



Legal Document Approval Form For Commissioner's Signature

Today's Date: August 5, 2024

Primary Contact Information for

Questions about Document

Name: David Oldham

Email: David.Oldham@tn.gov

Phone: (615) 767-0654

Deadline to Receive Signature (please allow at least 10 business days from date above): **8/16/2024**

Purpose of Document (please provide detailed explanation in 3-5 sentences): **The ASD reviewed school policies that may have been impacted by new or updated legislation. A summary of the revisions and a copy of each policy with revisions in track changes (if policy was revised) is attached. This is a request for commissioner review and approval.**

Return Signed Document to (name, division, and email address): David.Oldham@tn.gov

Program Approval

By signing below, the Assistant Commissioner/Executive Director for the program area requesting the execution of the document certifies he/she has approved the document and recommends the document for the commissioner's signature:

Shannon Sharrock
Gordon

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Sharrock Gordon
Date: 2024.08.05 11:24:04 -05'00'

Assistant Commissioner Signature & Date

Legal Approval

By signing below, the department's legal staff certifies that the document has been reviewed and is ready for execution by the commissioner or designee:

David Oldham

Digitally signed by David Oldham
Date: 2024.08.05 10:51:31 -05'00'

Attorney Signature & Date

Commissioner Approval

Lizzette
Reynolds_srp

Digitally signed by Lizzette
Reynolds_srp
Date: 2024.08.08 09:28:10 -05'00'

Commissioner Signature & Date

Policy #	Policy Name	Revisions
4.213	Family Life Education	Public Chapter 795 requires the addition of a high quality ultrasound video that cover human growth be included in within curricula. Public Chapter 571 requires that information on internet crimes against children be incorporated in the instruction. CMOs must provide the contact information to the Department of Children Services to employees providing instruction on family life curriculum and the CMO must also report on the curriculum selected.
5.701	Substitute Teachers	Public Chapter 735 now requires that substitute teachers have annual school safety training. A list of substitute teachers shall be determined by the CMO and maintain files of these teachers. Update to the responsibilities of substitute teachers to include that of the regular teacher, unless otherwise directed by the CMO.
6.3041	Title IX & Sexual Harassment	Updated the point of contact for the title IX coordinator and the time frame within which they should be contacted.
6.409	Child Abuse and Neglect	Added a general provision section explaining the responsibilities of the director of schools in regard to Child abuse and neglect procedures as listed in TCA § 49-6-1601.
6.309	Zero Tolerance	Public Chapter 882 modifies the current list of zero tolerance offenses. A threat assessment team will determine whether a threat of mass violence is valid before the offense may be classified as zero tolerance. Explicitly stated the consequences and potential paths forward once a zero-tolerance offense has been committed according to TCA 49-6-3402.

3.205	Security	Public Chapter 882 requires that principals must inform law enforcement and CMOs of additional events that occur at school. TCA 49-6-817 creates additional guidelines that schools must follow regarding the locking of school doors.
3.202	Emergency Preparedness Plan	The emergency preparedness plan must be submitted to the department of education's school safety center when designated for review. All drills must be documented on a drill tracking form. States explicitly that it is the responsibility of the principal for ensuring that safety is a part of the instructional program at the school. Schools must have a procedure in place to work with local law enforcement to identify the cause of fire alarm activations according to Public Chapter 563 of the Public Acts of 2024. Includes requirement under TCA 49-2-138 that at least once a year schools must conduct a remote learning drill.
6.600	Confidentiality of Student Records	Included the definition of an authorized school official according to 24 CFR § 99.31(a)(1)(i)(B). Updated the information that should be contained in the student records file. Updated subsections on when an Authorized school official may release information from or permit access to a student's education record without the parent(s) or eligible students* prior written consent. Include procedures and requirements for electronic signatures for written consent for the disclosure of student records.

4.301	Extracurricular Activities	Public Chapter 639 states that home school students are allowed to participate in interscholastic athletics in accordance with TSSAA guidelines.
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Family Life Education

Policy Number: 4.213	Monitoring Review: Annually
Revised: July, 2024	Approved by: Lizzette Gonzalez Reynolds, Commissioner
Effective: July, 2024	

General

This section outlines the general requirement that Charter Management Organization CMOs implement a family life education program for secondary grades within the Achievement School District in compliance with state law.¹ A parent/guardian who chooses not to have a student participate in the family life education program shall submit such request in writing to the principal. A student who is excused from the program shall be assigned alternative health activities and shall not be penalized academically.

Not less than thirty (30) days prior to commencing instruction of the family life curriculum, each CMO shall notify parents or legal guardians of students whom the CMO anticipates will be present for instruction in sex education that:

- (1) The CMO is using a family life curriculum that meets the requirements of state law; and
- (2) The parent or legal guardian shall have the right to examine the grade level instructional materials and confer with the student's instructor, school counselor or principal, as designated by the CMO, regarding any or all portions of family life.

FAMILY LIFE INSTRUCTION

The curriculum for the family life education program shall, in a manner that is age-appropriate and factually and medically accurate, include the following:²

1. Teach the skills needed to make healthy decisions in all aspects of marriage and family life;
2. Encourage sexual health by helping students understand how the whole person is affected by sexual activity as well as other risk behaviors;
3. Provide information about human reproduction, including conception, birth, and prenatal care, as well as the process of adoption and its benefits;
4. Provide information on the family unit and the responsibilities and consequences related to sexual activity, including the challenges of single teen parenting;
5. Promote only sexual risk avoidance through abstinence and the positive results of avoiding sexual activity;
6. Provide instruction on the detection, intervention, prevention, and treatment of child sexual abuse, including such abuse that may occur in the home, and human trafficking in which a victim is the child;

¹ Tenn. Code Ann. § 49-6-1302

² Tenn. Code Ann. § 49-6-1304

7. Provide instruction on the prevention of dating violence;
8. Encourage communication between parent(s)/guardian(s) and students;
9. Address the legal aspects of sexual activity with emphasis on the rights of the student; and
10. Include the presentation of a high-quality, computer-generated animation or high-definition ultrasound of at least three (3) minutes in duration that shows the development of the brain, heart, and other vital organs in early fetal development per state academic standards.

