thirty (30) days of accumulated sick leave for adoption of a child. If both adoptive
2 parents are teachers employed by the district, however, only one (1) parent is entitled to use such leave.⁴
3

4 Spouses who are both eligible employees of the school district are limited to a combined total of twelve
5 (12) workweeks of FMLA leave in a single twelve (12) month period if the leave is taken for birth and
6 care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who
7 has a serious health condition. Under certain circumstances, spouses who share leave for the birth or
8 adoption of a child may be eligible for limited amounts of additional leave for other qualifying FMLA
9 reasons.⁵

10 LEAVE FOR A SERIOUS HEALTH CONDITION⁶

11 Eligible employees, upon request, shall be granted up to twelve (12) weeks of unpaid leave when he/she is unable
12 to work because of a serious health condition or to care for an immediate family member with a serious health
13 condition. Granting of such leave shall be subject to the provisions of applicable federal and state laws. Employees
14 shall contact Human Resources to determine if the reason for leave qualifies as Family and Medical Leave. If the
15 leave is foreseeable, the employee shall give thirty (30) days' notice. If the leave is not foreseeable, the employee
16 shall notify Human Resources as soon as practicable—generally, either the same or next business day.

17 LEAVE FOR MILITARY FAMILY MEMBERS

- 18 1. *Qualifying Exigency Leave*⁷ - Eligible employees are entitled to up to twelve (12) workweeks of leave
19 because of any “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of
20 the employee, as defined under the FMLA, is on active duty, or has been notified of an impending call
21 to active duty, or has been notified of an impended call to active duty status, in the Armed Forces.

22 Qualifying exigencies may include:

- 23 a. issues arising from the service member's short notice deployment;
24 b. military events and related activities (e.g. official ceremonies, support programs);
25 c. making or updating financial and legal arrangements, attending counseling;
26 d. taking up to fifteen (15) days leave to spend time with a covered service member who is on
27 short-term rest and recuperation leave during deployment; or
28 e. attending post-deployment activities.

- 29
30 2. *Military Caregiver Leave*⁸ - An eligible employee who is the spouse, son, daughter, parent, or next of kin
31 of a covered service member or covered veteran with a serious injury or illness is entitled to up to twenty-
32 six (26) workweeks of leave in a “single twelve (12) month period.” A covered service member is a current
33 member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing
34 medical treatment, recuperation, or therapy, is otherwise in out-patient status, or is otherwise on the
35 temporary disability retired list, for a serious injury or illness.

36
37 A covered veteran is an individual who was a member of the Armed Forces at any time during the period
38 of five (5) years preceding the date of the medical treatment, recuperation, or therapy that has a serious
39 injury or illness who is currently receiving medical treatment, recuperation, or therapy.

40
41 The calculation of this 5-year period shall not include the interval of October 28, 2009 through March 8,
42 2013. The “single twelve (12) month period” for leave to military caregiver leave begins on the first day
43 the employee takes leave for this reason and ends twelve (12) months later. An eligible employee is limited
44 to a combined total of twenty-six (26) workweeks of leave to provide care for a covered service member.
45 The maximum of twenty-six (26) workweeks may include no more than twelve (12) workweeks of leave
46 that is taken for the birth and care of a newborn child, for placement of a child for adoption or foster care,
47 for care of a parent who has a serious health condition, or for the employee's own serious health condition.

1 INTERMITTENT LEAVE⁹

2 Eligible employees may take FMLA leave intermittently when medically necessary to care for a seriously ill
3 family member, or because of the employee's own serious health condition, or for the care for a newborn, a newly
4 adopted child, or a newly placed foster care child. When a licensed employee requests foreseeable leave for
5 planned medical treatment and the employee would be on leave for greater than 20% of the total number of
6 working days in the period during which the leave would extend, the school may require that such employee elect
7 either to take the leave for periods of a particular duration, not to exceed the duration of the planned medical
8 treatment or to transfer temporarily to an available alternative position offered by the school system for which the
9 employee is qualified, and that has equivalent pay and benefits and better accommodates recurring periods of
10 leave.

