

BARTLETT CITY BOARD OF EDUCATION
BARTLETT CITY BOARD OF EDUCATION WORK SESSION AGENDA
BARTLETT CITY HALL COUNCIL CHAMBERS 6400 STAGE ROAD - BARTLET
PO Box 341148
Bartlett, TN 38134

April 17, 2014

7:00 PM

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER & ROLL CALL

Official Business of the Day

APPROVAL OF AGENDA

Approval of Agenda passed with a motion by Ms. Erin Berry and a second by Mr. David Cook.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

REPORTS

Chairman's Report

Superintendent's Report

Legal Report

STAFF ACTION ITEMS

**Tennessee Consolidated Retirement System (TCRS) Resolution
PLACEHOLDER**

**Student Information Management Services Interlocal Agreement
(ILA)PLACEHOLDER**

School Nutrition Services Interlocal Agreement (ILA)PLACEHOLDER

Special Education Consulting Services Contract PLACEHOLDER

**Process for Establishing School Attendance Zones for the 2014-2015 School
Year**

BOARD ACTION ITEMS

POLICY 2000: Fiscal Management Goals

Policy 2000 passed with a motion by Mrs. Shirley Jackson and a second by Mr. David Cook.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 2006: Deposit of Funds

Policy 2006 passed with a motion by Ms. Erin Berry and a second by Mr. David Cook.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 4025: Extracurricular Activities

Policy 4025 passed with a motion by Mr. Jeff Norris and a second by Mrs. Shirley Jackson.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 4026: Field Trips, Excursions, and Competitions

Policy 4026 as amended passed with a motion by Mr. David Cook and a second by Mrs. Shirley Jackson.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 4027: Interscholastic Athletics

Policy 4027 passed with a motion by Bryan Woodruff and a second by Ms. Erin Berry.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 4028: Isolation or Restraint of Students Receiving IDEA Special Education Services

Policy 4028 as amended passed with a motion by Bryan Woodruff and a second by Ms. Erin Berry.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 5013.1: Emergency and Legal Leave

Policy 5013.1 passed with a motion by Mrs. Shirley Jackson and a second by Mr. David Cook.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 5014.1: Family and Medical Leave

Policy 5014.1 passed with a motion by Ms. Erin Berry and a second by Mr. David Cook.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 5014.2: Military Leave

Policy 5014.2 passed with a motion by Bryan Woodruff and a second by Mrs. Shirley Jackson.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 5014.3: Physical Assault Leave

Policy 5014.3 passed with a motion by Mrs. Shirley Jackson and a second by Bryan Woodruff.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 5030: Drug and Alcohol Testing for Employees

Policy 5030 passed with a motion by Mr. David Cook and a second by Bryan Woodruff.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 5031: Complaints and Grievances

Policy 5031 as amended passed with a motion by Bryan Woodruff and a second by Ms. Erin Berry.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 6025: School Attendance Zones

Policy 6025 passed with a motion by Bryan Woodruff and a second by Mr. David Cook.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 2019: Payment Procedures REVISED

Policy 2019 passed with a motion by Bryan Woodruff and a second by Mr. David Cook.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 5000: Personnel Goals, Rights, and Responsibilities REVISED

Policy 5000 passed with a motion by Bryan Woodruff and a second by Ms. Erin Berry.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 5008: Classification and Qualifications REVISED

Policy 5008 passed with a motion by Bryan Woodruff and a second by Mr. David Cook.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

POLICY 5032: Complaints About School Personnel

POLICY 5032: Complaints About School Personnel passed with a motion by Mr. David Cook and a second by Bryan Woodruff.

Ms. Erin Berry: Aye, Mr. David Cook: Aye, Mrs. Shirley Jackson: Aye, Mr. Jeff Norris: Aye, Bryan Woodruff: Aye

ADJOURNMENT

**Tennessee Consolidated
Retirement System
(Board of Education)**

A RESOLUTION to authorize a local board of education's participation in the Tennessee Consolidated Retirement System in accordance with Tennessee Code Annotated, Title 8, Chapters 34 – 37.

WHEREAS, Tennessee Code Annotated, Title 8, Chapter 35, Part 2 allows a local board of education to participate in the Tennessee Consolidated Retirement System ("TCRS") separately from the political subdivision with which it is associated subject to the approval of the TCRS Board of Trustees and subject to the passage of a resolution by the political subdivision accepting the financial responsibility for the liabilities associated with the board of education's participation in TCRS; and

WHEREAS, the Bartlett City Board of Education desires to participate in TCRS under the
(Name of Board of Education)

provisions of Tennessee Code Annotated, Title 8, Chapters 34 – 37 and in accordance with the following terms and conditions:

- A. TYPE PLAN. (CHECK BOX 1 OR BOX 2 OR BOX 3 OR BOX 4). The Board of Education adopts the following type plan:
- (1) Regular Defined Benefit Plan.
 - (2) Alternate Defined Benefit Plan.
 - (3) Local Government Hybrid Plan (If this Plan is chosen, the Board of Education MUST also maintain a defined contribution plan on behalf of its employees and pass the attached resolution that describes the type of defined contribution plan the Board of Education will adopt. The defined contribution plan could provide for employer contributions of 0% to up to 7% of its employees' salaries).
 - (4) State Employee and Teacher Hybrid Plan (If this Plan is chosen, the Board of Education MUST also maintain a defined contribution plan on behalf of its employees whereby the Board of Education makes a mandatory employer contribution on behalf of each of its employees participating in the Hybrid Plan equal to 5% of the respective employee's salary subject to the cost controls and unfunded liability controls of the Hybrid Plan. The Board of Education must also pass the attached resolution that describes the type of defined contribution plan the Board of Education will adopt).
- B. ASSUMPTION OF EMPLOYEE CONTRIBUTIONS. (CHECK BOX 1 OR BOX 2 OR BOX 3 - IF THE STATE EMPLOYEE AND TEACHER HYBRID PLAN IS SELECTED ABOVE, NO EMPLOYEE CONTRIBUTIONS MAY BE ASSUMED AND BOX 1 MUST BE CHECKED). The Board of Education shall:
- (1) NOT assume any employee contributions.
 - (2) ASSUME 2.5% of its employees' contributions.
 - (3) ASSUME 5.0% of its employees' contributions.
- C. COST-OF-LIVING INCREASES FOR RETIREES. (CHECK BOX 1 OR BOX 2 – IF EITHER THE LOCAL GOVERNMENT, OR THE STATE EMPLOYEE AND TEACHER HYBRID PLAN IS SELECTED ABOVE, COST-OF-LIVING INCREASES FOR RETIREES MUST BE GIVEN, SUBJECT TO ANY APPLICABLE COST CONTROLS AND UNFUNDED LIABILITY CONTROLS, AND BOX 2 MUST BE CHECKED). The Board of Education shall:
- (1) NOT provide cost-of-living increases for its retirees.
 - (2) PROVIDE cost-of-living increases for its retirees.
- D. ELIGIBILITY OF PART-TIME EMPLOYEES. (CHECK BOX 1 OR BOX 2). The Board of Education shall:
- (1) NOT allow its part-time employees to participate in TCRS.
 - (2) ALLOW its part-time employees to participate in TCRS.
- E. PRIOR SERVICE. (CHECK AND COMPLETE BOX 1 OR BOX 2 OR BOX 3 OR BOX 4 OR BOX 5 – CAUTION: IF THE STATE EMPLOYEE AND TEACHER HYBRID PLAN IS SELECTED ABOVE AND IF BOX 3 BELOW IS NOT

