



Board of Education Regular Meeting  
August 8, 2023 6:30 PM  
Central Office Board Room  
154 Blountville Bypass  
Blountville, TN 37617

1. Call to Order
2. Approval of the Agenda
3. Consent Agenda
  - a. Meeting Minutes from July 6 and July 27, 2023
  - b. Field Trips
  - c. Consolidated Application
  - d. Health Department MOU
4. Public Comment - Agenda Items
5. Communications to the Board
  - a. Director's Comments
    - a. Welcome New Principals
    - b. Tenure Recognition
6. Unfinished Business
  - a. Henry Harr Property Update
  - b. Old Holston Warehouse
  - c. School Nutrition Price List - Updated
  - d. Communities in Schools MOU
  - e. SRO State Contract
7. New Business
  - a. Policy Updates
    - a. Policy 1.106 Code of Ethics
    - b. Policy 3.202 Emergency Preparedness Team
    - c. Policy 3.205 Security
    - d. Policy 4.403 Library Materials
    - e. Policy 5.106 Application and Employment
    - f. Policy 5.119 Employment of Retirees
    - g. Policy 5.302 Sick Leave
    - h. Policy 5.305 Family and Medical Leave
    - i. Policy 5.307 Physical Assault Leave
    - j. Policy 5.600 Staff Rights & Responsibilities
    - k. Policy 6.200 Attendance
    - l. Policy 6.319 Alternative Education
  - b. 2024-2025 School Calendar
  - c. NAEP Assessment
  - d. Opportunities to expand Dual Enrollment Opportunities with TCAT and Northeast State both on their campus and also on our high school campuses.
  - e. New Position - Food Service Floating Cafeteria Manager

- f. Transportation Study Committee
  - g. Local Food for Schools Grant
  - h. Perkins Budget Amendment
  - i. Welding Workforce Grant
8. Public Comment - Non-Agenda Items
  9. Board Chairman Comments
  10. Adjournment

**Sullivan County Department of Education  
School Nutrition Price List  
2023/2024 School Year**

**ELEMENTARY STUDENTS**

Lunch	\$2.50
Reduced Price Lunch	\$0.40
UNIVERSAL BREAKFAST ALL SCHOOLS	FREE

**MIDDLE SCHOOL STUDENTS**

Lunch	\$2.75
Reduced Price Lunch	\$0.40
UNIVERSAL BREAKFAST ALL SCHOOLS	FREE

**HIGH SCHOOL STUDENTS**

Lunch	\$3.00
Reduced Price Lunch	\$0.40
UNIVERSAL BREAKFAST ALL SCHOOLS	FREE

**LUNCH A-LA-CARTE ITEMS**

Extra Entree- Elem	\$2.50
Extra Entree- Middle	\$2.75
Extra Entree- High	\$3.00

**BREAKFAST A-LA-CARTE**

Fruit	\$0.75
Juice 4oz	\$0.75
Breakfast Entree	\$1.50
Pop-Tart-Single	\$0.75
Pop-Tart- Double	\$1.00

**BREADS/SNACK ITEMS**

Roll- Lunch Only	\$0.75
Biscuit (1)	\$0.75
Chips	\$1.00
Animal/ Graham/Goldfish/Cheez-it Crackers	\$0.75
Nutri-grain Bar	\$1.00
Donut, powdered or chocolate	\$1.00
Kettle Chips	\$1.00

**ADULTS**

Breakfast	*\$3.00
Lunch	*\$4.25
Visitor Breakfast	\$3.25
Visitor Lunch	\$4.50

**\*S.C Dept of Ed. Staff or those involved  
with the business of the school system.**

**VEGETABLES/FRUITS**

1/2 C Vegetables	\$0.75
Fruit	\$0.75
Raisins	\$0.50
Applesauce or Peaches Portion Pack	\$1.00
Sidekicks Juice Cup	\$0.75

**Desserts**

Cookie, 1oz	\$0.50
Rice Krispie Bar- Large	\$0.75
Rice Krispie- Small	\$0.25
Brownie	\$1.00
Confetti Cake Cookie	\$1.00
Fudge Filled Cookie	\$1.00
Grandma's Cookies- Blueberry Vanilla	\$0.75
Grandma's Cookies- Chococolate Chip	\$0.75

**BEVERAGES**

Milk, 8 oz	\$0.60
Water, plain 8oz	\$0.75
Water, plain 16.9 oz	\$0.75
Water, flavored 16.9 oz	\$1.50
Water, plain 25.3 oz Sports Cap	\$1.00
Propel Water	\$1.50
Switch or Gatorade G2	\$1.25
Coffee 8 oz	\$0.75
Tea, (12-oz cup)	\$1.00
Tea, (32 oz cup)	\$1.25
Sparkling ICE	\$1.50
Sparkling ICE + Caffeine	\$2.00

**Ice Cream**

Ice Cream Cup- Chocolate, Vanilla, Strawberry	\$0.75
Low Fat Ice CreamSandwich	\$0.75
Fat Free FudgeBar	\$0.75
Sour Cherry	\$0.75
Lactose Free Cotton Candy Bar	\$0.75
Low Fat Cookies& Cream Round Sandwich	\$1.00
Strawberry Shortcake Bar	\$1.00
Chocolate Shortcake Bar	\$1.00
Crumbled Cookie Cone	\$1.25
Birthday Cake Cone	\$1.25
Crumble Cookie Bar	\$1.25
Sour Cyclone- Blue Raspberry	\$1.25
Chocolate and Vanilla Cone	\$1.25

**USDA is an equal opportunity provider employer.**

## **POLICY UPDATES AS RECOMMENDED BY TSBA AUGUST 8, 2023**

### **Policy 1.106 Code of Ethics**

A new change to state law, Public Chapter 37, requires local Boards of Education to notify the Tennessee Ethics Commission of the primary person responsible for administering and enforcing their ethical standards. TSBA has added language in model policy 1.106 on this practice. The Board has discretion as to implementation and could select a different individual to be in charge of this reporting.

\*The model policy is quite different to our current policy. So, I have attached both, our current and recommended policy, instead of making changes to our current policy. \*

### **Policy 3.202 Emergency Preparedness Plan and Policy 3.205 Security**

A new law that affects many aspects of school safety (Public Chapter 367) requires several policy changes. This new legislation requires an armed intruder drill, an incident command drill, and an emergency safety bus drill (policy 3.202) as well as a policy on threat assessment teams (policy 3.204). Many Boards currently maintain a policy on threat assessment teams, however, this new legislation requires that all Boards have a policy on this topic. There is also now a requirement for all exterior doors to remain locked during school hours. For events occurring after school hours, Boards can choose to create a local plan on how to admit community members. TSBA has updated model policy 3.205 with information about the default practice found in the new legislation. Per state law, this default practice will be in effect if the Board does not include an alternate local plan.

Our 3.204 was good.

\*For 3.202, the model policy is quite different to our current policy. So, I have attached both, our current and recommended policy, instead of making changes to our current policy. \*

### **Policy 4.403 Library Materials**

A new state law, Public Chapter 472, changes the process for school districts to respond to challenged library materials. Previously, state law required that all complaints proceed to the Board of Education. This new law includes flexibility for districts by permitting the Board to create a process with several tiers of review. Please note that Boards may revise this model language to align with local standards. TSBA encourages reaching out to your local board attorney if there are legal concerns.

### **Policy 5.106 Application and Employment**

School districts are prohibited from hiring individuals on Tennessee's Department of Children's Services list of perpetrators of child abuse and those on the registry of abuse of vulnerable persons maintained by the Department of Health. A change to state law, Public Chapter 222, clarifies that districts may not hire individuals who appear on similar lists maintained by other states. TSBA has updated the model policy to align with this change.

### **Policy 5.119 Employment of Retirees**

Due to ongoing teacher shortages, the General Assembly passed Public Chapter 425 which allows more flexibility in hiring retirees. This change allows retirees to work as substitutes beyond the typical 120 day contract and permits retirees to serve as regular classroom teachers on an ongoing basis.

### **Policy 5.302 Sick Leave**

For districts that operate sick leave banks, state law contains restrictions on how those days can be used by employees. Public Chapter 151 adds additional options for employees by creating an option to use this time to care for minor children in addition to being used for the employee's own illness.

### **Policy 5.305 Family Medical Leave**

Public Chapter 399 gives employees who are required by law to hold a valid license of qualification for employment and who have been employed with the school district for at least twelve consecutive months six weeks of paid leave that can be used after the birth, stillbirth, or adoption of a newly placed minor child. This leave must be used within twelve months of the qualifying event and does not have to be used consecutively. Additionally, this leave counts towards federally granted leave under the Family Medical Leave Act. TSBA has added a provision on this new option to our model policy.

\*The model policy is quite different to our current policy. So, I have attached both, our current and recommended policy, instead of making changes to our current policy. \*

### **Policy 5.307 Physical Assault Leave**

A new state law, Public Chapter 343, clarifies that teachers will receive their full salary while on leave due to a physical assault. Our model policy 5.307 has been updated to reflect this change.

### **Policy 5.600 Staff Rights & Responsibilities**

Teachers are now required to report students who commit certain offenses on school property that endanger the life, health, or safety of others per Public Chapter 153. As a result, TSBA has updated this statutory list of responsibilities in the model policy.

### **Policy 6.200 Attendance**

Boards can award credit to students who take released time courses pursuant to the conditions outlined in their board policy. Previously, Boards could award one-half credit. Public Chapter 130 now allows Boards to offer one full credit for these courses. Please note that this is optional for Boards, and we have included an updated provision on this topic in our alternate version of 6.200. The highlighted language indicates additional options found in state law.