The family life education program shall be reviewed annually by the CMO to ensure that the prohibited items of instruction, as provided for in state law,³ are not included in the curriculum.

A parent or guardian who wishes to excuse a student from any portion of family life shall submit a request, in writing, to the student's instructor, school counselor, or principal. A parent or guardian who wishes to excuse a student from all portions of family life shall submit a request in writing to the student's principal. A student who is excused from any or all portions of family life shall not be penalized for grading purposes if the student satisfactorily performs alternative health lessons.³

TRAINING ON INSTRUCTION

Personnel providing family life instruction shall receive training prior to presenting such instruction. Personnel shall conduct such instruction with maturity and discretion. If training is provided by non CMO or any other outside party, the CMO will provide curriculum materials to the ASD prior to implementation.

At the beginning of each school year, the CMO shall provide the contact information to the Department of Children Services of each employee or trained professional providing instruction on family life curriculum related to child sex abuse, human trafficking, and internet crimes. The CMO shall also report on the curriculum selected.⁴

³ Tenn. Code Ann. § 49-6-1304(b)

⁴ Tenn. Code Ann. § 49-6-1304; Chapter 571 of the Public Acts of 2024



Substitute Teachers

Policy Number: 5.701	Monitoring Review: Annually
Revised: July, 2024	Approved by: Lizzette Gonzalez Reynolds, Commissioner
Effective: July, 2024	

Substitute teachers are those teachers used to replace teachers on leave or to fill temporary vacancies.^{1,2} Substitute teachers may be employed and paid directly by the Charter Management Organization (CMO). Substitute teachers employed by third party entities shall be subject to the same unemployment benefit eligibility conditions as substitute teachers employed directly by the CMO.²

APPLICATION/QUALIFICATIONS

Criminal history record checks and fingerprinting of applicants for substitute teaching are required.³ Applicants with revoked licenses or certificates according to the Department of Education shall not be hired.⁴ Qualifications for substitute teachers shall be determined by the CMO in compliance with state laws and regulations. A list of substitute teachers shall be determined by the CMO who will maintain files which may include transcripts, credentials, recommendations, and other pertinent information.

COMPENSATION

Retired teachers serving as substitutes who do not have an active teaching license shall be paid the same as a retired substitute teacher with an active teaching license. This only applies to teachers who retired after July 1, 2011 through July 1, 2016.⁵

CERTIFICATION

When substituting for a regular teacher who has been absent for twenty (20) consecutive days, a substitute teacher shall possess a teaching certificate with endorsement in the discipline(s) to be taught or shall be a retired teacher that held the appropriate endorsement.⁶ Upon the twenty-first day of a substitute teacher's placement in the same class, the CMO shall notify the ASD. When substituting for a teacher without sick leave, the substitute shall be certified and paid according to the state salary schedule.¹

¹ TRR/MS 0520-01-02-.04(5)

² Tenn. Code Ann. § 49-5-709

³ Tenn. Code Ann. § 49-5-413(a)(2)

⁴ Tenn. Code Ann. § 49-2-203(a)(15)

⁵ Tenn. Code Ann. § 49-3-312

⁶ Tenn. Code Ann. § 49-3-312; TRR/MS 0520-01-02-.04(5)(b)

Retired teachers may substitute one-hundred twenty (120) days per year without loss of retirement benefits¹ and may substitute for additional days if the CMO certifies in writing to the Division of Retirement that no other qualified personnel are available to substitute teach.⁷

EMERGENCY NEEDS

All teacher aides, secretaries, and clerks are approved substitute teachers for use in emergency situations. Emergency use shall be defined as less than a full day due to the regular or substitute teacher being unable to arrive on time or remain for the full day.

Said substitutes shall receive the proportionate equivalent salary regular substitute teachers would receive under similar circumstances or their regular salary, if higher; however, they shall not receive pay for both positions at the same time.

TRAINING AND ORIENTATION

The principal shall be responsible for ensuring that there are appropriate training and development programs for substitute teachers, including the annual school safety training required by state law.

RESPONSIBILITIES

Substitute teachers shall assume the same responsibilities as the regular teacher, including but not limited to, bus duty and playground supervision, unless otherwise directed by the CMO.

RE-EMPLOYMENT/TERMINATION

On an annual basis, the CMO, with input from the principals, shall determine which substitute teachers performed at an acceptable level. Substitute teachers who performed below an acceptable level shall not be re-employed.

All substitutes shall be responsible for providing correct addresses and phone numbers and for notifying the principal and/or third-party employer if they wish to terminate their service as substitutes.

ADDITIONAL EMPLOYMENT OPTION FOR RETIREES⁸

Retired members of TCRS or a similar system may be offered reemployment for up to one (1) year as a kindergarten through twelfth (K-12) grade teacher, substitute teacher, or bus driver under prescribed conditions.

⁷ Tenn. Code Ann. § 8-36-805

⁷ Tenn. Code Ann. § 8-36-822; Public Acts of 2023, Chapter No. 42



Title IX & Sexual Harassment

Policy Number: 6.3041	Monitoring/Review: Annually
Revised/Effective: July, 2024	Approved by: Lizzette Gonzalez Reynolds, Commissioner

I. General

- (1) In order to maintain a safe, civil, and supportive learning environment, all forms of sexual harassment and discrimination on the basis of sex are prohibited.¹ This policy shall cover employees, employees' behaviors, students, and students' behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop in accordance with state and federal law. This policy shall be disseminated annually to all school staff, students, and parents and guardians.² The Title IX coordinator as well as any personnel chosen to facilitate the grievance process shall not have a conflict of interest against any party of the complaint. These individuals shall receive training as to how to promptly and equitably resolve student and employee complaints. Upon completion of training, the Charter Management Organization (CMO) shall submit all training materials (e.g., agenda, presentations, and sign-in sheets) to the ASD as documentation.
- (2) The CMO shall appoint a Title IX coordinator.
- (3) All employees shall receive annual training on complying with this policy and federal law.³

II. Title IX Coordinator⁴

- (1) The Title IX coordinator shall respond promptly to all general reports as well as formal complaints of sexual harassment. He/she shall be kept informed by school-level personnel of all investigations and shall provide input on an ongoing basis as appropriate.
- (2) Any individual may contact the school's Title IX coordinator at any time. The Title IX Coordinator should make their contact information available to school personnel through annual employee Title IX training. The ASD Title IX point of contact, Adrienne Alford, shall be notified within twenty-four (24) hours of a potential or pending investigation.