CHOSEN, THE EMPLOYER CONTRIBUTION COULD EXCEED 4% THEREBY CAUSING THE COST CONTROLS AND UNFUNDED LIABILITY CONTROLS TO AUTOMATICALLY APPLY. ACCORDINGLY, PRIOR SERVICE IS NOT RECOMMENDED). For each employee employed with the Board of Education on the effective date of the Board of Education's participation in TCRS, the Board of Education shall:

- (1) Purchase ALL years of prior service credit on behalf of its employees.
- (2) Purchase NO years of prior service credit on behalf of its employees, but shall accept the unfunded liability should its employees establish ALL years of prior service.
- (3) NOT allow its employees to establish any prior service credit with the Board of Education.
- (4) Purchase _____ years of prior service credit on behalf of its employees and accept the unfunded liability should its employees establish an additional _____ years of prior service credit.
- (5) Purchase _____ years of prior service credit on behalf of its employees and no additional prior service credit may be established; and

F. MAXIMUM UNFUNDED LIABILITY. (*COMPLETE THIS ITEM F ONLY IF THE STATE EMPLOYEE AND TEACHER HYBRID PLAN IS SELECTED ABOVE*). For purposes of the cost control provisions of Tennessee Code Annotated, Section 8-36-922(d), the Board of Education defines "maximum unfunded liability" to mean an unfunded liability of no greater than _____ N/A _____

; and

WHEREAS, the liability for participation and costs of administration shall be the sole responsibility of the Board of Education and the Political Subdivision with which it is associated, and not the State of Tennessee; and

WHEREAS, the Board of Education and the Political Subdivision have passed a budget amendment appropriating the funds necessary to meet such liability and the same is attached hereto; and

WHEREAS, the effective date of participation shall be on July 1, 2014, or on such later date as determined by the TCRS Board of Trustees, and the initial employer contribution rate will be 9.27%. Due to the majority of employees/non-certificated staff coming from the Shelby County Board of Education, the blended employer rate for the Shelby County Board of Education for the school year 2014-2015 is being used for the initial employer contribution rate.

NOW, THEREFORE, BE IT RESOLVED That the Board of the _____
(Name of Governing Body)

Bartlett City Board of Education hereby authorizes all its employees in all its departments or _____
(Name of Local Board of Education)
instrumentalities to become eligible to participate in TCRS in accordance with the above terms and conditions subject to the approval of the TCRS Board of Trustees. It is acknowledged and understood that pursuant to Tennessee Code Annotated, Section 8-35-111 neither the Board of Education nor the Political Subdivision shall make employer contributions to any other retirement or deferred compensation plans on behalf of any employee who participates in TCRS pursuant to this Resolution wherein the total combined employer contributions to such plans exceed 3% of the employee's salary, unless the Local Government Hybrid Plan or the State Employee and Teacher Hybrid Plan is adopted by the Board of Education for such employee. If either the Local Government Hybrid Plan or the State Employee and Teacher Hybrid Plan is adopted by the Board of Education, the Board of Education or the Political Subdivision may make employer contributions to the defined contribution plan component of that Plan and to any one or more additional tax deferred compensation or retirement plans on behalf of such employee provided that the total combined employer contributions to such plans on behalf of the employee does not exceed 7% of the employee's salary.

STATE OF TENNESSEE
COUNTY OF SHELBY

I, _____, clerk of the

(Name of Governing Body)

(County, City Town, etc.)

Tennessee, do hereby certify that this is a true and exact copy of the foregoing Resolution that was approved and adopted in accordance with applicable law at a meeting held on the _____ day of _____, 20____, the original of which is on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand, and the seal of the _____
(Name of Board of Education)

As Clerk of the Board, as aforesaid

Seal

Tennessee Consolidated Retirement System

A RESOLUTION to allow a local board of education to contribute to a tax deferred retirement plan in accordance with Tennessee Code Annotated, Title 8, Chapters 34 – 37.

WHEREAS, Tennessee Code Annotated, Section 8-35-111(b)(3) provides that all tax deferred retirement plans established by public employers participating in the Tennessee Consolidated Retirement System (“TCRS”), wherein employer contributions made, must be approved by the TCRS director; and

WHEREAS, Tennessee Code Annotated, Section 8-35-111(b)(3) further provides that the total combined employer contributions to all such additional tax deferred retirement plans made on behalf of a single employee, other than those made pursuant to a salary reduction agreement, cannot exceed three percent (3%) of the employee’s salary, unless the board of education has adopted the hybrid plan authorized in Tennessee Code Annotated, Section 8-35-256, or in Tennessee Code Annotated, Section 8-36-919; and

WHEREAS, in the event the board of education has adopted the hybrid plan authorized in Tennessee Code Annotated, Section 8-35-256, or in Tennessee Code Annotated, Section 8-36-919, the total combined employer contributions made by the board of education to the defined contribution plan component of the hybrid plan and to any one or more additional tax deferred compensation or retirement plans on behalf of single employee does not exceed seven percent (7%) of the employee’s salary, or such lower amount as required by the Internal Revenue Code; and

WHEREAS, the _____ desires to make employer contributions to the
(Name of Board of Education)

following plan(s) in addition to the contributions it makes to TCRS.