### **Policy 6.319 Alternative Education**

Public Chapter 279 provides an additional statutory reason that a Director of Schools could require a student to serve a suspension at home rather than on school property. This change to state law allows the Director of Schools discretion if assigning the student to an alternative school or program may endanger the safety of the students or staff.

# Sullivan County Board of Education

Monitoring: <b>Review: Annually, in September</b>	Descriptor Term:  <b>Code of Ethics</b>	Descriptor Code: <b>1.106</b>	Issued Date: <b>04/10/12</b>
		Rescinds: <b>1027</b>	Issued: <b>08/26/99</b>

## CODE OF ETHICS

### SULLIVAN COUNTY BOARD OF EDUCATION

#### Section 1. Definitions.

- (1) "School district" means Sullivan County Board of Education, which was duly created by a public or private act of the General Assembly; and which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the school district or an official of the school district.
- (2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the school district.
- (3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

**Section 2. Disclosure of personal interest in voting matters.** An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

**Section 3. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the school district's central office. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

**Section 4. Acceptance of gifts and other things of value.** An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the school district that a reasonable person would understand was intended to influence the vote, official action or

1 judgment of the official or employee in executing decision-making authority affecting the school  
2 district.

3 It shall not be considered a violation of this policy for an official or employee to receive entertainment,  
4 food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in  
5 connection with a conference sponsored by an established or recognized statewide association of  
6 school board officials or by an umbrella or affiliate organization of such statewide association of  
7 school board officials.

8 **Section 5. Ethics Complaints.** The school district may create a School District Ethics Committee (the  
9 “Ethics Committee”) consisting of three members who will be appointed to one-year terms by the  
10 Chairman of the Board of Education with confirmation by the board of education. At least two  
11 members of the committee shall be members of the board of education. The Ethics Committee shall  
12 convene as soon as practicable after its appointment and elect a chair and a secretary. The records of  
13 the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the director  
14 of schools, where they shall be open to public inspection.

15 Questions and complaints regarding violations of this Code of Ethics or of any violation of state law  
16 governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be  
17 in writing and signed by the person making the complaint, and shall set forth in reasonable detail the  
18 facts upon which the complaint is based.

19 The School District Ethics Committee may investigate any credible complaint against an official or  
20 employee charging any violation of this Code of Ethics, or may undertake an investigation on its own  
21 initiative when it acquires information indicating a possible violation, and make recommendations for  
22 action to end or seek retribution for any activity that, in the Committee’s judgment, constitutes a  
23 violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such  
24 member shall recuse himself or herself from all proceedings involving such complaint.

25 The Ethics Committee may:

- 26 (1) refer the matter to the Board Attorney for a legal opinion and/or recommendations for action;
- 27 (2) in the case of an official, refer the matter to the school board body for possible public censure if  
28 the board body finds such action warranted;
- 29 (3) in the case of an employee, refer the matter to the official responsible for supervision of the  
30 employee for possible disciplinary action if the official finds discipline warranted;
- 31 (4) in a case involving possible violation of state statutes, refer the matter to the district attorney  
32 for possible ouster or criminal prosecution;

33 The interpretation that a reasonable person in the circumstances would apply shall be used in  
34 interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes  
35 a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation  
36 of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

37

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## SULLIVAN SCHOOL DISTRICT CODE OF ETHICS CONFLICT OF INTEREST DISCLOSURE STATEMENT

**Instructions:** This form is for reporting personal interests required to be disclosed under Section 3 of the Code of Ethics of this school district. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of disclosure: \_\_\_\_\_
2. Name of official or employee: \_\_\_\_\_
3. Office and position: \_\_\_\_\_
4. Description of personal interest (describe below in detail):

\_\_\_\_\_  
Signature of official or employee

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Printed name of witness

Click here to choose a school board.			
Monitoring: <b>Review: Annually, in July</b>	Descriptor Term:  <b>Code of Ethics</b>	Descriptor Code: <b>1.106</b>	Issued Date:
		Rescinds:	Issued:

1 *General*<sup>1</sup>

2 Board members and school district employees may not accept, directly or indirectly, any gift, money,  
3 gratuity, consideration, or favor that a reasonable person would understand was intended to influence  
4 the vote, official action, or judgment of the board member or employee in executing decisions  
5 affecting the school district. It is also prohibited for a board member’s or an employee’s spouse or  
6 child living in the same household to accept such items.

7 It shall not be considered a violation of this policy for a board member or employee to receive  
8 entertainment, food, refreshments, meals, health screenings, amenities, food, or beverages that are  
9 provided in connection with a conference sponsored by an established or recognized statewide  
10 association of school board officials or by an umbrella or affiliate organization of such statewide  
11 association of school board officials.

12 **ETHICS COMPLAINTS**

13 The Board may create a School District Ethics Committee (Ethics Committee), consisting of three (3)  
14 members who will be appointed to one-year terms by the Board Chair with confirmation by the Board.  
15 At least two (2) members of the committee shall be members of the Board. The Ethics Committee shall  
16 convene as soon as practicable after its appointment and elect a Chair and a Secretary. The records of  
17 the Ethics Committee shall be maintained by the Secretary and shall be filed in the Director of  
18 Schools’ office, where they shall be open to public inspection.

19 Questions and complaints regarding violations of this Code of Ethics shall be directed to the Chair of  
20 the Ethics Committee. Complaints shall be in writing, signed by the person making the complaint, and  
21 include details as to the facts surrounding the complaint.

22 The Ethics Committee may investigate an ethical complaint received against a board member or  
23 employee and make recommendations to cease any activity that, in the Ethics Committee’s judgment,  
24 constitutes a violation of this Code of Ethics. If a member of the Ethics Committee is the subject of a  
25 complaint, the member shall recuse himself/herself from all proceedings involving the complaint.

26 The Ethics Committee may:

- 27 1. Refer the matter to the board attorney;
- 28
- 29 2. In the case of a board member, refer the matter to the Board of Education for possible public
- 30 censure, if warranted;
- 31

- 1           3. In the case of an employee, refer the matter to the Director of Schools/designee for possible  
2           disciplinary action, if warranted; or  
3  
4           4. In a case involving possible violation of state statutes, refer the matter to the district attorney  
5           for possible ouster or criminal prosecution.

6   **POINT OF CONTACT<sup>2</sup>**

7   The Board Chair shall serve as the point of contact for the Tennessee Ethics Commission. The Director  
8   of Schools shall provide the contact information to the Commission and ensure that any changes are  
9   submitted within thirty (30) calendar days.

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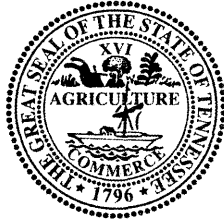
Legal References

1. TCA 8-17-103
2. Public Acts of 2023, Chapter No. 37

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Cross References

Board Member Conflict of Interest 1.107  
Duties of Board Members 1.202



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 37**

### **SENATE BILL NO. 158**

**By Briggs, Haile, Taylor, Powers, Gardenhire, Stevens**

Substituted for: House Bill No. 182

By Whitson, Curtis Johnson, Burkhart, Jernigan

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 10, Part 1; Title 3, Chapter 6, Part 1 and Title 8, Chapter 17, Part 1, relative to the Tennessee ethics commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-10-125, is amended by deleting subsections (b) and (e) and substituting:

(b) The disclosure must be on a form designed by the Tennessee ethics commission, be made under oath, and contain a statement that a false statement on the report is subject to the penalties of perjury. A disclosure form must be filed within five (5) days of entering into a contract for consulting services or campaign services. If services continue to be provided under the contract for a period exceeding twelve (12) months, the disclosure form must be updated annually within five (5) days of the initial contract date in each subsequent year in which the contract is in effect.

(e) If a person or entity contracts to pay a member of the general assembly or a staff person or employee of the general assembly a fee, commission, or other form of compensation, for the provision of campaign services to a candidate for state office or to a political campaign committee attempting to influence the result of a state election, the person or entity shall make the disclosures required under subdivisions (a)(1)-(5) with respect to the campaign services provided.

SECTION 2. Tennessee Code Annotated, Section 2-10-126, is amended by deleting subsections (c) and (e) and substituting instead:

(c) The disclosure must be on a form designed by the Tennessee ethics commission, be made under oath, and contain a statement that a false statement on the report is subject to the penalties of perjury. A disclosure form must be filed within five (5) days of entering any contract for consulting services or campaign services. If services continue to be provided under the contract for a period exceeding twelve (12) months, the disclosure form must be updated annually within five (5) days of the initial contract date in each subsequent year in which the contract is in effect.

(e) If a member of the general assembly or a staff person or employee of the general assembly contracts to receive a fee, commission, or other form of compensation, for the provision of campaign services to a person or political campaign committee attempting to influence the result of a state election, the member, staff person, or employee shall make the disclosures required under § 2-10-125(a)(1)-(5) with respect to the campaign services provided.

SECTION 3. Tennessee Code Annotated, Section 3-6-106(a)(9), is amended by deleting the language "February 1" and substituting instead "July 1".

SECTION 4. Tennessee Code Annotated, Section 3-6-117, is amended by deleting the section and substituting instead:

(a) The commission is the only entity authorized to issue formal advisory opinions on matters related to this chapter, § 2-10-115, §§ 2-10-122 – 2-10-130, and title 8, chapter 50,

part 5; provided, that the commission may request an opinion from the attorney general and reporter on legal issues that may be presented in a request for a formal advisory opinion. With respect to an issue addressed in a formal advisory opinion, a person who conforms that person's behavior to the requirements of the advisory opinion must not be sanctioned if it is later determined that the advisory opinion did not correctly interpret state law. A person who requests an advisory opinion may withdraw the request at any time before the opinion is issued, in which case the commission shall not issue the opinion.