Definitions⁵

- (1) "Complainant" is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- (2) "Respondent" is an individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.
- (3) "Sexual harassment" is conduct on the basis of sex that satisfies one or more of the following:

¹ 34 CFR § 106.1

² 34 CFR § 106.8(b),(c)

³ 34 CFR § 106.45(b)(1)(iii)

⁴ 34 CFR § 106.8(a)

⁵ 34 CFR § 106.30(a)

- (a) A school employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;
 - (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
 - (c) Sexual assault,⁶ dating violence,⁷ domestic violence,⁸ or stalking⁹ as defined in state and federal law.
- (4) Behaviors that constitute sexual harassment may include, but are not limited to:
- (a) Sexually suggestive remarks;
 - (b) Verbal harassment or abuse;
 - (c) Sexually suggestive pictures;
 - (d) Sexually suggestive gesturing;
 - (e) Harassing or sexually suggestive or offensive messages that are written or electronic;
 - (f) Subtle or direct propositions for sexual favors; and
 - (g) Touching of a sexual nature.
- (5) Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.
- (6) "Supportive measures" are non-disciplinary, non-punitive, individualized services and shall be offered to the complainant and the respondent, as appropriate. These measures may include, but are not limited to, the following:
- (a) Counseling;
 - (b) Course modifications;
 - (c) Schedule changes; and
 - (d) Increased monitoring or supervision.
- (7) The measures offered to the complainant and the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures.

IV. Grievance Process

- (1) Upon learning of an instance of alleged sexual harassment, even if no formal complaint is filed, the Title IX coordinator shall:
- (a) Promptly contact the complainant to discuss the availability of supportive measures;
 - (b) Consider the complainant's wishes with respect to supportive measures;
 - (c) Inform the complainant of the availability of supportive measures;

⁶ 20 USCA 1092(f)(6)(A)(v); T.C.A. § 36-3-601(10); T.C.A. § 71-6-302

⁷ 34 USCA 12291(a)(10)

⁸ 34 USCA 12291(a)(8); T.C.A. § 40-14-109

⁹ USCA 12291(a)(30); T.C.A. § 39-17-315; T.C.A. § 36-3-601(11)

- (d) Explain the process for filing a formal complaint;¹⁰ and
- (e) Immediately (within 24 hours) contact:
 - (1) David Oldham, Assistant General Counsel for Schools, at David.Oldham@tn.gov, and (615) 767-0654, as well as
 - (2) Shaundraya Hersey, Assistant General Counsel for Civil Rights, at the Tennessee Department of Education's office for civil rights at (615) 289-1887 or Shaundraya.Hersey@tn.gov.
- (2) While the school will respect the confidentiality of the complainant and the respondent as much as possible, some information may need to be disclosed to appropriate individuals. All disclosures shall be consistent with the school's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action.
- (3) Disciplinary consequences or sanctions shall not be initiated against the respondent until the grievance process has been completed. Unless there is an immediate threat to the physical health or safety of any student arising from the allegation of sexual harassment that justifies removal, the respondent's placement shall not be changed.¹¹ If the respondent is an employee, he/she may be placed on administrative leave during the pendency of the grievance process.¹² The Title IX coordinator shall keep the CMO and ASD informed of any employee respondents so that he/she can make any necessary reports to the State Board of Education in compliance with state law.¹³

Complaints

- (1) Any individual who has knowledge of behaviors that may constitute a violation of this policy shall immediately report such information to the Title IX coordinator, however, nothing in this policy requires a complainant to either report or file a formal complaint within a certain timeframe. If the complaint involves the Title IX coordinator, the complaint shall be filed with the CMO and ASD.
- (2) If a complaint involves allegations of child abuse, including child abuse on school grounds, appropriate notification shall be made per the school policy on reporting child abuse, Policy 6.4090.
- (3) Upon receipt of a formal complaint, the Title IX coordinator shall promptly:¹⁴
 - (a) Provide written notice of the allegations, and the grievance process to all known parties to give the respondent time to prepare a response before an initial interview;
 - (b) Inform the parties of the prohibition against making false statement or knowingly submitting false information;
 - (c) Inform the parties that they may have an advisor present during any subsequent meetings;
 - (d) Offer supportive measures in an equitable manner to both parties; and
 - (e) Immediately (within 24 hours) contact David Oldham, Assistant General Counsel for Schools, at David.Oldham@tn.gov, and Shaundraya Hersey, Assistant General Counsel for Civil Rights, at the Tennessee Department of Education's office for civil rights at (615) 289-1887 or Shaundraya.Hersey@tn.gov.
- (4) If the Title IX coordinator dismisses a complaint, written notice, including the reasons for dismissal, shall be provided to both parties simultaneously.¹⁵

Investigations¹⁶

- (1) The Tennessee Department of Education's office of general counsel shall assign an investigator and be responsible for investigating complaints in an equitable manner that involves an objective evaluation of all relevant evidence. The burden for

¹⁰ 34 CFR § 106.44(a)

¹¹ 34 CFR § 106.44(c)

¹² 34 CFR § 106.44(d)

¹³ TRR/MS 0520-02-03-.09(2); TCA 49-5-417(c)

¹⁴ 34 CFR § 106.45(b)(2)

¹⁵ 34 CFR § 106.45(b)(3)

¹⁶ 34 CFR § 106.45(b)(5); 34 CFR § 106.45(b)(1)(x)

obtaining evidence sufficient to reach a determination regarding responsibility rests on the school and not the complainant or respondent.