PLAN DATA:

Type of Plan: _____

Plan Administrator’s Name: _____

Address: _____

Beginning Date of Plan: _____ Phone: _____

Employer Contributions as Percentage of Employee's Salary: _____

Type of Plan: _____

Plan Administrator’s Name: _____

Address: _____

Beginning Date of Plan: _____ Phone: _____

Employer Contributions as Percentage of Employee's Salary: _____

NOW, THEREFORE, BE IT RESOLVED that the _____
(Name of Governing Body)

of _____ (the "Board of Education") hereby requests the approval of the TCRS director
(Name of Board of Education)

for the Board of Education to make employer contributions to the above referenced plan(s) in the amount(s) specified and in accordance with the provisions of this resolution. Upon approval, the Board of Education agrees it shall not permit contributions to such plan(s) in excess of the applicable amount specified above and which, when combined with projected benefits from TCRS, would exceed the limitations of the Internal Revenue Code, as amended. The Board of Education further agrees to file, upon request of the Council on Pensions and Insurance or the TCRS director, an annual report of the actuarial and financial status of the plan(s) with the TCRS director, which shall cover the most recently ended plan year ending on or before June 30 of the year of the request. The report shall be filed with the TCRS director within ninety (90) calendar days from the date of the request and contain such additional information as may be prescribed by the TCRS director.

STATE OF TENNESSEE

COUNTY OF _____

I, _____, clerk of the _____
(Name of Governing Body)

of _____, Tennessee do hereby certify that this is a true and
(Name of Board of Education)

exact copy of the resolution that was approved and adopted in accordance with applicable law at a meeting held on the ____ day
of _____, 20____, the original of which is on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand, and the seal of the

(Board of Education)

As Clerk of the Board, as aforesaid

SEAL

POLICY 2000: Fiscal Management Goals

The Board shall practice sound fiscal management procedures which guarantee maximum use of all resources provided. The Board assumes responsibility, within its financial capabilities, for providing at public expense all items of equipment, supplies and services that may be required in the interest of education in the schools under its jurisdiction.¹

In fiscal management, the Board seeks to achieve the following goals:

1. To engage in advance planning, with broad-based staff and community involvement;
2. To establish levels of funding which will provide quality education for the system's students;
3. To use the available techniques for budget development and management;
4. To provide timely and appropriate information to all staff with fiscal management responsibilities; and
5. To establish efficient procedures for accounting, reporting, purchasing and delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.

¹ T.C.A. §49-3-314(c)(1); *Tennessee Internal School Uniform Accounting Policy Manual*; Section 4-23

POLICY 2006: Deposit of Funds

Central Office

All income payable to the Board will be deposited in a banking institution who will credit it to the appropriate account.

Individual Schools

All money collected at the building level must be cleared through the principal's office.

The principal shall deposit funds daily if possible, but no later than three (3) days after being received.¹ Deposit slips must be completed in duplicate. All checks should be listed individually on the deposit slip or an attached list, itemizing the name of the payer and the amount. The receipt numbers comprising the deposit should be written on the deposit slip. The validated duplicate deposit slip or the duplicate deposit slip with deposit receipt attached should be given to the bookkeeper.

Monies collected at the building level must be deposited to one of three bank accounts:²

1. General School Fund/Restricted Accounts;
2. School Food Service; and
3. Savings.

¹ *Tennessee Internal School Uniform Accounting Policy Manual*; Section 4-22; Section 6-2

² *Tennessee Internal School Uniform Accounting Policy Manual*; Section 4-22; Section 6-1

POLICY 4025: Extracurricular Activities

The following guidelines shall be followed in administering school-sponsored extracurricular activities:

1. The principal shall initially approve each extracurricular activity to ensure proper support and supervision.
2. Each student activity must be under the guidance and direction of a certified staff member.
3. All extracurricular activities and clubs must have the approval of the principal.
4. Student activities occurring before or after regularly scheduled school hours must be under the supervision of the principal or his/her designee.
5. Secret organizations shall not be operated in any school.
6. A student shall not be required to attend an extracurricular activity that is scheduled at a time which conflicts with his/her religious practices.
7. Extracurricular activities during vacation periods shall be restricted to regularly scheduled athletic programs and major events which cannot be scheduled otherwise.
8. Student groups shall not participate in state or national activities which are not listed as approved activities by a regional accrediting association or the state and national principals' associations without the approval of the Superintendent.
9. A student on out-of-school suspension shall not be permitted to participate in extracurricular activities.
10. Activities which restrict participation because of race, color, religion, sex, disabilities, or national origin are strictly forbidden.¹

¹ 20 U.S.C. §1703

POLICY 4026: Field Trips, Excursions, and Competitions

Field trips shall be an enrichment of concepts taught in the classroom and are encouraged and supported by the District. Field trips will be based on established standards for increased student growth and achievement. Field trips will be considered based on; educational benefit, curriculum alignment, celebration of work or achievement, enrichment of school culture, age appropriateness, distance traveled, transportation, cost, and interruption of instructional time.

School sponsored field trips must be authorized by the Principal and approved by the District Office. The school must have permission slips signed by parent/guardian for each participating student on file as well as emergency contact information.

Schools may request payment of fees associated with field trips in accordance with applicable State Law, minimum rules and regulations, and Board policy. Requested fees should be kept to a minimum.

Student safety is a vital concern for the District; therefore, appropriate supervision for school sponsored field trips by teachers, school staff or other District officials shall be required. Additional supervision may be provided by volunteer chaperones.

Transportation to school-sponsored field trips should be by school or commercial bus. The commercial bus company must be on the District's approved vendor list that is updated on a regular basis.

If private vehicles are used, an additional ridership permission slip shall be signed by the parent/guardian.

Field trips sponsored by individuals/entities other than Bartlett City Schools are neither approved nor sanctioned by the District. This shall include, but is not limited to employees acting as independent agents, parent groups, and individuals/entities that recruit and/or solicit the participation of District students and/or staff. The use of the District's name, forms, and/or other information in association with any non-sanctioned field trip shall be prohibited. Additionally, the District shall not assume liability for any field trip that is not approved by the school Principal and Superintendent or designee.