(b)(1) Except as provided in this subsection (b), a person performing staff duties as an employee of the commission shall not issue an advisory opinion under subsection (a), including an informal response.

(2) A person performing staff duties as the executive director, assistant executive director, or as an attorney may give informal advisory opinions to a person subject to the jurisdiction of the commission in accordance with this subsection (b). The executive director shall approve all such informal opinions issued under this subsection (b).

(3) An informal opinion must be based on such information, the operative provisions of the cited statute, and the legislative history and intent pertaining to the statutory provisions, as evidenced by legislative committee and floor actions, discussions, and debates. In addition, the informal opinion must indicate whether a statute or a previous opinion is clear or unclear on the issue. An informal advisory opinion may be given verbally or in writing by either regular mail or electronic mail, but a verbal advisory opinion must be verified in writing by either regular mail or electronic mail in order to receive the consideration provided in subdivision (b)(4).

(4) If the person who requested the informal advisory opinion conforms the person's behavior to the requirements of the informal opinion, then the person must not be sanctioned if it is later determined that the informal opinion was not a correct response or incorrectly interpreted state law or previous commission advisory opinions on the issue.

(5) The commission shall make and keep records of all written inquiries and all written informal advisory opinions given, including the name of the person or entity making the inquiry, as applicable; on behalf of whom the inquiry was made; the date of the inquiry; the person responding to the inquiry; the precise inquiry, including the facts and background information provided; the section or sections of statute involved; and the answer or response given.

(6) An informal response is subject to review or modification by the commission. A person who disputes the informal advisory opinion given by a staff employee in subdivision (b)(2) may request a formal advisory opinion from the commission.

SECTION 5. Tennessee Code Annotated, Section 8-17-104, is amended by designating the existing language as subsection (a) and adding the following new subsections:

(b) By no later than January 1, 2024, each entity covered by this chapter shall notify the ethics commission, either in writing or electronically by email, of the primary person responsible for administering and enforcing the entity's ethical standards. The entity also shall provide the commission with the person's contact information, including the person's business address, phone number, and email address. The entity shall notify the commission of any change in such responsibility within thirty (30) calendar days of such change and shall provide the name and contact information for an interim official serving in this capacity until such time as a permanent successor can be identified.

(c) By no later than January 31, 2024, and on each January 31 thereafter, the commission shall notify the speaker of the house of representatives and the speaker of the senate, as well as the comptroller of the treasury, of each entity that is not in compliance with this part.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 158

PASSED: February 27, 2023

  
Randy McNally  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
Cameron Sexton  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 14<sup>th</sup> day of March 2023

  
Bill Lee  
BILL LEE, GOVERNOR

## Sullivan County Board of Education

Monitoring: <b>Review: Annually, in October</b>	Descriptor Term: <b>Emergency Preparedness Plan</b>	Descriptor Code: <b>3.202</b>	Issued Date: <b>01/10/23</b>
		Rescinds: <b>3.202</b>	Issued: <b>04/23/20</b>

1 The director of schools shall be responsible for developing, maintaining and acquiring Board approval  
2 of the district Emergency Preparedness Plan,<sup>1</sup> which shall include procedures for bomb threats, civil  
3 disturbances, armed intruders, earthquakes, fires, tornadoes or other severe weather, and medical  
4 emergencies.

5 The principal of each school shall develop and implement emergency preparedness drills which shall  
6 be approved by the director of schools. When appropriate, such drills shall be held in conjunction with  
7 emergency response agencies.

### 8 **FIRE AND SAFETY DRILLS**

9 The principal shall be responsible for ensuring that one fire drill requiring full evacuation is given  
10 every thirty (30) days of the school year with two (2) fire drills to be conducted within the first thirty  
11 (30) **full** days of **the school year.**<sup>2</sup> **Additionally, he/she shall ensure that four (4) fire safety**  
12 **educational announcements are conducted throughout the year.**<sup>2</sup>

13 ~~The principal shall ensure that an intruder drill is conducted within the first thirty (30) days of school.~~  
14 ~~He/she~~ **The principal** shall also ensure that three (3) additional safety drills are given during the  
15 school year.<sup>3</sup> These drills may cover inclement weather, earthquakes, armed intruders or other  
16 emergency drills that do not require full evacuation. A record of all fire or safety drills, including the  
17 time and date, shall be kept in each school's office.<sup>3</sup>

18 **The principal shall regularly check the quality, locations, and conditions of fire extinguishers**  
19 **and shall give all school personnel instructions on how to properly use fire extinguishers.**

### 20 **ANNUAL DRILLS**<sup>4</sup>

21 **The principal shall ensure that the school safety team conducts each of the following type of**  
22 **drills annually:**

- 23 1. **An armed intruder drill in coordination with local law enforcement;**
- 24 2. **An incident command drill; and**
- 25 3. **An emergency safety bus drill.**

### 26 ~~**ARMED INTRUDER DRILLS**~~

27 ~~The principal shall ensure that each school safety team conducts at least one (1) armed intruder drill~~  
28 ~~annually in coordination with local law enforcement.~~<sup>4</sup>

### 29 **AED DRILLS**<sup>5</sup>

1 All schools shall conduct a CPR and AED drill to ensure students are aware of the steps that must be  
2 taken in the event of a medical emergency. The principal shall ensure the drill occurs.

3 The Director of Schools shall develop the necessary administrative procedures and AED and CPR  
4 training, planning, notification, and maintenance to comply with state law.

#### 5 **MEDICAL EMERGENCIES/PANDEMIC EVENT<sup>6</sup>**

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

#### 10 **REMOTE LEARNING DRILLS<sup>7</sup>**

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

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#### Legal References

1. TRR/MS 0520-01-02-.30(2); TCA 49-6-804; TCA 49-6-805(8)
2. TCA 68-102-137(b)
3. TCA 68-102-137(f)
4. TCA 49-6-807; **Public Acts of 2023, Chapter No. 367**
5. TCA 49-2-122; TCA 49-6-1208
6. TCA 49-6-3004(a), (e); TCA 49-5-404
7. ~~Public Acts of 2022, Chapter No. 936~~ **TCA 49-2-139**

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#### Cross References

- Emergency Closings 1.8011  
Safety 3.201  
Community Use of School Facilities 3.206



# State of Tennessee

## PUBLIC CHAPTER NO. 367

### HOUSE BILL NO. 322

By Representatives Lamberth, Cochran, White, Gant, Gillespie, Slater, Ragan, Butler, Haston, Bulso, Terry, Leatherwood, Davis, Russell, Bricken, Alexander, Moon, Boyd, Burkhart, Holsclaw, Sherrell, Crawford, Mr. Speaker Sexton, Travis, Zachary, Grills, Brock Martin, Darby, Vaughan, Powell, Faison, Gary Hicks, Wright, Hurt, Hardaway, Hale, McCalmon, Barrett, Greg Martin, Beck, Cepicky, Capley, Helton-Haynes, Whitson, Hawk, Littleton, Marsh, Powers, Parkinson, Reedy, Moody, Williams, Warner, Carringer, Carr, Eldridge, Sparks, Tim Hicks, Vital, Jernigan, Lafferty, Rudder, Kumar

Substituted for: Senate Bill No. 274

By Senators Johnson, Lundberg, Bowling, Gardenhire, Jackson, Lowe, Massey, Reeves, Roberts, Rose, Taylor, Walley, White

AN ACT to amend Tennessee Code Annotated, Section 10-7-504; Title 49, Chapter 6 and Title 62, Chapter 35, relative to school safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-802(a), is amended by deleting the word "education" and substituting instead the word "safety".

SECTION 2. Tennessee Code Annotated, Section 49-6-802(b)(1), is amended by deleting the word "safety" and substituting instead the word "education".

SECTION 3. Tennessee Code Annotated, Section 49-6-802(b), is amended by adding the following subdivisions:

- ( ) A representative of the Tennessee Sheriffs' Association;
- ( ) A representative of the Tennessee Association of Chiefs of Police;

SECTION 4. Tennessee Code Annotated, Section 49-6-803, is amended by deleting the language "the director of the Tennessee school safety center established in § 49-6-4302" and substituting instead the language "the commissioner of safety".

SECTION 5. Tennessee Code Annotated, Section 49-6-804, is amended by deleting the section and substituting:

#### **49-6-804. Safety plans and security systems.**

(a) Each LEA, and to the extent applicable, each public charter school, shall adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response, and emergency management. The plans must be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and must follow the template developed by the state-level safety team. Each district-wide school safety team and building-level school safety team shall consider including in the district-wide school safety plan or building-level school safety plan the implementation of a mobile panic alert system that is capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies and that integrates with local public safety answering point infrastructure to transmit 911 calls and mobile activations. An LEA or public charter school having only one (1) school building shall develop a single building-level school safety plan, which must also fulfill all requirements for the development of a district-wide plan. Each LEA and public charter school shall review each of the plans it adopts pursuant to this subsection (a) annually.

(b) Each private school and each church-related school shall adopt a building-level school safety plan regarding crisis intervention, emergency response, and

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emergency management. Each private school and each church-related school shall review its plan annually. By October 1, 2023, and by each October 1 thereafter, each private school and each church-related school shall provide the school's building-level school safety plan to each local law enforcement agency with jurisdiction, as well as any law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807. As used in this subsection (b):

(1) "Church-related school" means a school as defined in § 49-50-801; and

(2) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education.