11 RESTRICTIONS

12 1. Notice Requirements

- 13 a. *Employee Notice*¹⁰- For foreseeable leave, the employee shall provide the director of schools with
14 at least thirty (30) days written notice before the beginning of the anticipated leave.
15
16 b. *District Notice*- Once it has been established that the leave requested qualifies for FMLA, the
17 director of schools/ designee shall notify the employee within three (3) business days (absent
18 extenuating circumstances) that any leave taken pursuant to state leave statutes (paid vacation
19 leave, personal leave, sick leave, or workers' compensation) shall run concurrently with FMLA
20 leave.¹¹ The notice may be given orally or in writing. If the notice is oral, it shall be confirmed
21 in writing, no later than the following pay day.¹²
22

23 2. Certification Requirement¹³

- 24 a. The director may require that a request for leave be supported by certification issued by a health
25 care provider with the following information:
26 i. the date on which the serious health condition commenced;
27 ii. the probable duration of the condition;
28 iii. the appropriate medical facts within the knowledge of the health care provider
29 regarding the condition; and
30 iv. a statement that the eligible employee is needed to care for the son, daughter, spouse, or
31 parent and an estimate of the amount of time that such employee is needed.
32
33 b. If there is any reason to doubt the validity of the certification provided, the director may require,
34 at the expense of the school system, an opinion of a second health care provider.
35

36 3. Period Near the End of an Academic Term (Professional Employees)¹⁴

- 37 a. If leave is taken more than five (5) weeks prior to the end of the term, the director of schools may
38 require the employee to continue taking leave until the end of the term if the leave is at least three
39 (3) weeks of duration and the return of employment would occur during the three (3) week period
40 before the end of the term.
41 b. If the leave is taken five (5) weeks prior to the end of the term, the director of schools may require
42 the employee to continue taking leave until the end of the term if the leave is greater than two (2)
43 weeks duration and the return to employment would occur during the two (2) week period before
44 the end of the term.

1 REQUIREMENTS OF THE BOARD¹⁵

- 2 1. The employee shall be restored to the same position of employment or an equivalent position with no
3 loss of benefits, pay, or other terms of employment.
- 4 2. The employee shall be kept under any group health plan for the duration of the leave.
- 5 3. The board may recover the premium paid under the following conditions:
6 a. the employee fails to return from leave after the period of leave has expired.
7 b. the employee fails to return to work for a reason other than the continuation, recurrence, or
8 onset of a serious health condition or other circumstances beyond the control of the employee.

Legal References

1. *Hinson v. Tecumseh Products Co.*, 2000 U.S. App. LEXIS 26778, at *1—10 (6th Cir. Oct. 17, 2000)
2. Federal Family and Medical Leave Act 1993, 29 U.S.C.A. § 2601, 2611—2619
3. TCA 49-5-702; TCA 4-21-408
4. TCA 49-5-710(a)(2)
5. 29 CFR § 825.120(a)(3)
6. 29 CFR § 825.113
7. 29 CFR § 825.126
8. 29 CFR § 825.124; 29 CFR § 825.127
9. 29 CFR § 825.202
10. 29 CFR § 825.302-825.304
11. 29 CFR § 825.207
12. OP Tenn. Atty Gen 94-006 (Jan 13, 1994); *Plant v. Morton International, Inc.*, 212 F. 3d 929, 932 (6th Cir. 2000)
13. 29 CFR § 825.305-825.313
14. 29 CFR § 825.602
15. 29 U.S.C.A. § 2614

Cross References

- Sick Leave 5.302
Long Term Leaves 5.304

Humboldt City Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Students in Foster Care	Descriptor Code: 6.505	Issued Date:
		Rescinds:	Issued:

1 The Humboldt City School System shall provide all students in foster care, to include those awaiting
2 foster care placement, with a free and appropriate public education.