Teachers and principals are responsible for compliance with the provisions of this policy and the accompanying administrative rules and regulations. Questions concerning the implementation of this policy and the administrative rules and regulations should be directed to the Superintendent's office.

The Superintendent is responsible for ensuring that this policy is followed.

POLICY 4027: Interscholastic Athletics

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

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

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

In the event that the school's insurance provider does not extend coverage to an athlete, that athlete must provide proof of independently secured catastrophic coverage and liability coverage, with the school system as a named insured, of not less than the limits set forth in T.C.A. §29-20-403.

Prior to participation in interscholastic athletics, every student must complete an annual physical examination.³ The parents/guardians of each student shall be responsible for covering the cost of the examination, and these records shall be on file in the principal's office. It shall be the responsibility of the parent(s) or guardian to provide health and hospitalization insurance for all students participating in interscholastic athletics.

No principal or teacher of any school under the control of the Board shall dismiss his/her school or any group of students for the purpose of attending the practice of any interscholastic sport during the school day without written permission from the District Office. This does not prevent the inclusion of regular physical training lessons in the daily school program.⁴

Coaches, employees, and volunteers of the school district shall not encourage, permit, condone or tolerate hazing activities.⁵

¹ Title IX, Educational Amendment of 1972, 20 U.S.C. §1681 et seq.; 34 C.F.R. §106.41

² TRR/MS 0520-1-2-.08(1)

³ TRR/MS 0520-1-3-.08(2)(b)

⁴ T.C.A. §49-6-1002

⁵ T.C.A. §49-2-120

POLICY 4028: Isolation or Restraint of Students Receiving IDEA Special Education Services

Bartlett City Schools encourages using positive behavioral interventions with students to promote safety and support appropriate behavior. The District, however, recognizes that occasionally more restrictive interventions may be necessary to effectively handle behaviors that present a threat to the physical safety of the student and/or others. In such circumstances, the District shall support the reasonable use of isolation and/or physical restraint as an approved behavior intervention for students receiving IDEA special education services. Nothing in this policy shall prohibit District staff from taking actions to break up a fight or to take a weapon from a student; however, these acts shall be reported to the school Principal, Vice-Principal or Assistant Principal.¹

Definitions²

1. IDEA - a federal law governing how states and public agencies provide early intervention, special education and related services to children with disabilities.
2. Behavior intervention training program - a training program in positive behavioral supports, crisis intervention and the safe use of restraint and isolation.
3. Emergency situation - any circumstance in which a student's behavior poses a threat to the physical safety of the student or others nearby.
4. Isolation or seclusion – (a) the confinement of a student alone in a room with or without a door, or other enclosed area or structure pursuant to T.C.A.49-10-1305(g) where the student is physically prevented from leaving; and (b) does not include time out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior; provided, time-out may involve the voluntary separation of an individual student from others.
5. Extended isolation - isolation which lasts longer than one (1) minute per year of the student's age or isolation which lasts longer than the time provided in the child's individualized education program (IEP).
6. Isolation room - any space, structure, or area pursuant to TCA 49-10-1305(g) used to isolate a student. Any space used as an isolation room shall be (1) unlocked and incapable of being locked; (2) free of any condition that could be a danger to the student; (3) well ventilated and temperature controlled; (4) sufficiently lighted for the comfort and well-being of the student; (5) where school personnel are in continuous direct visual contact with the student at all times; (6) at least forty square feet (40 sq. ft.); and (7) in compliance with all applicable state and local fire, health, and safety codes.
7. Restraint
 - a. Chemical restraint - medication that is prescribed to restrict a student's freedom of movement for the control of extreme violent physical behavior. Chemical

¹ T.C.A. §49-10-1305

² T.C.A. §49-10-1303

restraints are medications used in addition to, or in replacement of, a student's regular drug regimen to control extreme violent physical behavior. The medications that comprise the student's regular medical regimen, including PRN medications, are not considered chemical restraints, even if their purpose is to treat ongoing behavioral symptoms.

- b. Mechanical restraint - application of a mechanical device, material or equipment attached or adjacent to the student's body, including ambulatory restraints, which the student cannot easily remove and that restrict freedom of movement or normal access to the student's body. Mechanical restraint does not include the use of restraints for medical immobilization, adaptive support, or medical protection.
 - c. Physical Holding Restraint - use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body.
 - (1) Extended Restraint - a physical holding restraint lasting longer than five (5) minutes or physical holding restraint which lasts longer than the time provided in the child's IEP.
8. Positive Behavioral Supports - a systematic approach using evidence-based practices to improve school environments, and to prevent and respond to problem behavior that (a) is proactive and instructional, rather than reactive and punitive; (b) operates on an individual, group or classroom, and whole school level; (c) includes a system of continual data collection; (d) utilizes data-based decision-making; (e) applies research-validated positive behavioral interventions; and (f) improves academic and social outcomes for all students, including those with the most complex and intensive behavioral needs.

Conditions for Use of Isolation and Restraint

To respect the dignity and rights of students receiving special education services, isolation and physical restraint shall always be a last alternative and shall be administered only in emergency circumstances. Isolation and restraint procedures shall be administered in accordance with state law and Board policy by school personnel verified by the Department of Exceptional Children as certified in District-approved behavior intervention training program. Other staff in emergency situations may administer isolation or restraint procedures when staff certified in a District-approved behavior intervention training program is not immediately available.³

Isolation

In accordance with state law, school personnel shall maintain a continuous direct line of sight to a student who is in isolation and any space used as an isolation room shall be: (a) unlocked and incapable of being locked; (b) well ventilated and temperature controlled; (c) sufficiently lighted for the comfort and well-being of the student; (d) where school personnel are in continuous direct visual contact with the student at all times; (e) at least forty square feet; and (f) in compliance with all applicable state and local fire, health, and safety codes.

Restraint

The administration of a restraint procedure shall be observed by an additional staff member when possible, to monitor the health and safety of individuals involved. Appropriate documentation and reporting of any incident involving isolation or restraint of a student receiving IDEA special education services shall be completed in accordance to guidelines established under state law and Board policy.

³ T.C.A. §49-10-1304

Exceptions

In accordance with state law, minimum contact necessary to physically escort a student from one area to another; assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety is permissible and notification of the parent/guardian shall not be required.