(c) A meeting concerning school security, the district-wide school safety plans, or the building-level school safety plans shall not be subject to the open meetings laws compiled in title 8, chapter 44. Though closed to the general public, reasonable notice must be provided to the general public prior to such a meeting held by an LEA or a public charter school. The local board of education or public charter school governing body shall not discuss or deliberate on any issues or subjects other than school security or the school safety plans adopted pursuant to this section during such a meeting.

(d) By July 1, 2023, and by each July 1 thereafter, each LEA and public charter school shall provide the following to each local law enforcement agency with jurisdiction, the department of education, and the department of safety:

(1) The LEA's, and to the extent applicable, the public charter school's, district-wide school safety plan;

(2) The building-level school safety plan for each school in the LEA or each public charter school; and

(3) The floor plans for all school buildings within the LEA or used by the public charter school.

(e) Each LEA and public charter school shall also provide the school safety plans described in subsection (d) to a law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807.

(f) Upon the request of a local law enforcement agency with jurisdiction, the department of education, or the department of safety, the LEA or public charter school shall provide any other plans, information, or records regarding school security.

(g)

(1) During a drill or in an emergency situation, each LEA or public charter school shall, to the greatest extent practicable, provide a responding law enforcement agency with access to security systems that may be required for the law enforcement agency's response.

(2) For purposes of this subsection (g), "security systems" includes, but is not limited to, audio recording systems, visual recording systems, and any other cameras, alarm systems, fire systems, communication systems, or other security measures in a school building.

(h) This section does not diminish the jurisdiction of local law enforcement agencies.

SECTION 6. Tennessee Code Annotated, Section 49-6-805, is amended by adding the following as a new subdivision:

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(10) Policies and procedures to ensure that all individuals providing direct services to students or school staff in response to a school crisis have received the appropriate background checks in compliance with state law, including § 49-5-413.

SECTION 7. Tennessee Code Annotated, Section 49-6-807, is amended by deleting the section and substituting instead the following:

**49-6-807. Annual drills.**

(a) Each school safety team, private school, and church-related school shall annually conduct at least one (1):

- (1) Armed intruder drill;
- (2) Incident command drill; and
- (3) Emergency safety bus drill.

(b)

(1) Each armed intruder drill must be conducted in coordination with the appropriate local law enforcement agency.

(2) Each incident command drill:

(A) Conducted by a school safety team:

(i) Must be conducted without students present; and

(ii) Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school; and

(B) Conducted by a private school or church-related school:

(i) May be conducted with or without students present; and

(ii) Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school.

(3) Each emergency safety bus drill:

(A) Conducted by a school safety team:

(i) Must be conducted without students present; and

(ii) Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus; and

(B) Conducted by a private school or church-related school:

(i) May be conducted with or without students present; and

(ii) Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus.

(c) The results of a drill conducted pursuant to subsection (a) must be:

(1) Maintained by the school for a minimum of five (5) years;

(2) Made available to:

(i) A local law enforcement agency with jurisdiction, and

(ii) The department of education or the department of safety upon request, if the drill was conducted by a school safety team.

(d) The drills required in subsection (a) are in addition to the drills required in § 68-102-137.

(e) As used in this section:

(1) "Church-related school" means a school as defined in § 49-50-801; and

(2) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education.

SECTION 8. Tennessee Code Annotated, Section 49-6-808(b), is amended by adding the language "and each building-level school safety plan" after the language "its district-wide comprehensive safety plan".

SECTION 9. Tennessee Code Annotated, Section 49-6-808(c), is amended by adding the language "and school building floor plans provided pursuant to this section and § 49-6-804" after the language "Building-level emergency response plans".

SECTION 10. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

**49-6-817. School building entrances required to be locked.**

(a) Each public school operated by an LEA, public charter school, private school, and church-related school shall ensure 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, unless otherwise determined by school policy, to prevent unauthorized entry into the school building while students are present during the school day as well as when students are present outside of regular school hours for school-related purposes or activities.

(b) Notwithstanding subsection (a), outside of regular school hours, a public school operated by an LEA, public charter school, private school, or church-related school may unlock the door to the school building's primary entrance during a school-related event or activity if the door is continuously monitored by a school or LEA employee who is physically present at the door to ensure access is limited to only authorized persons and to alert others if an unauthorized person enters, or attempts to enter, the school building.

(c) State and local law enforcement personnel are authorized to inspect a door serving as an entrance to, or exit from, an LEA or public charter school building to determine whether the door is locked as required by subsection (a). There is no limit on the number of inspections law enforcement personnel may conduct under this subsection (c). Except as provided in subsection (b), if law enforcement personnel find that the door to an entrance or exit from a school building is unlocked in violation of subsection (a), then the school must immediately lock the door and the law enforcement agency that found the unlocked door shall, within twenty-four (24) hours, send written notification to:

(1) The LEA's director of schools or the leader of the public charter school, as applicable;

(2) The chair of the local board of education or public charter school governing body, as applicable;

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(3) The head of the parent-teacher organization for the LEA or public charter school, if there is such an organization for the public charter school;

(4) The school principal;

(5) The department of safety;

(6) The department of education; and

(7) Each local law enforcement agency with jurisdiction.

(d) The LEA's director of schools, the leader of the public charter school, or their respective designees, shall, within forty-eight (48) hours of receiving notification from the law enforcement agency under subsection (c), send written confirmation to the notifying law enforcement agency that the door was immediately locked as required by subsection (a) and that processes are in place to ensure that the door remains locked as required by subsection (a), except as authorized in subsection (b). The director, leader, or their respective designee shall send a copy of the director's, leader's, or their respective designee's written confirmation to the recipients identified in subdivisions (c)(2)-(7). The director's, leader's, or their respective designee's written confirmation must state whether the LEA or public charter school has a full-time school resource officer whose primary location is the school found to be in violation of subsection (a).

(e)

(1) If an LEA or public charter school is found to have violated subsection (a) on two (2) or more occasions in one (1) school year, then:

(A)

(i) If the LEA or public charter school does not currently have a school resource officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions in one (1) school year, the LEA or public charter school shall cause a full-time school resource officer or armed school security officer to be posted at the school. The LEA or public charter school shall bear the cost of posting the school resource officer or armed school security officer. The school resource officer or armed school security officer must be posted at the school within thirty (30) days from the date on which the LEA or public charter school received notification under subsection (d) of the school's second violation of subsection (a). The LEA or public charter school shall notify the commissioner of education that the required school resource officer or armed school security officer is posted. If the LEA or public charter school fails to have a school resource officer or armed school security officer posted within thirty (30) days as required in this subdivision (e)(1)(A), then the LEA or public charter school must submit a letter to the commissioner of education every thirty (30) days that an officer is not posted explaining why the LEA or public charter school, as applicable, has not had an officer posted; and

(ii) If the department of education receives notice of a subsequent violation of subsection (a) by the school in one (1) school year, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(a) For a third violation of subsection (a) committed by a school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(b) For a fourth violation of subsection (a) committed by a school in one (1) school year, four percent

(4%) of the annual state funds generated by the school in the TISA;

(c) For a fifth violation of subsection (a) committed by a school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(d) For a sixth violation of subsection (a) committed by a school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(e) For a seventh violation of subsection (a) committed by a school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA; or

(B) If the LEA or public charter school currently has a full-time school resource officer or armed school security officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(i) For the second violation of subsection (a) committed by the school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(ii) For a third violation of subsection (a) committed by the school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(iii) For a fourth violation of subsection (a) committed by the school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(iv) For a fifth violation of subsection (a) committed by the school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(v) For a sixth violation of subsection (a) committed by the school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA.

(2) If funds are withheld pursuant to subdivision (e)(1)(A) or (B), then the funds must be withheld until:

(A) The LEA or public charter school has the required school resource officer or armed school security officer posted at the school; and

(B) The LEA or public charter school submits to the department of education, and receives the department's approval of, a corrective action plan. The corrective action plan must include:

(i) A statement or other evidence demonstrating that the violation of subsection (a) has been remedied;

(ii) Actions to be taken by the LEA or public charter school to resolve the behavior or issue that contributed to, or caused, the violation, including any new written procedures or training;

(iii) Deadlines for the LEA or public charter school to successfully complete the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii); and

(iv) Dates for the LEA or public charter school to submit reports and documentation to the department to verify the LEA's or public charter school's implementation of the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii).

(3) The percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be calculated by the department of education based on the amount of state funds generated by the school in the TISA for the previous school year. If a public charter school did not generate state funds in the previous school year, then the percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be based on the average amount of state funds generated by the schools in the LEA in which the public charter school is located.

(f) As used in this section:

(1) "Armed school security officer" means an off-duty law enforcement officer providing school security services pursuant to § 49-6-809;

(2) "Church-related school" means a school as defined in § 49-50-801; and

(3) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education.

SECTION 11. Tennessee Code Annotated, Section 49-6-810, is amended by deleting the language "shall report" and substituting instead the language "and the commissioner of safety shall jointly report".

SECTION 12. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

**49-6-818. School buildings constructed or remodeled after July 1, 2023.**

(a) A public school building, including a public charter school building, constructed or remodeled after July 1, 2023, must, at a minimum:

(1) Include a door-locking mechanism on each classroom door that allows the classroom door to be locked from the inside;

(2) Have installed a clear, bullet-resistant or entry-resistant film on the glass panel of each exterior entry or basement level window and door to prevent individuals from entering the school building without authorization by breaking the glass in an exterior entry or basement level window or door;

(3) Include a camera system that continuously monitors each entrance, hallway, and communal area in the school building during regular school hours and during school-related events and activities conducted on school grounds that is accessible by a local law enforcement agency in an emergency situation; and

(4) Include at least one (1) secure vestibule that serves as the primary entrance to the school building that contains two (2) separate sets of doors through which a person must pass to gain entrance into the school building that are each capable of being locked separately to prevent a person from entering the school building until an LEA or school employee authorizes a person to enter.