- (2) Once a complaint is received, the Investigator shall initiate an investigation within forty-eight (48) hours of receipt of the complaint. If an investigation is not initiated within forty-eight (48) hours, the investigator shall provide the Title IX coordinator with appropriate documentation detailing the reasons why the investigation was not initiated within the required timeframe.
- (3) All investigations shall be completed within twenty (20) calendar days from the receipt of the initial complaint. If the investigation is not complete within twenty (20) calendar days, the investigator shall provide the Title IX coordinator with appropriate documentation detailing the reasons why the investigation has not been completed.
- (4) All investigations shall:
 - (a) Provide an equal opportunity for the parties to present witnesses and evidence;
 - (b) Not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence;
 - (c) Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that seek disclosure of information protected under a legally recognized privilege unless such privilege has been waived;¹⁷
 - (d) Provide the parties with the same opportunities to have others present during any grievance proceeding;
 - (e) Provide to parties whose participation is requested written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
 - (f) Provide both parties an equal opportunity to inspect and review any evidence directly related to the allegations in the formal complaint; and
 - (g) Result in the creation of an investigative report that fairly summarizes relevant evidence.
 - i. Prior to the completion of the investigative report, the investigator shall send to each party the evidence subject to inspection and review. All parties shall have at least ten (10) days to submit a written response which shall be taken into consideration in creating the final report.
- (5) Within the parameters of the federal Family Educational Rights and Privacy Act,¹⁷ the Title IX coordinator shall keep the complainant and the respondent informed of the status of the investigation process. At the close of the investigation, a written final report on the investigation will be delivered to the complainant and respondent (or their parents/guardians if they are minors), to the CMO, ASD, and to the Tennessee Department of Education's office for civil rights.

Determination of Responsibility¹⁸

- (1) The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.¹⁹ The preponderance of the evidence standard shall be used in making this determination.²⁰
- (2) An attorney with the Tennessee Department of Education's Office of General Counsel shall act as the decision-maker. He or she shall receive the final report of the investigation and allow each party the opportunity to submit written questions that he/she wants asked of any party or witness prior to the determining responsibility.
- (3) The decision-maker shall make a determination regarding responsibility and provide the written determination to the parties

¹⁷ 20 USCA § 1232g

¹⁸ 34 CFR § 106.45(b)(7)

¹⁹ 34 CFR § 106.45(b)(1)(iv)

²⁰ 34 CFR § 106.45(b)(1)(vii)

simultaneously along with information about how to file an appeal.

- (4) A substantiated charge against a student may result in corrective or disciplinary action up to and including expulsion. A substantiated charge against an employee shall result in disciplinary action up to and including termination.
- (5) After a determination of responsibility is made, the Title IX coordinator shall work with the complainant to determine if further supportive measures are necessary. The Title IX coordinator shall also determine whether any other actions are necessary to prevent reoccurrence of the harassment.

V. Appeals²¹

- (1) Either party may appeal from a determination of responsibility based on a procedural irregularity that affected the outcome, new evidence that was not reasonably available at the time of the determination that could affect the outcome, or an alleged conflict of interest on the part of the Title IX coordinator or any personnel chosen to facilitate the grievance process. Appeals shall be submitted to the Title IX coordinator within ten (10) days of a determination of responsibility.
- (2) Upon receipt of an appeal, the Title IX coordinator shall:
 - (a) Immediately (within 24 hours) contact David Oldham, Assistant General Counsel for Schools, at David.Oldham@tn.gov, and Shaundraya Hersey, Assistant General Counsel for Civil Rights, at the Tennessee Department of Education's office for civil rights at (615) 289-1887 or Shaundraya.Hersey@tn.gov.
 - (b) Notify the parties in writing.
- (3) The Tennessee Department of Education's office of general counsel shall assign an impartial hearing officer within five (5) days of receipt of the appeal.
- (4) During the appeal process, the parties shall have a reasonable, equal opportunity to submit written statements. Within ten (10) calendar days, the hearing officer shall issue a written decision describing the result of the appeal and the rationale for the result. The written decision shall be provided simultaneously to both parties.
- (5) **Retaliation²²**
 - (1) Retaliation against any person who makes a report or complaint or assists, participates, or refuses to participate in any investigation of an act alleged in this policy is prohibited.

²¹ 34 CFR § 106.45(b)(8)

²² 34 CFR § 106.71



Child Abuse and Neglect

Policy Number: 6 .409	Monitoring Review: Annually
Revised: July, 2024	Approved by: Lizzette Gonzalez Reynolds, Commissioner
Effective: July, 2024	

Reporting

All personnel shall be alert for any evidence of child abuse or neglect.¹ If personnel know or have reasonable cause to suspect child abuse, sexual abuse, or neglect, a report shall be filed immediately with the Department of Children's Services (DCS).²

The report shall include to the extent known to the reporter:³

- (1) The name, address, and age of the child;
- (2) The name and address of the parents or persons having custody of the child;
- (3) The nature and extent of the abuse or neglect; and
- (4) Any evidence to the cause or any other information that may relate to the cause or extent of the abuse or neglect

The identity of the person reporting shall remain confidential except when the juvenile court determines otherwise.⁴

Notice that a report was filed, and any other information relevant to the wellbeing of the child, shall be verbally provided to the parent(s)/guardian(s) within twenty-four (24) hours of filing if the abuse occurred on school grounds or while the child was under the supervision or care of the school. This notice shall be made in coordination with DCS. Notice shall not be provided if there is reasonable cause to believe that the parent/guardian may be the perpetrator or in any way responsible for abuse.⁵

The Principal/designee shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all school personnel.⁶

Investigations

School administrators and employees have a duty to cooperate, provide assistance and information in child abuse investigations⁷ including permitting child abuse review teams to conduct interviews while the child is at school; the principal may control the time, place and circumstances of the interview, but may not insist that a

¹ Tenn. Code Ann. § 37-1-403(a)(1); Tenn. Code Ann. § 37-1-412; Tenn. Code Ann. § 37-1-602; Tenn. Code Ann. § 37-1-605(a)(4)

² Tenn. Code Ann. § 37-1-403(a)(2)

³ Tenn. Code Ann. § Tenn. Code Ann. § 37-1-403(b); Tenn. Code Ann. § 49-6-1601(b)