Restrictions on Isolation and Restraint

In accordance with state law, the District shall prohibit (a) the use of isolation and restraint as a form of punishment, coercion, retaliation or convenience; (b) the use of mechanical restraint or noxious gas; (c) the use of chemical restraint except as administered for therapeutic purposes under the direction of a physician and with the consent of the parent/guardian; (d) any form of life threatening restraint; (e) the removal or disabling of any equipment or device that a student requires, including, but not limited to, a power wheelchair, brace, augmentative communication device, or walker; and (f) the use of a locked door, or any physical structure, mechanism, or device that substantially accomplishes the function of locking a student in a room, structure, or area.

Documentation, Notification and Reporting (including reporting of suspected criminal activity)⁴

All records of isolation and restraint of any student receiving IDEA special education services must be maintained by the principal at the school in accordance with T.C.A. § 49-10-1306.

Individualized Education Plans (IEPs)⁵

IEPs that provide for the use of restraint or isolation in emergency situations shall contain a data driven functional behavior assessment and a plan for modification of the behavior developed and implemented by a qualified team of professionals. When the use of restraint or isolation is proposed at an IEP meeting, parents/guardians shall be advised of the provisions of T.C.A. § 49-10-1301, et seq. Tennessee Board of Education Rule 0520-01-09-.23 and the IDEA procedural safeguards.

If the student's IEP does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint over an extended period of time (see definition section for extended isolation and extended restraint) as determined by Tennessee Department of Education Rules, then an IEP meeting shall be convened within ten (10) days following the use of the isolation or restraint.

Notification of Isolation or Restraint to Parent/Guardian⁶

If restraints or isolation are used in an emergency situation, the school personnel imposing the restraint or isolation shall immediately contact the school Principal, Vice-Principal or Assistant Principal. The school Principal, Vice-Principal or Assistant Principal shall see and evaluate the student's condition within a reasonable time after the intervention and the student's parent or guardian shall be notified, orally or by written or printed communication, the same day the

⁴ T.C.A. §49-10-1306

⁵ T.C.A. §49-10-1304; TRR/MS 0520-1-9-.23

⁶ T.C.A. §49-10-1304

isolation or restraint was used. The school Principal, Vice-Principal or Assistant Principal to whom the restraint or seclusion was reported shall record the use of the isolation or restraint and the facts surrounding such use. School personnel shall be held harmless for failure to notify if reasonable effort has been made to notify the student's parent or guardian as provided above.

Reporting Criminal Activity

School personnel should report a suspected crime by calling a law enforcement official. School personnel may file a juvenile petition against a student receiving special education services only after conducting a manifestation determination that results in a determination that the behavior that resulted in the act requiring disciplinary action was not caused by the student's disability. A school resource officer may upon witnessing an offense, take the student into custody.

Training Requirements⁷

The District shall ensure that a minimum of one school administrators, and as deemed appropriate, teachers providing special education services and other staff at each school site, are trained and maintain certification in an approved behavior intervention training program. Training certification shall include but not be limited to the following components:

- a. Training in evidence-based techniques shown to be effective in the prevention of isolation and physical restraint;
- b. Training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or isolation;
- c. Evidence-based skills training on positive behavioral interventions and supports, conflict prevention, functional behavior assessments, de-escalation, and conflict management;
- d. Information describing state statutes, policies, rules, and procedures on restraint and isolation;
- e. Training in the identification and reporting of abuse and neglect in the school setting; and
- f. Evidence-based training on understanding the warning signs of early-onset mental illness in children and adolescents.

Certifications for school personnel who have completed a behavior intervention training program shall be renewed on a periodic basis as determined by the Bartlett City Board of Education's Executive Director of the Department of Exceptional Children.

Responsibility

Each principal shall be responsible for ensuring that staff in his/her building receives training. The Department of Exceptional Children is responsible for reviewing school documentation of the use of isolation and restraint and for implementing this policy. The Superintendent is responsible for ensuring that this policy is followed.

⁷ T.C.A. §49-10-1301

POLICY 5013.1: Emergency and Legal Leave

Emergency Leave

An immediate supervisor may grant an employee emergency leave during the workday for a sudden, unexpected occurrence demanding immediate attention. Leave shall be taken as personal leave,¹ sick leave, or leave without pay. The employee who uses emergency leave shall confirm said leave on appropriate forms the day after returning to work.

Legal Leave

Jury Duty

If a certified employee summoned for jury duty is eligible for a postponement of jury service,² that employee shall request a postponement until a time outside the academic year so that disruption to the instructional year may be avoided. The following procedures shall regulate the leave for jury duty for teachers:

1. The certified employee shall present written evidence that s/he had been summoned to serve on a jury; and
2. The certified employee shall be entitled to the usual compensation, less the amount paid by the court.³

Court Appearances

If a certified employee appears in state court because of a personal interest, whether as a plaintiff, defendant or witness or voluntarily appears in behalf of family or friends, or when a certified employee is required to appear in court either as a defendant or plaintiff in a civil case, personal leave or leave without pay shall be granted in accordance with established Board policies on leaves.

Classified Personnel

Classified personnel called for jury duty or who serve as court witnesses shall present the subpoena or other documents which give reporting instructions to their immediate supervisor. The employee shall obtain a form indicating the days served and the court pay to be received from the court's clerk for submitting to the payroll office. The employee shall receive the usual compensation less the amount paid by the court.³

¹ T.C.A. §49-5-711(c)(1)(2)

² T.C.A. §22-2-315(a)

³ T.C.A. §22-4-106(b)

POLICY 5014.1: Family and Medical Leave

The Bartlett City Board of Education complies with the Federal Family and Medical Leave Act guidelines in accordance with United States Department of Labor Regulations 29 CFR Part 825.