(b) The date on which a public school building, including a public charter school building, is constructed for purposes of this section is the date on which the plans for the school building were approved by the agency having jurisdiction to approve construction of the school building or the date on which the construction permit was issued for the school building, whichever occurs first.

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(c) If a public school building, including a public charter school building, is remodeled, then the requirements specified in subsection (a) only apply to the portions of the building that are remodeled.

(d) As used in this section, "remodeled":

(1) Means a change to an existing building or facility, including, but not limited to, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions; and

(2) Does not include routine maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems so long as the changes do not affect the usability of the building or facility.

SECTION 13. Tennessee Code Annotated, Section 49-6-2701(a), is amended by deleting the language "may adopt" and substituting instead the language "shall adopt".

SECTION 14. Tennessee Code Annotated, Section 49-6-2701(c), is amended by adding the following as a new subdivision:

(10) Coordinate with state agencies providing support services and technical assistance to local threat assessment teams.

SECTION 15. Tennessee Code Annotated, Section 49-6-2701(e), is amended by deleting the language "the local board of education and the director of schools" and substituting instead the language "the local board of education, the director of schools, the department of safety, the Tennessee school safety center, and the members of the state-level safety team established pursuant to § 49-6-802(a)".

SECTION 16. Tennessee Code Annotated, Section 49-6-4302(a), is amended by adding the language ", in collaboration with the department of safety," after the language "The department of education".

SECTION 17. Tennessee Code Annotated, Section 49-6-4302, is amended by deleting subsection (f) and substituting:

(f) The department of safety, in collaboration with the department of education, shall develop a school security assessment for use in Tennessee public schools. The departments shall provide training to local law enforcement agencies and school administrators on the use of the school security assessment to identify school security vulnerabilities. Each LEA and public charter school shall submit to the department of safety an annual school security self-assessment for each school that uses the school security assessment pursuant to this subsection (f). The department of safety may conduct periodic reviews of public schools, as it deems necessary, to verify the effective implementation and use of school security assessments to enhance school security.

SECTION 18. Tennessee Code Annotated, Section 10-7-504(p), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2)

(A) All school security reports, memoranda, plans, notes, threats, and procedures, including drafts that are incorporated in reports created or received by the department of safety, must be treated as confidential and shall not be open for inspection by members of the public.

(B) This subdivision (p)(2) shall not be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.

SECTION 19. Tennessee Code Annotated, Section 62-35-102, is amended by adding the following as a new, appropriately designated subdivision:

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( ) "Church-related school" means a school as defined in § 49-50-801;

( ) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education;

( ) "Public charter school" means a public school in this state that is established and operating under the terms of a charter agreement and in accordance with title 49, chapter 13; and

( ) "Public school" means an elementary or secondary school operated by a local education agency, as defined in § 49-1-103, or by the state with public funds;

SECTION 20. Tennessee Code Annotated, Section 62-35-103(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) A government officer or employee performing official duties; provided, that this exemption shall not apply to a security guard or security officer who is providing security or patrol services at or in a public school;

SECTION 21. Tennessee Code Annotated, Section 62-35-118(a), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) Within fifteen (15) days of employment:

(i) An unarmed security guard or security officer applicant must complete general training and pass an examination; and

(ii) An armed security guard or security officer applicant must complete general training, pass an examination, and complete the training in subsection (b) within sixty (60) days of employment.

(B) Notwithstanding subdivision (a)(1)(A):

(i) An individual shall not be posted as an unarmed security guard at or in a public school, public charter school, private school, or church-related school, or act as an unarmed security guard at or in a public school, public charter school, private school, or church-related school unless the individual has completed the requirements of subdivision (a)(2)(A) before being posted; and

(ii) An individual shall not be posted as an armed security guard at or in a public school, public charter school, private school, or church-related school, or act as an armed security guard at or in a public school, public charter school, private school, or church-related school, unless the individual has completed the requirements of subdivision (a)(2)(A) and subsections (b) and (e) before being posted.

SECTION 22. Tennessee Code Annotated, Section 62-35-118, is amended by adding the following as a new subsection:

(e) Before providing security or patrol services at or in a public school, public charter school, private school, or church-related school, an armed security guard or security officer applicant must complete an active-shooter training. The training required under this subsection (e) must be no less than eight (8) hours in duration and must be completed by each armed security guard or officer providing security or patrol services at or in a public school, public charter school, private school, or church-related school, regardless of whether the armed security guard or officer is employed by a public school, public charter school, private school, church-related school, or a contract security company.

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SECTION 23. Tennessee Code Annotated, Section 62-35-122, is amended by adding the following as a new subsection:

(g) An armed security guard or officer providing security or patrol services at or in a public school, public charter school, private school, or church-related school must complete an active shooter refresher training approved by the commissioner before the individual's registration card may be renewed.

SECTION 24. Tennessee Code Annotated, Section 62-35-134, is amended by adding the following as a new subsection:

(d) It is unlawful for any person, contract security company, or proprietary security organization to post a security guard or officer at or in a public school if the security guard or officer is not properly registered, working on a pending application, or otherwise appropriately trained as required in § 62-35-118.

SECTION 25. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

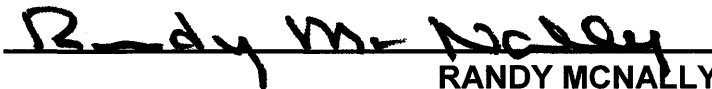
SECTION 26. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on July 1, 2023, the public welfare requiring it.

HOUSE BILL NO. 322

PASSED: April 19, 2023



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 10<sup>th</sup> day of May 2023



BILL LEE, GOVERNOR

# Sullivan County Board of Education

Monitoring: <b>Review: Annually, in October</b>	Descriptor  <b>Security</b>	Term:	Descriptor Code: <b>3.205</b>	Issued Date: <b>01/0/23</b>
			Rescinds: <b>3012</b>	Issued: <b>04/10/12</b>

1 *General<sup>1</sup>*

2 The Director of Schools shall establish procedures to protect school property which shall include, but  
3 not be limited to:

- 4 1. Closing and securing teacher work areas when being left unattended or at the end of the day;
- 5 2. Denying students permission to use the classrooms, laboratories, gymnasiums or other school  
6 facilities or equipment without appropriate faculty supervision;
- 7 3. Controlling the issuance of building keys and master keys; and
- 8 4. Developing programs which contribute to the proper care and use of school facilities and  
9 equipment.
- 10 5. Equipment purchased with federal funds shall be managed as directed by federal and state law.<sup>2</sup>

11 The principal shall call law enforcement officials in cases involving illegal entry, building damage,  
12 theft or vandalism.

13 The principal shall notify the director of schools as soon as practical but no longer than twenty-four  
14 (24) hours, after each case of vandalism, theft, building damage and illegal entry.

15 The Director of Schools/designee is authorized to sign a criminal complaint and to press charges. The  
16 Director of Schools shall report all signing of such complaints to the Board.

17 **AFTER SCHOOL HOURS**

18 **If, outside of regular school hours, there is a need to unlock the doors during a school activity, a**  
19 **school district employee shall be stationed by the door to ensure access is limited to authorized**  
20 **persons.**<sup>3</sup>

21 **SCHOOL POLICING-LAW ENFORCEMENT SERVICES<sup>1</sup>**

22 The Board may enter into collaborative partnerships with appropriate law enforcement agencies.  
23 Partnerships may include, but not be limited to, educations and recreational programs, delinquency  
24 prevention, and mentoring initiatives.

1 The Board may enter into a memorandum of understanding (MOU) with the chief of a law  
2 enforcement agency to provide school policing. The MOU shall address, at a minimum, the following  
3 issues:

- 4 1. Any School Resource Officer (SRO) assigned under a memorandum must be in compliance  
5 with all laws, regulations and rules of the Peace Officer Standards and Training Commission at  
6 the time of assignment and remain compliant throughout the tenure of his or her assignment;  
7
- 8 2. As a condition of assignment, any SRO must participate in forty (40) hours of basic training in  
9 school policing within twelve (12) months of assignment . Every year thereafter the SRO shall  
10 participate in a minimum of sixteen (16) hours of training specific to school policing. All  
11 training programs shall be approved by the Peace Officers Standards and Training  
12 Commission.<sup>4</sup>  
13
- 14 3. Any SRO assigned under the memorandum remains an employee of the law enforcement  
15 agency, subject to that agency's direction, control, supervision and discipline, though the Board  
16 may agree to indemnify and reimburse the law enforcement agency for any part or all of the  
17 increased costs incurred by the law enforcement agency as a result of the assignment of the  
18 SROs.  
19
- 20 4. No officer shall be assigned to a school, or continue in such an assignment, without the consent  
21 of the Director.  
22
- 23 5. In the event that more than one SRO is assigned to a school system, the law enforcement  
24 agency shall designate one of the SROs as the senior SRO, or such other, appropriate title. The  
25 duties of the senior SRO, however designated, shall include, but not be limited to, the  
26 following:  
27
  - 28 a. To represent and carry out the policies of the law enforcement agency assigning the  
29 SROs.
  - 30
  - 31 b. To supervise the SROs in the performance of their duties;
  - 32
  - 33 c. To consult with the Director regarding the best use of the available resources for school  
34 policing; and
  - 35
  - 36 d. To resolve disputes between the SROs and students or faculty members.
- 37
- 38 6. The memorandum may be effective for any length of time, including continuing until  
39 terminated by the parties, and may contain any reasonable notice requirement for the  
40 termination of the memorandum. However, the memorandum shall contain a provision  
41 allowing the Director to suspend the active participation of the SROs in the event that the  
42 Director certifies that the health, safety or well being of the students or faculty members require  
43 the immediate suspension.