⁴ Tenn. Code Ann. § Tenn. Code Ann. 37-1-409(a)(1)

⁵ Tenn. Code Ann. § 37-1-605(d); Tenn. Code Ann. § 49-6-1601

⁶ TRR/MS 0520-01-03-.08(2)(e)

⁷ Tenn. Code Ann. § 37-1-611(b)

school employee be present even if the suspected abuser is a school employee or another student. The principal is not in violation of any laws by failing to inform parents that the child is to be interviewed even if the suspected abuser is not a member of the child's household.⁸

Additional Requirements

The Charter Management Organization (CMO) shall:

- a) Designate one employee as the child abuse coordinator (coordinator) and an additional employee to serve as the alternate child abuse coordinator (alternate) and submit this information to the Department of Children's Services, and report the submission to the ASD;
- b) Require the coordinator and the alternate receive appropriate training;
- c) Supply the coordinator with all necessary resources;
- d) Ensure that all employees working directly with children annually complete the child abuse training program required by state law.⁹

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

⁸ Tenn. Op. Atty. Gen. No. 87-101 (June 9, 1987)

⁹ Tenn. Code Ann. § 49-6-1601; Chapter 571 of the Public Acts of 2024



Zero Tolerance

Policy Number: 6.309	Monitoring Review: Annually
Revised: July, 2024	Approved by: Lizzette Gonzalez Reynolds, Commissioner
Effective: July, 2024	

In order to ensure a safe and secure learning environment, the following offenses shall not be tolerated¹:

1. Unauthorized possession of a firearm on school property;²
2. Unlawful possession of any drug, including any controlled substance, controlled substance analogue, or legend drug on school grounds or at a school-sponsored event;³ and
3. Aggravated assault⁴ or assault that results in bodily injury⁵ upon any teacher, principal, administrator, any other employee of the school, or school resource officer.
4. Unauthorized possession with the intent to go armed on school property or at a school sponsored event, any bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles or any other weapon of like kind as defined in T.C.A. § 39-17-1309; or
5. Valid threat of Mass violence on school property or at a school-related activity as determined by a threat assessment team.⁶

Achievement School District (ASD) students shall not possess, handle, transmit, use or attempt to use firearms or any dangerous weapon in school buildings or on school grounds, or on any grounds used for school purposes at any time, or in school vehicles and/or buses or off the school grounds at a school-sponsored activity, function or event.⁶ Dangerous weapons and instruments for the purposes of this policy shall include, but are not limited to a firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.⁷

Committing any of these offenses shall result in a student being expelled from regular attendance at school for at least one (1) calendar year, unless modified by the Charter Management Organization (CMO). Modification to the length of time shall be granted on a case-by-case basis. Students who commit zero-tolerance offenses may be assigned to an alternative school or program if staff and space are available, as determined at the time of the infraction.

Firearms (as defined in 19 U.S.C. § 921)⁹

In accordance with state law, any student who brings or possess a firearm on school property shall be expelled for a period of not less than one (1) calendar year. The principal shall have the authority to modify this expulsion

requirement on a case-by-case basis.¹⁰

¹ Tenn. Code Ann. § 49-6-3401(g)

² 18 USCA § 921(a)(3); 20 USCA § 7961(b)(3)

³ Tenn. Code Ann. § 37-17-454; Tenn. Code Ann. § 53-10-101

⁴ Tenn. Code Ann. § 39-13-102

⁵ Tenn. Code Ann. § 39-13-101(a)(1)

⁶ Tenn. Code Ann. § 39-16-517; Public Acts of 2023, Chapter No. 29

⁷ Tenn. Code Ann. § 39-17-1309

⁸ Tenn. Code Ann. § 49-6-3401(g)(2); Tenn. Code Ann. § 49-6-3402

10 Tenn. Code Ann. § 39-11-106(a)(5)(A)(B)

9 18 U.S.C. § 921

10 Tenn. Code Ann. § 49-6-4216(b); Tenn. Code Ann. § 49-6- 3401(g); 20 U.S.C. § 8921

Drugs

In accordance with state law, any student who unlawfully possesses any drug including any controlled substance or legend drug shall be expelled for a period of not less than one (1) calendar year. The CMO shall have the authority to modify this expulsion requirement on a case-by-case basis.¹¹

Assault

In accordance with state law, any student who commits aggravated assault as defined in T.C.A. § 39-13-102 upon any teacher, principal administrator, any other employee of the school shall be expelled for a period of not less than one (1) calendar year. The CMO shall have the authority to modify this expulsion requirement on a case-by-case basis.⁵

Electronic Threats

In accordance with state law, any student who transmits by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention shall be expelled for a period of not less than one (1) calendar year. The CMO shall have the authority to modify this expulsion requirement on a case-by-case basis.¹²

Notification

When it is determined that a student has violated this policy, the principal of the school shall notify the student's parent or guardian and the criminal justice or juvenile delinquency system as required.

¹¹ Tenn. Code Ann. § 49-6-3401(g); Tenn. Code Ann. § 49-6-4216(b)

¹² Tenn. Code Ann. § 49-6-4216(a)(2)(C)



Security

Policy Number: 3.205	Monitoring Review: Annually
Revised: July, 2024	Approved by: Lizzette Gonzalez Reynolds, Commissioner
Effective: July, 2024	

General¹

The Charter Management Organization (CMO) shall establish procedures to protect school property which shall include, but not be limited to:

1. Closing and securing teacher work areas when left unattended or at the end of the day;
2. Denying students permission to use the classrooms, laboratories, gymnasiums, or other school facilities or equipment without appropriate supervision;
3. Closing and securing teacher work areas when left unattended or at the end of the day; Controlling the issuance of keys;
4. Developing programs that contribute to the proper care and use of school facilities and equipment; and
5. Ensuring that equipment purchased with federal funds is managed as directed by federal law.²
6. Ensuring that all exterior doors leading into a school building are locked at all times and access to school buildings is limited to the school's primary entrance.³

The principal of each ASD school shall ensure that law enforcement officials and the CMO are called in cases involving call law enforcement officials in cases involving illegal entry, assault and battery resulting in personal injury or involving the use of a weapon, building damage, theft, or vandalism endangering life health, or safety, or valid threats of mass violence. The CMO is authorized to sign a criminal complaint and press charges. The CMO shall report all signing of such complaints to the Tennessee Department of Education and the ASD.