Eligibility

Anyone who has been employed for at least twelve (12) months by Bartlett City Schools or anyone who has at least 1,250 hours of service (hours used for leave, even FMLA leave, shall not be credited for service for purposes of FMLA eligibility¹) during the previous twelve month period.²

General Principles

1. Any employee shall be granted, upon request, up to twelve (12) weeks unpaid leave for the birth or adoption of a child, the care of a child, spouse, or parent who has a serious health condition or for qualifying exigencies arising out of the fact that the employee's spouse, child, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. (Any employee requesting leave due to pregnancy, childbirth, or adoption shall be granted up to four (4) months leave.)³
2. Any employee on maternity leave shall be permitted to use accumulated sick leave during the period of actual physical disability only. Otherwise, the maternity leave shall be unpaid leave. A teacher may use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive parents are teachers, only one parent may request leave. Written verification from the adoption agency or other entity handling the adoption shall be required before the leave is granted.⁴
3. A physician's statement may be required by the Superintendent when determining the period of actual physical disability.⁵
4. Request for leaves and extension of leaves shall conform to state law governing all leaves of absence.

Qualifying Exigencies

Qualifying exigencies include:

1. Issues arising from a covered service member's short notice deployment (i.e., less days of notice) for a period of seven days from the date of notification;
2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational

¹ *Hinson v. Tecumseh Products Co.* 234 F.3d 1268, 6th Cir. (2000).

² Family and Medical Leave Act 1993

³ T.C.A. §49-5-702; T.C.A. §4-21-408

⁴ T.C.A. §49-5-710

⁵ T.C.A. §49-5-704

briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered service member;

3. Making or updating financial and legal arrangements to address a covered service member's absence;
4. Attending counseling provided by someone other than a health care provider for oneself, the covered service member, or the child of the covered service member, the need for which arises from the active duty or call to active duty status of the covered service member;
5. Taking up to 15 days of leave to spend time with a covered service member who is on short-term temporary, rest and recuperation leave during deployment;
6. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered service member's active duty status, and addressing issues arising from the death of a covered service member;
7. Any other event that the employee and employer agree is a qualifying exigency.

Military Caregiver Leave⁶

An eligible employee who is a spouse, child, parent, or next of kin of a covered service member or covered veteran with a serious injury or illness shall be granted up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the covered service member or covered veteran. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A covered veteran is an individual who was a member of the Armed Forces at any time during the period of 5 years preceding the date of the medical treatment, recuperation, or therapy that has a serious injury or illness who is currently receiving medical treatment, recuperation, or therapy. The calculation of this 5-year period shall not include the interval of October 28, 2009 through March 8, 2013.

For covered service members, a serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. For covered veterans, a serious injury or illness is defined as:

1. A continuation of a serious injury or illness that was incurred or aggravated in the line of duty while on active duty that rendered the veteran unable to perform the duties of the veteran's office, grade, rank, or rating;
2. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or higher, and

⁶ 29 C.F.R. §825.127

such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave;

3. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
4. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The “single 12-month period” for leave to care for a covered service member or covered veteran with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA qualifying reason during the “single 12-month period.”

Restrictions

1. For foreseeable leave, the employee shall provide the Superintendent with at least thirty (30) days written notice before the beginning of the anticipated leave.
2. The Superintendent may require that a request for leave be supported by certification issued by a healthcare provider with the following information:
 - a. The date on which the serious health condition commenced;
 - b. The probable duration of the condition;
 - c. The appropriate medical facts within the knowledge of the health care provider regarding the condition; and
 - d. A statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that such employee is needed.
3. If there is any reason to doubt the validity of the certification provided, the Superintendent may require, at the expense of the school system, an opinion of a second health care provider.
4. Once it has been established that the leave requested qualifies for FMLA, the Superintendent or his/her designee shall notify the employee within two (2) business days (absent extenuating circumstances) that —
 - (i) Any leave taken pursuant to state leave statutes (paid vacation leave, personal leave, sick leave or worker's compensation) shall run concurrently with FMLA leave.⁷
 - (ii) The notice may be given orally or in writing. If the notice is oral, it shall be confirmed in writing, no later than the following pay day.⁸

⁷ 29 C.F.R. §825.207

⁸ OP Tenn. Atty Gen 94-006 (Jan. 13, 1994); *Plant v. Morton International, Inc.* 212 F.3d 929, 6th Cir. (2000).

5. Intermittent Leave - When a licensed employee requests foreseeable leave for planned medical treatment and the employee would be on leave for greater than 20% of the total number of working days in the period during which the leave would extend, the school may require that such employee elect either to take the leave for periods of a particular duration, not to exceed the duration of the planned medical treatment or to transfer temporarily to an available alternative position offered by the school system for which the employee is qualified, and that has equivalent pay and benefits and better accommodates recurring periods of leave.
6. Period Near the End of an Academic Term (*Professional employees*) - If leave is taken more than five (5) weeks prior to the end of the term, the Superintendent of schools may require the employee to continue taking leave until the end of the term if the leave is at least three (3) weeks of duration and the return of employment would occur during the three (3) week period before the end of the term. If the leave is taken five (5) weeks prior to the end of the term, the Superintendent may require the employee to continue taking leave until the end of the term if the leave is greater than two (2) weeks duration and the return to employment would occur during the two (2) week period before the end of the term.
7. Spouses employed by the same employer are limited to a combined total of 26 workweeks in a "single 12-month period" if the leave is to care for a covered service member or covered veteran with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

Requirements of the Board

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

POLICY 5014.2: Military Leave

Employees who are members of any reserve component of the Armed Forces of the United States shall be granted leave of absence for all periods of military service during which they are engaged in the performance of duty or training in the service of the state or the United States. Reservists who anticipate military duty during the school year must give written notice to the Superintendent, within thirty (30) days of the beginning of the school year, of the dates of the anticipated duty. While performing such duty or training, the employee shall be paid his/her regular salary up to a maximum of twenty (20) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty.¹ An employee called to active duty by the Governor to enforce the laws of the state shall be paid his/her regular salary for such time as he/she is engaged in the performance of his/her duty, and any time spent in active state duty shall not count against the twenty-day period of leave allowed for military service.²

Request for leaves and extension of leaves shall conform to state law, all State Board of Education rules and regulations, and Board policy governing all leaves of absence. Failure to comply with applicable laws and policies shall constitute grounds for dismissal.

The employee shall supply a copy of the orders for duty, including the dates of departure, and return it to the Superintendent prior to, or simultaneous with, requesting leave.