44 **CYBERSECURITY<sup>4</sup>**

- 1 The Director of Schools/designee shall develop an administrative procedure regarding the district's
- 2 cybersecurity plan to identify cybersecurity risks, implement mitigation planning, and protect cyber
- 3 infrastructure against cyberattacks and other cybersecurity threats and incidents.

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Legal References

1. TCA 49-6-805(3)
2. 2 CFR § 200.313
3. **Public Acts of 2023, Chapter No. 367**
4. TCA 49-6-4217
5. TCA 49-6-805(9)

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Cross References

Visitors to the Schools 1.501  
Inventories 2.702  
Care of School Property 6.311



# State of Tennessee

## PUBLIC CHAPTER NO. 367

### HOUSE BILL NO. 322

By Representatives Lamberth, Cochran, White, Gant, Gillespie, Slater, Ragan, Butler, Haston, Bulso, Terry, Leatherwood, Davis, Russell, Bricken, Alexander, Moon, Boyd, Burkhart, Holsclaw, Sherrell, Crawford, Mr. Speaker Sexton, Travis, Zachary, Grills, Brock Martin, Darby, Vaughan, Powell, Faison, Gary Hicks, Wright, Hurt, Hardaway, Hale, McCalmon, Barrett, Greg Martin, Beck, Cepicky, Capley, Helton-Haynes, Whitson, Hawk, Littleton, Marsh, Powers, Parkinson, Reedy, Moody, Williams, Warner, Carringer, Carr, Eldridge, Sparks, Tim Hicks, Vital, Jernigan, Lafferty, Rudder, Kumar

Substituted for: Senate Bill No. 274

By Senators Johnson, Lundberg, Bowling, Gardenhire, Jackson, Lowe, Massey, Reeves, Roberts, Rose, Taylor, Walley, White

AN ACT to amend Tennessee Code Annotated, Section 10-7-504; Title 49, Chapter 6 and Title 62, Chapter 35, relative to school safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-802(a), is amended by deleting the word "education" and substituting instead the word "safety".

SECTION 2. Tennessee Code Annotated, Section 49-6-802(b)(1), is amended by deleting the word "safety" and substituting instead the word "education".

SECTION 3. Tennessee Code Annotated, Section 49-6-802(b), is amended by adding the following subdivisions:

- ( ) A representative of the Tennessee Sheriffs' Association;
- ( ) A representative of the Tennessee Association of Chiefs of Police;

SECTION 4. Tennessee Code Annotated, Section 49-6-803, is amended by deleting the language "the director of the Tennessee school safety center established in § 49-6-4302" and substituting instead the language "the commissioner of safety".

SECTION 5. Tennessee Code Annotated, Section 49-6-804, is amended by deleting the section and substituting:

#### **49-6-804. Safety plans and security systems.**

(a) Each LEA, and to the extent applicable, each public charter school, shall adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response, and emergency management. The plans must be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and must follow the template developed by the state-level safety team. Each district-wide school safety team and building-level school safety team shall consider including in the district-wide school safety plan or building-level school safety plan the implementation of a mobile panic alert system that is capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies and that integrates with local public safety answering point infrastructure to transmit 911 calls and mobile activations. An LEA or public charter school having only one (1) school building shall develop a single building-level school safety plan, which must also fulfill all requirements for the development of a district-wide plan. Each LEA and public charter school shall review each of the plans it adopts pursuant to this subsection (a) annually.

(b) Each private school and each church-related school shall adopt a building-level school safety plan regarding crisis intervention, emergency response, and

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emergency management. Each private school and each church-related school shall review its plan annually. By October 1, 2023, and by each October 1 thereafter, each private school and each church-related school shall provide the school's building-level school safety plan to each local law enforcement agency with jurisdiction, as well as any law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807. As used in this subsection (b):

(1) "Church-related school" means a school as defined in § 49-50-801; and

(2) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education.

(c) A meeting concerning school security, the district-wide school safety plans, or the building-level school safety plans shall not be subject to the open meetings laws compiled in title 8, chapter 44. Though closed to the general public, reasonable notice must be provided to the general public prior to such a meeting held by an LEA or a public charter school. The local board of education or public charter school governing body shall not discuss or deliberate on any issues or subjects other than school security or the school safety plans adopted pursuant to this section during such a meeting.

(d) By July 1, 2023, and by each July 1 thereafter, each LEA and public charter school shall provide the following to each local law enforcement agency with jurisdiction, the department of education, and the department of safety:

(1) The LEA's, and to the extent applicable, the public charter school's, district-wide school safety plan;

(2) The building-level school safety plan for each school in the LEA or each public charter school; and

(3) The floor plans for all school buildings within the LEA or used by the public charter school.

(e) Each LEA and public charter school shall also provide the school safety plans described in subsection (d) to a law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807.

(f) Upon the request of a local law enforcement agency with jurisdiction, the department of education, or the department of safety, the LEA or public charter school shall provide any other plans, information, or records regarding school security.

(g)

(1) During a drill or in an emergency situation, each LEA or public charter school shall, to the greatest extent practicable, provide a responding law enforcement agency with access to security systems that may be required for the law enforcement agency's response.

(2) For purposes of this subsection (g), "security systems" includes, but is not limited to, audio recording systems, visual recording systems, and any other cameras, alarm systems, fire systems, communication systems, or other security measures in a school building.

(h) This section does not diminish the jurisdiction of local law enforcement agencies.

SECTION 6. Tennessee Code Annotated, Section 49-6-805, is amended by adding the following as a new subdivision:

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(10) Policies and procedures to ensure that all individuals providing direct services to students or school staff in response to a school crisis have received the appropriate background checks in compliance with state law, including § 49-5-413.

SECTION 7. Tennessee Code Annotated, Section 49-6-807, is amended by deleting the section and substituting instead the following:

**49-6-807. Annual drills.**

(a) Each school safety team, private school, and church-related school shall annually conduct at least one (1):

- (1) Armed intruder drill;
- (2) Incident command drill; and
- (3) Emergency safety bus drill.

(b)

(1) Each armed intruder drill must be conducted in coordination with the appropriate local law enforcement agency.

(2) Each incident command drill:

(A) Conducted by a school safety team:

(i) Must be conducted without students present; and

(ii) Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school; and

(B) Conducted by a private school or church-related school:

(i) May be conducted with or without students present; and

(ii) Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school.

(3) Each emergency safety bus drill:

(A) Conducted by a school safety team:

(i) Must be conducted without students present; and

(ii) Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus; and

(B) Conducted by a private school or church-related school:

(i) May be conducted with or without students present; and

(ii) Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus.

(c) The results of a drill conducted pursuant to subsection (a) must be:

(1) Maintained by the school for a minimum of five (5) years;

(2) Made available to:

(i) A local law enforcement agency with jurisdiction, and

(ii) The department of education or the department of safety upon request, if the drill was conducted by a school safety team.

(d) The drills required in subsection (a) are in addition to the drills required in § 68-102-137.

(e) As used in this section:

(1) "Church-related school" means a school as defined in § 49-50-801; and

(2) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education.

SECTION 8. Tennessee Code Annotated, Section 49-6-808(b), is amended by adding the language "and each building-level school safety plan" after the language "its district-wide comprehensive safety plan".

SECTION 9. Tennessee Code Annotated, Section 49-6-808(c), is amended by adding the language "and school building floor plans provided pursuant to this section and § 49-6-804" after the language "Building-level emergency response plans".

SECTION 10. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

**49-6-817. School building entrances required to be locked.**

(a) Each public school operated by an LEA, public charter school, private school, and church-related school shall ensure 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, unless otherwise determined by school policy, to prevent unauthorized entry into the school building while students are present during the school day as well as when students are present outside of regular school hours for school-related purposes or activities.

(b) Notwithstanding subsection (a), outside of regular school hours, a public school operated by an LEA, public charter school, private school, or church-related school may unlock the door to the school building's primary entrance during a school-related event or activity if the door is continuously monitored by a school or LEA employee who is physically present at the door to ensure access is limited to only authorized persons and to alert others if an unauthorized person enters, or attempts to enter, the school building.

(c) State and local law enforcement personnel are authorized to inspect a door serving as an entrance to, or exit from, an LEA or public charter school building to determine whether the door is locked as required by subsection (a). There is no limit on the number of inspections law enforcement personnel may conduct under this subsection (c). Except as provided in subsection (b), if law enforcement personnel find that the door to an entrance or exit from a school building is unlocked in violation of subsection (a), then the school must immediately lock the door and the law enforcement agency that found the unlocked door shall, within twenty-four (24) hours, send written notification to:

(1) The LEA's director of schools or the leader of the public charter school, as applicable;

(2) The chair of the local board of education or public charter school governing body, as applicable;

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- (3) The head of the parent-teacher organization for the LEA or public charter school, if there is such an organization for the public charter school;
- (4) The school principal;
- (5) The department of safety;
- (6) The department of education; and
- (7) Each local law enforcement agency with jurisdiction.

(d) The LEA's director of schools, the leader of the public charter school, or their respective designees, shall, within forty-eight (48) hours of receiving notification from the law enforcement agency under subsection (c), send written confirmation to the notifying law enforcement agency that the door was immediately locked as required by subsection (a) and that processes are in place to ensure that the door remains locked as required by subsection (a), except as authorized in subsection (b). The director, leader, or their respective designee shall send a copy of the director's, leader's, or their respective designee's written confirmation to the recipients identified in subdivisions (c)(2)-(7). The director's, leader's, or their respective designee's written confirmation must state whether the LEA or public charter school has a full-time school resource officer whose primary location is the school found to be in violation of subsection (a).