3 **ENROLLMENT**

4 Students in foster care, to include those awaiting foster care placement, shall be immediately enrolled,
5 even if the student is unable to produce records normally required for enrollment (i.e. academic records,
6 immunization records, health records, proof of residency), or missed the district's application or
7 enrollment deadlines.¹

8 **PLACEMENT**

9 The district and the child welfare agency shall determine whether placement in a particular school is in
10 a student's best interest. Other parties, including the student, foster parents, and biological parents (if
11 appropriate), shall be consulted. If the child has an IEP or a Section 504 plan, then the relevant school
12 staff members shall participate in the best interest decision process. This determination shall be made as
13 quickly as possible to prevent educational disruption.

14 Placement shall be determined based on the student's best interest. At all times, a strong presumption
15 that keeping the student in the school of origin is in the student's best interest shall be maintained.² For
16 the purposes of this policy, school of origin shall mean the school in which the student was enrolled,
17 including a preschool/pre-k program, at the time of placement in foster care or at the time of a placement
18 change if the student is already placed in foster care.³

19 When determining placement, student-centered factors including, but not limited to, the following shall
20 be considered:

- 21 1. Preferences of the student;
- 22 2. Preferences of the student's parent(s) or education decision maker(s);
- 23 3. The student's attachment to the school, including meaningful relationships with staff and peers;
- 24 4. Placement of the student's siblings;
- 25 5. Influence of the school climate on the student, including safety;
- 26 6. The availability and quality of the services in the school to meet the student's educational needs;
- 27 7. History of school transfers and how they have impacted the student;
- 28 8. How the length of the commute would impact the student;
- 29 9. Whether the student is receiving special education and related services, and if so, the availability
30 of those required services in a school other than the school of origin; and

1 10. Whether the student is an EL and is receiving language services, and, if so, the availability of
2 those required services in a school other than the school of origin.

3 Transportation costs should not be considered when determining a student's best interest.

4 If it is not in the student's best interest to attend the school of origin, the director or his/her designee shall
5 provide a written explanation of the reasons for the determination. The written explanation shall include
6 a statement regarding the right to appeal the placement decision. If the placement decision is appealed,
7 the district shall refer the student to the district coordinator for children in foster care, who shall carry
8 out the dispute resolution process as expeditiously as possible and in accordance with the law.² Until the
9 dispute is resolved, to the extent feasible, the student shall remain in his/her school of origin.²

10 **TRANSPORTATION^{3,4}**

11 The district shall collaborate with the local child welfare agency to develop and implement clear and
12 written procedures governing how transportation to a student's school or origin shall be provided,
13 arranged, and funded. This transportation will be provided for the duration of the student's time in
14 foster care.

15 The director of schools shall develop administrative procedures to provide for transportation of
16 students in foster care.⁵ These procedures must ensure that:

- 17 1. Students in foster care needing transportation to their schools of origin will promptly receive
18 that transportation in a cost-effective manner and in accordance with federal law; and
19 2. If there are additional costs incurred in providing transportation to the school of origin, the
20 district will provide such transportation if:
21 a. the local child welfare agency agrees to reimburse the district for the cost of such
22 transportation;
23 b. the district agrees to pay for the cost; or
24 c. the district and local child welfare agency agree to share the cost.⁴

25 The district will ensure that a student in foster care, to include a student awaiting foster care placement,
26 remains in his/her school of origin while any disputes regarding transportation costs are being
27 resolved.

Legal References

1. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95) § 1111(g)(1)(E)(ii)-(iii)
2. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1111 (g)(1)(E)(i)-(iv)
3. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1111 (g)(1)(E)
4. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1112 (c)(5); § 475(4)(A) of the Social Security Act, 42 U.S.C. § 675(4)(A)
5. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1112 (c)(5)(B)(i)

Cross References

Attendance 6.200
School Admissions 6.203