¹ T.C.A. §8-33-109; T.C.A. §49-5-702(a)

² T.C.A. §58-1-106(d); T.C.A. §58-1-109

POLICY 5014.3: Physical Assault Leave

A teacher who is absent from assigned duties as a result of personal injury caused by physical assault or other violent criminal acts committed in the course of the teacher's employment duties, shall receive workers' compensation or comparable benefits without loss of accumulated or granted sick, personal or professional leave.¹

Bartlett City Board of Education shall continue to pay the teacher's full benefits including, but not limited to health insurance benefits, until the earlier of the date on which the teacher is released by the teacher's physician to return to work or the date on which the teacher is determined by the teacher's physician to be permanently disabled from returning to work.²

A signed statement listing the cause of the absence shall be provided by the employee on forms furnished by the Superintendent and shall promptly be given to the immediate supervisor in support of all claims. A certificate from the physician on forms furnished by the Superintendent may also be required to verify the extent of the injury.³

¹ T.C.A. §49-5-714(a)

² T.C.A. §49-5-714(b)

³ TRR/MS 0520-1-2-.04(5)(b)

POLICY 5030: Drug and Alcohol Testing for Employees

Reasonable Suspicion Drug Testing

Trained supervisors have the responsibility to observe and document the cause for reasonable suspicion and when appropriate, refer the matter to the Superintendent/designee. It is not the supervisor's responsibility to attempt diagnosis. All information, facts and circumstances leading to and supporting this suspicion, should be included in a written report detailing the basis for the suspicion. After the report is filed, the employee should be notified.

Any employee may be required to submit to substance screening if the following conditions exist: (list is not inclusive)

1. Observed use, possession or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol and/or prescription drugs.
2. Apparent physical state of impairment of motor functions.
3. Marked changes in personal behavior not attributed to other factors.
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents whether or not they involve actual or potential injury.
5. Violation of criminal statutes involving the use of illegal drugs, alcohol or prescription drugs and/or violations of drug statutes.

Testing for CDL Employees

All drivers and applicants for driver positions who are required to hold a Commercial Driver's License (CDL) to perform their job function must adhere to the requirements of this policy and all procedures relating to this policy.¹

The use, possession, sale, purchase or transfer of any controlled substances except medically prescribed drugs on school property, while on school business or while operating school vehicles and equipment is prohibited. Drinking alcoholic beverages during working hours, four (4) hours before reporting to work or having any measurable amount of alcohol in their system during working hours is prohibited, whether on or off school property. Working hours include all breaks. Off-duty use of drugs and alcohol is prohibited to the extent that it affects driver's attendance or performance and their ability to pass required DOT alcohol and controlled substance tests. Any violation of this policy is grounds for termination as an employee of the Board and possible legal prosecution. The use of any prescription drug that could affect the central nervous system or one that would impair reaction time shall be reported to the Superintendent/director of transportation. Notice shall be given of non-prescription (over-the-counter) drugs being taken on a regular basis. The notice shall include the duration of ingestion and the possible side effects.

¹ Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991).

Procedures

The execution and enforcement of this policy will follow set procedures to screen bodily fluids, conduct breath testing, and/or search all employee/applicants for alcohol and drug use, and those employees suspected of violating this policy who are involved in a reportable accident or who are periodically or randomly selected. The procedures are designed not only to detect violations of this policy, but also to ensure fairness to each employee. Disciplinary action will be taken as necessary.

Implementation

The Superintendent/director of transportation is authorized to implement this policy and procedures for the drug testing program, including a periodic review of the program to address any problems, changes and/or revisions of it, maintenance of all records required by the federal regulations, and determination upon Board approval of how the program will be accomplished, whether in-house, contracted or by consortium.

Dissemination

The Superintendent/director of transportation shall be responsible for communicating this policy and the procedures to all employees affected by this policy and shall be accountable for its consistent enforcement.² The Superintendent/director of transportation is designated to answer questions about this policy, procedures and all other matters involved in alcohol and controlled substance testing of CDL drivers and the reasonable suspicion testing of all other employees.

² 49 C.F.R. §382.601

POLICY 5031: Complaints and Grievances

Employment Related Complaints and Grievances

The Board believes that differences of opinions arising in the course of employment should be resolved as quickly as possible and at the lowest supervisory level.

In instances of questions by an individual staff member concerning the interpretation of policies and procedures to that staff member, administrative practices within the staff member's particular school, and relationships with other employees, the staff member concerned must consult the administrative or supervisory personnel to whom they are responsible. If a satisfactory resolution of the problem cannot be reached after ample opportunity for consideration of the matter, the staff member concerned may discuss the matter with the next level of supervision up to and including the Superintendent.

In instances where an individual staff member feels, for personal reasons, that they cannot discuss a problem with their immediate superior, the staff member may take the problem directly to the Superintendent. After review of the case, the Superintendent shall take action as they deem appropriate and within a prompt, reasonable time shall notify all parties concerned of their decision.

Harassment/Discrimination Grievances

Employees should notify any district complaint manager if they believe the Board, its employees or agents have violated their rights guaranteed by the state or federal constitution, state or federal statute or board policy including:¹²³

1. Title II of the Americans with Disabilities Act ⁴
2. Title IX of the Education Amendments of 1972 ⁵
3. Section 504 of the Rehabilitation Act of 1973⁶
4. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964
5. and Title IX of the Education Amendments of 1972⁷

The complaint manager will endeavor to respond and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a

¹ Age Discrimination Employment Act, 29 U.S.C. §621 et seq.

² Equal Pay Act, 29 U.S.C. §206(d)

³ Immigration Reform and Control Act, 8 U.S.C. §1324(a) et seq.

⁴ Americans with Disabilities Act, 42 U.S.C. §12101 et seq.

⁵ Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.

⁶ Rehabilitation Act, 29 U.S.C. §791 et seq.

⁷ Title VII of the Civil Rights Act, 42 U.S.C. §2000(e) et seq.

prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

1. *Filing a Complaint* — An employee who wishes to avail themselves to this grievance procedure may do so by filing a complaint with any district complaint manager. The employee may request a complaint manager of the same sex. The complaint manager may assist the employee in filing a grievance.
2. *Investigation* — The complaint manager will investigate the complaint or appoint a qualified person to undertake the investigation on their behalf. The complaint and identity of the complainant will not be disclosed except (1) as required by law or this policy; or (2) as necessary to fully investigate the complaint; or (3) as authorized by the complainant. The complaint manager shall file a written report within ten (10) days of the filing of the grievance, of his or her findings with the Superintendent. If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the Board. The Superintendent shall keep the Board informed of all complaints.
3. *Decision and Appeal* — After receipt of the complaint manager's report, the Superintendent shall render a written decision within five (5) days of the receipt of the report that shall be provided to the employee. If the employee is not satisfied with the decision, the employee may appeal the decision to the Board by making a written request to the complaint manager. The complaint manager shall be responsible for promptly forwarding all materials relative to the complaint and appeal to the Board. Thereafter, the Board shall render within thirty (30) days from the date the appeal was received, review the report and affirm, overrule or modify the decision and render a written finding that shall be provided to the complainant. This grievance procedure shall not be construed to create an independent right to a Board hearing.