(e)

(1) If an LEA or public charter school is found to have violated subsection (a) on two (2) or more occasions in one (1) school year, then:

(A)

(i) If the LEA or public charter school does not currently have a school resource officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions in one (1) school year, the LEA or public charter school shall cause a full-time school resource officer or armed school security officer to be posted at the school. The LEA or public charter school shall bear the cost of posting the school resource officer or armed school security officer. The school resource officer or armed school security officer must be posted at the school within thirty (30) days from the date on which the LEA or public charter school received notification under subsection (d) of the school's second violation of subsection (a). The LEA or public charter school shall notify the commissioner of education that the required school resource officer or armed school security officer is posted. If the LEA or public charter school fails to have a school resource officer or armed school security officer posted within thirty (30) days as required in this subdivision (e)(1)(A), then the LEA or public charter school must submit a letter to the commissioner of education every thirty (30) days that an officer is not posted explaining why the LEA or public charter school, as applicable, has not had an officer posted; and

(ii) If the department of education receives notice of a subsequent violation of subsection (a) by the school in one (1) school year, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(a) For a third violation of subsection (a) committed by a school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(b) For a fourth violation of subsection (a) committed by a school in one (1) school year, four percent

(4%) of the annual state funds generated by the school in the TISA;

(c) For a fifth violation of subsection (a) committed by a school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(d) For a sixth violation of subsection (a) committed by a school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(e) For a seventh violation of subsection (a) committed by a school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA; or

(B) If the LEA or public charter school currently has a full-time school resource officer or armed school security officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(i) For the second violation of subsection (a) committed by the school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(ii) For a third violation of subsection (a) committed by the school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(iii) For a fourth violation of subsection (a) committed by the school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(iv) For a fifth violation of subsection (a) committed by the school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(v) For a sixth violation of subsection (a) committed by the school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA.

(2) If funds are withheld pursuant to subdivision (e)(1)(A) or (B), then the funds must be withheld until:

(A) The LEA or public charter school has the required school resource officer or armed school security officer posted at the school; and

(B) The LEA or public charter school submits to the department of education, and receives the department's approval of, a corrective action plan. The corrective action plan must include:

(i) A statement or other evidence demonstrating that the violation of subsection (a) has been remedied;

(ii) Actions to be taken by the LEA or public charter school to resolve the behavior or issue that contributed to, or caused, the violation, including any new written procedures or training;

(iii) Deadlines for the LEA or public charter school to successfully complete the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii); and

(iv) Dates for the LEA or public charter school to submit reports and documentation to the department to verify the LEA's or public charter school's implementation of the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii).

(3) The percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be calculated by the department of education based on the amount of state funds generated by the school in the TISA for the previous school year. If a public charter school did not generate state funds in the previous school year, then the percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be based on the average amount of state funds generated by the schools in the LEA in which the public charter school is located.

(f) As used in this section:

(1) "Armed school security officer" means an off-duty law enforcement officer providing school security services pursuant to § 49-6-809;

(2) "Church-related school" means a school as defined in § 49-50-801; and

(3) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education.

SECTION 11. Tennessee Code Annotated, Section 49-6-810, is amended by deleting the language "shall report" and substituting instead the language "and the commissioner of safety shall jointly report".

SECTION 12. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

**49-6-818. School buildings constructed or remodeled after July 1, 2023.**

(a) A public school building, including a public charter school building, constructed or remodeled after July 1, 2023, must, at a minimum:

(1) Include a door-locking mechanism on each classroom door that allows the classroom door to be locked from the inside;

(2) Have installed a clear, bullet-resistant or entry-resistant film on the glass panel of each exterior entry or basement level window and door to prevent individuals from entering the school building without authorization by breaking the glass in an exterior entry or basement level window or door;

(3) Include a camera system that continuously monitors each entrance, hallway, and communal area in the school building during regular school hours and during school-related events and activities conducted on school grounds that is accessible by a local law enforcement agency in an emergency situation; and

(4) Include at least one (1) secure vestibule that serves as the primary entrance to the school building that contains two (2) separate sets of doors through which a person must pass to gain entrance into the school building that are each capable of being locked separately to prevent a person from entering the school building until an LEA or school employee authorizes a person to enter.

(b) The date on which a public school building, including a public charter school building, is constructed for purposes of this section is the date on which the plans for the school building were approved by the agency having jurisdiction to approve construction of the school building or the date on which the construction permit was issued for the school building, whichever occurs first.

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(c) If a public school building, including a public charter school building, is remodeled, then the requirements specified in subsection (a) only apply to the portions of the building that are remodeled.

(d) As used in this section, "remodeled":

(1) Means a change to an existing building or facility, including, but not limited to, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions; and

(2) Does not include routine maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems so long as the changes do not affect the usability of the building or facility.

SECTION 13. Tennessee Code Annotated, Section 49-6-2701(a), is amended by deleting the language "may adopt" and substituting instead the language "shall adopt".

SECTION 14. Tennessee Code Annotated, Section 49-6-2701(c), is amended by adding the following as a new subdivision:

(10) Coordinate with state agencies providing support services and technical assistance to local threat assessment teams.

SECTION 15. Tennessee Code Annotated, Section 49-6-2701(e), is amended by deleting the language "the local board of education and the director of schools" and substituting instead the language "the local board of education, the director of schools, the department of safety, the Tennessee school safety center, and the members of the state-level safety team established pursuant to § 49-6-802(a)".

SECTION 16. Tennessee Code Annotated, Section 49-6-4302(a), is amended by adding the language ", in collaboration with the department of safety," after the language "The department of education".

SECTION 17. Tennessee Code Annotated, Section 49-6-4302, is amended by deleting subsection (f) and substituting:

(f) The department of safety, in collaboration with the department of education, shall develop a school security assessment for use in Tennessee public schools. The departments shall provide training to local law enforcement agencies and school administrators on the use of the school security assessment to identify school security vulnerabilities. Each LEA and public charter school shall submit to the department of safety an annual school security self-assessment for each school that uses the school security assessment pursuant to this subsection (f). The department of safety may conduct periodic reviews of public schools, as it deems necessary, to verify the effective implementation and use of school security assessments to enhance school security.

SECTION 18. Tennessee Code Annotated, Section 10-7-504(p), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2)

(A) All school security reports, memoranda, plans, notes, threats, and procedures, including drafts that are incorporated in reports created or received by the department of safety, must be treated as confidential and shall not be open for inspection by members of the public.

(B) This subdivision (p)(2) shall not be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.

SECTION 19. Tennessee Code Annotated, Section 62-35-102, is amended by adding the following as a new, appropriately designated subdivision:

**HB322**

( ) "Church-related school" means a school as defined in § 49-50-801;

( ) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education;

( ) "Public charter school" means a public school in this state that is established and operating under the terms of a charter agreement and in accordance with title 49, chapter 13; and

( ) "Public school" means an elementary or secondary school operated by a local education agency, as defined in § 49-1-103, or by the state with public funds;

SECTION 20. Tennessee Code Annotated, Section 62-35-103(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) A government officer or employee performing official duties; provided, that this exemption shall not apply to a security guard or security officer who is providing security or patrol services at or in a public school;

SECTION 21. Tennessee Code Annotated, Section 62-35-118(a), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) Within fifteen (15) days of employment:

(i) An unarmed security guard or security officer applicant must complete general training and pass an examination; and

(ii) An armed security guard or security officer applicant must complete general training, pass an examination, and complete the training in subsection (b) within sixty (60) days of employment.

(B) Notwithstanding subdivision (a)(1)(A):

(i) An individual shall not be posted as an unarmed security guard at or in a public school, public charter school, private school, or church-related school, or act as an unarmed security guard at or in a public school, public charter school, private school, or church-related school unless the individual has completed the requirements of subdivision (a)(2)(A) before being posted; and

(ii) An individual shall not be posted as an armed security guard at or in a public school, public charter school, private school, or church-related school, or act as an armed security guard at or in a public school, public charter school, private school, or church-related school, unless the individual has completed the requirements of subdivision (a)(2)(A) and subsections (b) and (e) before being posted.

SECTION 22. Tennessee Code Annotated, Section 62-35-118, is amended by adding the following as a new subsection:

(e) Before providing security or patrol services at or in a public school, public charter school, private school, or church-related school, an armed security guard or security officer applicant must complete an active-shooter training. The training required under this subsection (e) must be no less than eight (8) hours in duration and must be completed by each armed security guard or officer providing security or patrol services at or in a public school, public charter school, private school, or church-related school, regardless of whether the armed security guard or officer is employed by a public school, public charter school, private school, church-related school, or a contract security company.

## HB322

SECTION 23. Tennessee Code Annotated, Section 62-35-122, is amended by adding the following as a new subsection:

(g) An armed security guard or officer providing security or patrol services at or in a public school, public charter school, private school, or church-related school must complete an active shooter refresher training approved by the commissioner before the individual's registration card may be renewed.

SECTION 24. Tennessee Code Annotated, Section 62-35-134, is amended by adding the following as a new subsection:

(d) It is unlawful for any person, contract security company, or proprietary security organization to post a security guard or officer at or in a public school if the security guard or officer is not properly registered, working on a pending application, or otherwise appropriately trained as required in § 62-35-118.