LAW ENFORCEMENT SERVICES¹

The CMO may enter into collaborative partnerships with appropriate law enforcement agencies. Partnerships may include, but not be limited to, education and recreational programs, delinquency prevention, and mentoring initiatives.

¹ Tenn. Code Ann. § 49-6-805(3)

² 2 C.F.R. § 200.313

³ Tenn. Code Ann. § 49-6-817; Public Acts of 2023, Chapter No. 367

The CMO may enter into a memorandum of understanding (MOU) with the chief of a law enforcement agency to provide school policing, which shall be reported to the ASD. The MOU shall address, at a minimum, the following issues:

1. Any school resource officer (SRO) assigned under the MOU shall be in compliance with all laws, regulations, and rules of the Peace Officer Standards and Training Commission at the time of assignment and remain compliant throughout his/her assignment.
2. As a condition of assignment, any SRO shall participate in forty (40) hours of basic training in school policing within twelve (12) months of assignment. Every year thereafter, the SRO shall participate in a minimum of sixteen (16) hours of training specific to school policing. All training programs shall be approved by the Peace Officers Standards and Training Commission.⁴
3. Any SRO assigned under the MOU remains an employee of the law enforcement agency and is subject to that agency's direction, control, supervision, and discipline.
4. No SRO shall be assigned to a school, or continue in such an assignment, without the consent of the CMO.
5. In the event that more than one (1) SRO is assigned to an ASD school, the law enforcement agency shall designate one (1) of the SROs as the senior SRO. The duties of the senior SRO shall include, but not be limited to, the following:
 - a. Representing and carrying out the policies of the law enforcement agency assigning the SROs;
 - b. Supervising the SROs in the performance of their duties;
 - c. Consulting with the CMO regarding the best use of the available resources for school policing; and
 - d. Resolving disputes between the SROs and students or staff members.
6. The MOU may be effective for any length of time, including continuing until terminated by the parties, and may contain any reasonable notice requirement for the termination of the MOU. However, the MOU shall contain a provision allowing the CMO or ASD to suspend the active participation of any SROs in the event that the CMO or ASD believes that such suspension is best for the health, safety, or wellbeing of the students or staff members.

CYBERSECURITY⁵

The CMO shall develop an administrative procedure regarding the CMO's cybersecurity plan to identify cybersecurity risks, implement mitigation planning, and protect cyber-infrastructure against cyberattacks and other cybersecurity threats and incidents.

⁴ Tenn. Code Ann. § 49-6-4217

⁵ Public Acts of 2021, Chapter No. 335

ADDITIONAL CONCERNS

All exterior doors leading into a school building shall be locked at all times and access to school buildings shall be limited to the school's primary entrance during the school day as well as when students are present outside of regular school hours.⁶ If, outside of regular school hours, there is a need to unlock the doors during a school day activity, a school employee shall be stationed by the door to ensure access is limited to authorized persons

⁶Tenn. Code Ann. § 49-6-817



Emergency Preparedness Plan

Policy Number: 3.202	Monitoring Review: Annually
Revised: July, 2024	Approved by: Lizzette Gonzalez Reynolds, Commissioner
Effective: July, 2024	

General

The CMO or the CMO's designee shall be responsible for developing, maintaining, and acquiring approval of an Emergency Preparedness Plan¹ which shall include procedures for bomb threats, civil disturbances, armed intruders, earthquakes, fires, tornadoes or other severe weather, and medical emergencies. This plan shall be submitted to the department of Education's school safety center when designated for review, as well the ASD.

The principal or CMO's designee of each ASD school shall develop and implement emergency preparedness drills which shall be approved by the CMO. When appropriate, such drills shall be held in conjunction with emergency response agencies. All drills should be documented on a drill tracking form and available for review by the Fire Marshall or by the request of the Department of Education. Each principal is responsible for ensuring that safety is a part of the instructional program of the school. The safety program shall include fire prevention, accident prevention, warning systems, emergency drills, traffic safety, safety inspections, first aid, and disaster preparation.¹

FIRE AND SAFETY DRILLS

The principal or CMO's designee shall ensure that one (1) fire drill requiring full evacuation is given every thirty (30) school days, with two (2) fire drills occurring during the first thirty (30) full days of the school year. Additionally, he/she shall ensure that four (4) fire safety educational announcements are conducted throughout the year.² The principal or CMO's designee shall ensure that three (3) additional safety drills are given during the school year.³ These drills may cover inclement weather, earthquakes, armed intruders, or other emergency drills that do not require full evacuation. A record of all fire or safety drills, including the time and date, shall be kept in each school's office.³

The principal or CMO's designee shall regularly check the quantity, locations, and conditions of fire extinguishers and shall give all school personnel instructions on how to properly use fire extinguishers.

¹ TRR/MS 0520-01-02-.30(2); Tenn. Code Ann. § 49-6-804; Tenn. Code Ann. § 49-6-805(8)

² Tenn. Code Ann. § 68-102-137(b)

³ Tenn. Code Ann. § 68-102-137(f)

ARMED INTRUDER DRILLS

The principal or CMO's designee shall ensure that the school safety team conducts at least one (1) armed intruder drill annually in coordination with local law enforcement.⁴ The CMO shall consult with local fire department and local law enforcement officials to develop procedures that differentiate between a false fire alarm and an alarm alerted for due cause. The procedure must include response measures for students and school staff, which includes substitute teachers and other part-time staff and school volunteers, after a determination is made regarding whether the emergency involves a fire, an active shooter, or other incident. Such procedure may include appointed staff prepared and directed to:

- (1) Review security footage in the moments immediately following the triggering of a fire alarm, and
- (2) Alert and redirect students, faculty, and staff in the event that the fire alarm is determined to be an intentionally false alert.