Appointing Complaint Managers

The Superintendent shall appoint at least two complaint managers, one of each gender. The Federal Rights Coordinator may be appointed as a complaint manager. The Superintendent shall insert into this policy the names, addresses and telephone numbers of current complaint managers. (*see note*)

(Note: *Title IX regulations require districts to identify the name, address and telephone number of the person who is responsible for coordinating the district's compliance efforts. A policy should not be adopted with a person's name in it; rather, the identifying information can be added and amended as necessary.*)

POLICY 6025: School Attendance Zones

The Board shall designate school attendance zones and periodically review boundary adjustments. The Superintendent shall enforce these areas as designated by the Board.¹

Establishing School Attendance Zones

The primary considerations governing the establishment of a school attendance zone shall be:

1. The educational opportunity afforded students;
2. The capacity of each school; and
3. The geographic location of each school in relationship to the surrounding student population.

Notice

Prior to implementing changes to any attendance zone, parents or guardians shall be provided prior notice of the rezoning plan adopted by the Board. Notice to parents or guardians may include, but is not limited to, rapid notice, electronic communication, and posted notice on the Bartlett City Schools website.

¹ T.C.A. §49-6-403(c)

POLICY 2019: Payment Procedures

Central Office

The Superintendent shall approve all claims for payment prior to their submission to the Board.¹

Individual Schools

Schools may obligate themselves for the purchase of equipment, supplies, or services, provided payments are completed by June 30 of the current school year.

¹ T.C.A. §49-2-206(b)(3)

POLICY 5000: Personnel Goals, Rights, and Responsibilities

Board Goals for Personnel

The personnel employed by Bartlett City Schools provide the various services which produce an effective educational program. The program functions best when the district employs well qualified personnel, secures competitive benefits, conducts staff development activities, and provides working conditions conducive to positive morale.

The Board's personnel goals are:

1. To develop and implement procedures for recruiting, employing, and retaining the best qualified individuals to staff the school system;
2. To provide competitive compensation, benefits, and working environments sufficient to attract and retain qualified employees;
3. To provide an in-service training program for all employees to improve their performance and to enhance personal career satisfaction;
4. To conduct an evaluation program that will contribute to the continuous improvement of staff performance; and
5. To ensure that personnel are assigned so that they are utilized as effectively as possible.

Personnel Rights and Responsibilities

In fulfilling any citizenship rights and responsibilities, employees shall give proper consideration to the educational welfare of students and ensure that no conflict exists with their actual duties.

Personnel Rights

Each staff member has the right to:

1. A work environment free from sexual, racial, ethnic and religious discrimination/harassment.¹
2. Academic freedom within the confines of state law and board policy in order to create an atmosphere of freedom in the classroom.

Personnel Responsibilities

Each staff member has the responsibility to:

1. Make themselves familiar with and abide by, the laws of the state as these affect their work, the policies of the Board and the procedures designed to implement them.²

¹ 42 U.S.C. §2000(e)(2); T.C.A. §49-6-8002 - T.C.A. §49-6-8006

² T.C.A. §49-5-201

2. To adhere to the Teacher Code of Ethics.³
3. Exercise good judgment in selecting issues for discussion and balance the relative maturity of students and the students' right to know.
4. Be courteous and helpful in interacting and responding to parents, visitors and members of the public.
5. Keep all records and prepare and submit promptly all reports that may be required by state law, state board regulations, board policy and administrative procedures.
6. Wear appropriate dress for work according to board guidelines and local school rules.

³ T.C.A. §49-5-1001 – T.C.A §49-5-1005

POLICY 5008: Classification and Qualifications

Employment Classification

It is the policy of the Bartlett City Board of Education to classify its employees based on the following:

1. Full-Time Employee – An individual who works a minimum of thirty (30) hours per week during a normal forty (40) hour work week.
2. Part-Time Employee – An individual who works less than thirty (30) hours per week during a normal forty (40) hour work week.
3. Nonexempt Employee – An employee who is covered by the minimum wage, overtime, and timecard provisions of the Fair Labor Standards Act (Wage-Hour Law).
4. Exempt Employee – An employee who is not covered by the minimum wage and timecard provisions of the Fair Labor Standards Act (Wage-Hour Law) and who is paid on a fixed salary basis.
5. Professional Personnel – Employees whose employment status requires certification in accordance with the rules and regulations of the State Board of Education.
6. Support Personnel – Employees whose employment status does not require certification in accordance with the rules and regulations of the State Board of Education.

Employment Qualifications

Administrative and Supervisory Positions

To be considered for certificated administrative or supervisory positions, the applicant must show the following qualifications:

1. Professional teaching certification; and
2. Administrative or supervisory certification and experience in accordance with state law and State Board of Education rules and regulations in the appropriate area based on the minimum of a master's degree.

To be considered for non-certificated administrative and supervisory positions, the applicant shall possess sufficient training and experience to perform the services required and such additional qualifications as the Board and the Superintendent shall determine.

Teaching Positions

No individual shall be employed in any teaching position unless and until such individual receives certification in accordance with the rules and regulations of the State Board of Education.

POLICY 5032: Complaints About School Personnel

Whenever a complaint about an employee is made to the Board as a whole or a Board member as an individual, said complaint will be referred to the Superintendent or his/her designee for study and possible action. The employee involved will be advised of the nature of the complaint and given an opportunity to explain, comment, and/or present information related to the matter.

If, after such procedure is followed, there is still a question or complaint, the matter shall then be referred in writing to the Board, which shall determine whether it will hear the individual or group.

Individuals or groups desiring to speak to the Board shall follow the same procedures as outlined in the Board policy dealing with public participation at Board meetings and appeals to and appearances before the Board.