AED DRILLS⁵

All ASD schools shall conduct a CPR and AED drill to ensure awareness of the steps that shall be taken in the event of a medical emergency. The principal shall ensure that the drill occurs.

The CMO shall develop the necessary administrative procedures on AED and CPR training, planning, notification, and maintenance to comply with state law.

MEDICAL EMERGENCIES/PANDEMIC FLU⁶

In the event of medical emergencies such as a pandemic flu outbreak, school officials shall cooperate and consult with the local and state health departments and other local emergency or healthcare providers in protecting students and the community from further infection. The CMO shall develop procedures for health emergencies in accordance with state law and regulations.

ANNUAL DRILLS⁷

The following drills are required at least annually:

- (1) armed intruder drill,
- (2) incident command drill, and
- (3) emergency safety bus drill.

ADDITIONAL EARTHQUAKE DRILL

Any School within 100 miles of the New Madrid Fault shall conduct two (2) earthquake drills per school year.⁸

REMOTE LEARNING DRILL

At least once each school year, a remote learning drill shall be conducted. The drill shall accurately reflect how students will transition to remote learning in the event of a disruption to school operations. Students shall not be asked or required to transition to remote learning at any time during the drill.⁹

⁴ Tenn. Code Ann. § 49-6-807

⁵ Tenn. Code Ann. § 49-2-122; Tenn. Code Ann. § 49-6-1208

⁶ Tenn. Code Ann. § 49-6-3004(a), (e); Tenn. Code Ann. § 49-5-404 ⁷ Tenn. Code Ann. § 49-6-807; Public Acts of 2023, Chapter No.367

⁷ Tenn. Code Ann. § 49-6-807

⁸ TRR/MS 0520-01-02-.30(2)(b)

⁹ Tenn. Code Ann. § 49-2-138



Confidentiality of Student Records

Policy Number: 6.600	Monitoring Review: Annually
Revised: July, 2024	Approved by: Lizzette Gonzalez Reynolds, Commissioner
Effective: July, 2024	

A confidential cumulative record shall be kept for each student enrolled in school. The folder shall contain the student's name, address, parents' names and occupations, complete school record, achievement test results, a health record, school activities, attendance record, counselors' notes, sand scholarship record, and other information deemed appropriate by the Tennessee Department of Education; shall be kept current; and shall accompany the student through their school career.¹

The name used on the record of the student entering the school system must be the same as that shown on the birth certificate, unless evidence is presented that such name has been legally changed.² If the parent does not have, or cannot obtain a birth certificate, then the name used on the records of such student shall be as shown on documents which are acceptable as proof of date of birth.

The name used on the records of a student entering the system from another school must be the same as that shown on records from the school previously attended unless evidence is presented that such name has been legally changed as prescribed by law. When a student transfers to another school within the ASD, copies of the student's records, including the student's disciplinary records, shall be sent to the transfer school.³ All records shall be remitted in accordance with the Family Education Rights and Privacy Act (FERPA).⁴

Access to Student Records

Student records shall be confidential. Authorized school officials shall have access to and permit access to student education records for legitimate educational interests.⁵ A "legitimate educational interest" is the official's need to know information in order to:

- (1) Perform required administrative tasks;
- (2) Perform a supervisory or instructional task directly related to the student's education; and

¹ 20 USCA 1232g; Tenn. Code Ann. §10-7-503; Tenn. Code Ann. § 10-7-504 2

² Tenn. Code Ann. § 49-6-5106

³ Tenn. Code Ann. § 49-3-3001(c)(1)

⁴ Tenn. Code Ann. § 49-1-701 *et seq.*

⁵ Tenn. Code Ann. § 10-7-504(a)(4); 20 USCA § 1232g

- (3) Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

Authorized school officials may release information from or permit access to a student's education record without the parent(s) or eligible student's* prior written consent in the following instances:

- (1) To comply with a judicial order or lawfully issued subpoena. The school system shall make a reasonable effort to notify the student's parent(s), guardian, or the eligible student before making a disclosure;⁶
- (2) If the disclosure is an item of directory information;⁷
- (3) To comply with the requirements of child abuse reports to the extent known by the school officials including the name, address, and age of the child; the name and address of the person responsible for the care of the child, and the facts requiring the report;⁸
- (4) When certain federal and state officials need information in order to audit or enforce legal conditions related to federally-supported education programs in the school system;⁹
- (5) When the school system has entered into a contract or written agreement for an organization to conduct scientific research on the system's behalf to develop tests or improve instruction, provided that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purpose for which the study was conducted;¹⁰
- (6) To appropriate officials if the parent(s) claim the student as a dependent as defined by the Internal Revenue Code;¹¹
- (7) To accrediting organizations to carry out the accrediting functions;¹²
- (8) When a student seeks or intends to enroll in another school district or a post-secondary school. Parent(s) of students or eligible students have a right to obtain copies of records transferred under this provision;¹³
- (9) To financial institutions or government agencies that provide or may provide financial aid to a student in order to establish eligibility, to determine the amount of financial aid, to establish conditions for the receipt of financial aid, and to enforce financial aid agreements;¹⁴
- (10) To make the needed disclosure in a health or safety emergency when warranted by the seriousness of the threat to the student or other persons, when the information is necessary and needed to meet the emergency, when time is an important and limiting factor, and when the persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency;¹⁵
- (11) To the Attorney General or his designee for official purposes related to the investigation or prosecution of an act of domestic or international terrorism. An educational agency that, in good faith, produces education records in accordance with an order issued under this Act shall not be liable to any person for that production;¹⁶
- (12) To any agency caseworker or other representative of a state or local child welfare agency or tribal organization authorized to access the student's educational records when such agencies or organizations are legally responsible for the care and protection of the student;¹⁷
- (13) To state and local authorities to whom information is specifically allowed to be reported or disclosed by state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.¹⁸

⁶ 20 USCA 1232g(b)(2)(B)

⁷ 20 USCA 1232g(b)(2); Tenn. Code Ann.

§ 10-7-504(a)(4)(A) ⁸ Tenn. Code Ann. § 37-1-403

⁹ 20 USCA 1232g(b)(3)

¹⁰ 20 USCA 1232g(b)(1)(F)

¹¹ 20 USCA 1232g(b)(1)(H)

¹² 20 USCA 1232g(b)(1)(G)

¹³ TRR/MS 0520-01-03-.03(15)

¹⁴ 20 USCA 1232g(b)(1)(D)

¹⁵ 20 USCA 1232g(b)(1)(I)

¹⁶ 20 USCA 1232g(j); USA Patriot Act of 2001 § 507

Authorized school officials may release information from a student's education record if the student's parent(s) or the eligible student gives written consent for the disclosure. The written consent must include:¹⁹

- (1) A specification of the records to be released
- (2) The reasons for the disclosure;
- (3) The person, organization, or class of persons or organizations to whom the disclosure is to be made;
- (4) The signature of the parent(s) or eligible student;
- (5) The date of the consent and, if appropriate, a date when the consent is to be terminated.

The student's parent(s) or the eligible student* may obtain a copy of any records disclosed under this provision.

The CMO will maintain an accurate record of all requests to disclose information from or to permit access to a student's education records. The system will maintain an accurate record of information it discloses and access it permits. The system will maintain this record as long as it maintains the student's education record.²⁰

The record will include at least:¹⁹

- (1) The name of the person or agency that makes the request;
- (2) The interest the person or agency has in the information;
- (3) The date the person or agency makes the request; and
- (4) Whether the request is granted and, if it is, the date access is permitted or the disclosure is made.

** The student becomes an "eligible student" when he/she reaches age 18 or enrolls in a post-secondary 23 school, at which time all of the above rights become the student's right.*

¹⁷ 20 USCA. 1232g

¹⁸ 20 USCA. 1232g(b)(1)(E)

¹⁹ 34 C.F.R. 99.30

²⁰ 34 C.F.R. 99.32(a)



Extracurricular Activities

Policy Number: 4.301

Monitoring Review: Annually

Revised: July, 2024

Effective: July, 2024

Approved by:

Lizzette Gonzalez Reynolds, Commissioner

General

All Achievement School District (ASD) students shall have equal athletic opportunities. Students shall not, on the basis of sex, race, color, national origin, disability, or any other category protected by state or federal law, be excluded from participation in, be denied the benefits of, be treated differently, or otherwise discriminated against in any ASD athletic program. Equal athletic opportunities shall be provided for members of both sexes.¹ Student athletes shall only be allowed to participate in athletic activities or events that align with the student's sex indicated on his/her original birth certificate.² The Charter Management Organization (CMO) shall require the parent/guardian to provide the student's original birth certificate prior to participation in any interscholastic athletics. If the original birth certificate is not available or does not indicate the student's sex at the time of birth, the parent/guardian shall provide medical documentation showing evidence of the student's sex at birth.

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 designee shall accompany an athletic team on trips. Transportation of teams to athletic games is approved by the CMO.

The bylaws of the Tennessee Secondary School Athletic Association shall regulate the operation and control of athletics at the ASD.³ The CMO shall develop a code of conduct for all coaches to follow in order to ensure the health and safety of athletes.⁴

Insurance and Physical Examinations

In the event that the charter management organization's insurance provider does not extend coverage to a student athlete, the student athlete must provide proof of independently secured catastrophic coverage and liability coverage, with the charter management organization as a named insured, of not less than the limits set forth in state law.⁵

¹ 34 CFR § 106.41; 20 USCA § 1681 et seq. ² Public Acts of 2021, Chapter No. 40

³ TRR/MS 0520-01-02-.08(1)

⁴ Public Acts of 2021, Chapter No. 272

⁵ Tenn. Code Ann. § 29-20-403

It shall be the responsibility of the parent/guardian to provide health and hospitalization insurance for all students participating in interscholastic athletics. Every student shall complete an annual physical examination prior to participation in interscholastic athletics.⁶ The student's parent or guardian shall be responsible for covering the cost of the examination, and these records shall be retained in the student's main file.

Scheduling Conflicts

Students shall not be dismissed from school for the purpose of attending the practice of any interscholastic sport during the school day without written permission from the CMO.⁷ This does not prevent the inclusion of regular physical training lessons in the daily school program. Students shall not be required to attend a school athletic event, or event related to participation on a school athletic team, if the event is on an official school holiday, observed day of worship, or religious holiday. The student's parent or legal guardian shall notify the coach in writing three (3) full school days prior to the event if a student will not participate in a school athletic event due to one of the aforementioned reasons.⁸ All coaches who oversee or participate in outdoor training, practice, or competition shall annually complete a heat illness prevention course approved by the Tennessee Department of Health as well as receive training on activity modifications based on environmental conditions.

Severe Weather⁴

Severe weather is any type of weather that could impede the safety of any athlete by compromising the playing conditions of the interscholastic sport. Severe weather includes, but is not limited to, thunder, lightning, and extreme temperatures. When severe weather is forecasted, suspension of play shall be discussed with all players, coaches, and officials, if applicable. All coaches who oversee or participate in outdoor training, practice, or competition shall annually complete a heat illness prevention course approved by the Tennessee Department of Health as well as receive training on activity modifications based on environmental conditions.

Prohibition Against Hazing

Coaches, employees, and volunteers shall not encourage, permit, condone, or tolerate hazing activities⁹ and must report all observed or reported instances to the CMO within twenty-four (24) hours of observation or report.

Parent or Guardian Permission Requirement

All students under the age of eighteen (18) shall present a signed and dated statement from their parent/ guardian before joining any club or organization or participating in activities of a club or organization. The CMO shall develop administrative procedures outlining this record-keeping process.

Home School Student Participation

Home school students shall be permitted to participate in accordance with TSSAA or TMSAA guidelines. If a school is not a member of these organizations, home school students zoned for the school shall be permitted to participate in interscholastic athletics to the same extent as other

students.

⁶ 20 USCA § 1232h(c); TRR/MS 0520-01-13-.01(1)(a)

⁷ Tenn. Code Ann. § 49-6-1002(a)

⁸ Tenn. Code Ann. § 49-6-1002(c)

⁹ Tenn. Code Ann. § 49-2-120