SECTION 25. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

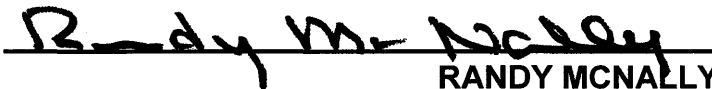
SECTION 26. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on July 1, 2023, the public welfare requiring it.

HOUSE BILL NO. 322

PASSED: April 19, 2023



\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

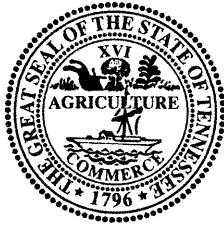


\_\_\_\_\_  
RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 10<sup>th</sup> day of May 2023



\_\_\_\_\_  
BILL LEE, GOVERNOR



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 472**

**SENATE BILL NO. 966**

**By Powers**

Substituted for: House Bill No. 663

By Tim Hicks, Alexander, Richey

AN ACT to amend Tennessee Code Annotated, Title 49, relative to K-12 education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3803(b), is amended by deleting subdivision (2) and substituting:

(2) A procedure for the LEA or public charter school to receive and evaluate feedback from a student, a student's parent or guardian, or a school employee regarding one (1) or more of the materials in the library collection of the student's or employee's school; and

SECTION 2. Tennessee Code Annotated, Section 49-6-3803(c), is amended by deleting the subsection and substituting:

(c) If an LEA or public charter school receives feedback on material in accordance with the procedure established pursuant to subdivision (b)(2) and the LEA or public charter school does not reach a resolution on the material with the person who provided feedback on the material, then the local board of education or the public charter school governing body shall evaluate the material to determine whether the material is appropriate for the age and maturity levels of the students who may access the materials, and to determine whether the material is suitable for, and consistent with, the educational mission of the school.

SECTION 3. Tennessee Code Annotated, Section 49-6-3803(d), is amended by deleting the subsection and substituting:

(d) If the LEA or public charter school, including the local board of education or public charter school governing body, determines that material contained in the school's library collection is not appropriate for the age and maturity levels of the students who may access the materials, or is not suitable for, or consistent with, the educational mission of the school, then the school shall remove the material from the library collection.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.


SENATE BILL NO. 966

PASSED: April 20, 2023

  
\_\_\_\_\_  
RANDY McNALEY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 17<sup>th</sup> day of May 2023

  
\_\_\_\_\_  
BILL LEE, GOVERNOR

# Sullivan County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: <u>Library Materials</u> <del>Reconsideration of Instructional</del> <del>Materials and Textbooks</del>	Descriptor Code: 4.403	Issued Date: 04/10/12
		Rescinds:	Issued:

1 **General**

2 **Curriculum Supervisors shall be responsible for library collection development. Library**  
3 **materials shall be reviewed to ensure the content aligns with state law.<sup>1</sup> The library collection**  
4 **shall adhere to the following criteria:**

5 **Materials shall be suitable for and consistent with the educational mission of the school;**

6 **Materials shall be appropriate for the age and maturity levels of the students who may access**  
7 **them. The determining factor will be based on an assessment of any mature themes or content**  
8 **(i.e., violence, sexual content, vulgar language, substance abuse);**

9 **Materials shall contain literary, historical, and/or artistic value and merit; and**

10 **The collection as a whole shall offer a variety of viewpoints.**

11 **Curriculum Supervisors shall be responsible for periodically reviewing the district's library**  
12 **collection in line with these established standards. He/she shall post the list of library materials**  
13 **online.**

14 **COMPLAINTS<sup>2</sup>**

15 ~~The Board supports principles of intellectual freedom inherent in the First Amendment of the~~  
16 ~~Constitution of the United States<sup>1</sup> and expressed in the Library Bill of Rights of the American Library~~  
17 ~~Association.~~

18 ~~Because opinions differ, there may be questions concerning some instructional and library materials~~  
19 ~~despite the quality of the selection process. If a complaint is made, the following procedure is to be~~  
20 ~~followed:~~

21 **Tier One**

- 22 1. Inform the complainant of the selection procedures and make no commitments.
- 23
- 24 2. Request the complainant to submit a formal Request for Reconsideration of Instructional
- 25 Materials.
- 26
- 27 3. Inform the principal (and other appropriate personnel).
- 28

- 1 4. Keep challenged materials available for use during the reconsideration process.
- 2
- 3 5. Upon receipt of the completed form, the principal requests review of the challenged materials
- 4 by an ad hoc materials review committee within fifteen (15) working days, and notifies the
- 5 appropriate supervisor and the director of schools that such review is being done. The review
- 6 committee is appointed by the principal, and includes certified library media personnel,
- 7 representatives from classroom teachers, one or more parents, and may include one or more
- 8 students. **The principal will inform the Director of Schools of the review committee's**
- 9 **progress.**
- 10
- 11 ~~6. The Review Committee shall take the following steps after receiving the challenged materials:~~

12 **After receiving the challenged materials, the following steps should occur:**

- 13 1. Read, view, or listen to the contested material in its entirety;
- 14 2. Check general acceptance of the material by reading recognized and evaluative
- 15 reviews;
- 16 3. **Determine the extent to which the material is appropriate for the age and**
- 17 **maturity levels of the students who have access to the materials and whether**
- 18 **the material is suitable for, and consistent with, the educational mission of the**
- 19 **school; and**
- 20 ~~4. Determine the extent to which the material supports the curriculum;~~
- 21 5. Complete the appropriate Checklist for Reconsideration of Instructional Materials,
- 22 judging the material for its strength and value; and
- 23 ~~6. Present recommendation to principal for further action and to the superintendent for~~
- 24 ~~purposes of information.~~
- 25
- 26 7. ~~If the complainant desires further action after receiving the recommendation of the committee~~
- 27 ~~and the decision of the principal, an appeal may be made to the Board.~~

**Tier Two**

**The complainant may appeal the principal's decision. The appeal shall be to the Director of Schools. He/she shall review the recommendation presented by the review committee along with the principal's recommendation and make the determination whether the material is appropriate for the age and maturity levels of the students who have access to the materials and whether the material is suitable for, and consistent with, the educational mission of the school.**

**Tier Three**

**The complainant may appeal the decision of the Director of Schools. The Board shall evaluate the material to determine whether the material is appropriate for the age and maturity levels of the students who have access to the materials and whether the material is suitable for, and consistent with, the educational mission of the school.**

**It, at any tier, is determined that the material is not appropriate for the age and maturity levels of the students who have access to them or is not suitable for, and consistent with, the educational mission of the school, the material shall be removed from the library collection.**

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Legal References

- 1. Board of Education, Island Trees Union Free School District No. 26 v Pico, 457 U.S. 853, 102 S. Ct. 2799 (1982); TCA 49-6-3803**
- 2. Public Acts of 2023, Chapter No. 472**

**Cross References**

- Textbooks and Instructional Materials 4.400**
- School and System Websites 4.407**
- Controversial Materials 4.801**

# Sullivan County Board of Education

Monitoring: <b>Review: Annually, in January</b>	Descriptor Term: <b>Application and Employment</b>	Descriptor Code: <b>5.106</b>	Issued Date: <b>04/02/19</b>
		Rescinds: <b>5.106</b>	Issued: <b>04/10/12</b>

1    **APPLICATION**

2    An individual desiring a position shall make application to the Director of Schools on forms developed  
3    by his/her office. To ensure the safety and welfare of students and staff, the district shall require  
4    criminal history background checks and fingerprinting of applicants for teaching positions and any  
5    other positions that require proximity to children.<sup>1</sup> If applying for a teaching position, the Director of  
6    Schools shall also check the applicant’s license status in the State Board of Education’s database to  
7    determine if there is a hold on that applicant’s license, and if so, the reasoning behind the hold.<sup>2</sup>

8    Knowingly falsifying information shall be sufficient grounds for termination of employment and shall  
9    also constitute a Class A misdemeanor which shall be reported to the District Attorney General for  
10   prosecution.<sup>3</sup>

11   Any costs incurred to perform these background checks and fingerprinting shall be paid by the  
12   applicant.<sup>4</sup>

13   *Professional Employees*

14   The application shall include a transcript of credits earned at the colleges or universities attended along  
15   with references from persons such as previous employers, college professors, and supervisors of  
16   student teachers. Other information shall include whether such applicant has been dismissed for cause  
17   from a school system.<sup>5</sup> If previously employed by a local board of education, the applicant shall  
18   provide evidence of acceptable resignation.

19   No person shall be employed:

- 20        1. Who does not hold a valid license to teach from the State Board of Education;<sup>6</sup>
- 21        2. Who has been identified by the Department of Children’s Services as a perpetrator of child  
22        abuse, severe child abuse, child sexual abuse, or child neglect or who poses an immediate threat  
23        to the health, safety, or welfare of children;<sup>7</sup>
- 24        3. Who is listed on the state’s abuse of vulnerable persons registry maintained by the Department  
25        of Health;<sup>7</sup>
- 26        4. Who does not present a physician's certificate showing a satisfactory health record or has any  
27        contagious or communicable disease in such form that might endanger the health of school  
28        children;<sup>8</sup>
- 29        5. Who refuses to take and subscribe to an oath to support the Constitution of the State of  
30        Tennessee and of the United States of America;<sup>9</sup>
- 31        6. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from  
32        employment for cause; or
- 33        7. Who does not receive a satisfactory background check.<sup>10</sup>

34   *Support Employees*

35   No person shall be employed:

- 1 1. Who has any contagious or communicable disease in such form that might endanger the health
- 2 of school children;<sup>8</sup>
- 3 2. Who has been identified by the Department of Children's Services as a perpetrator of child
- 4 abuse, severe child abuse, child sexual abuse, or child neglect or who poses an immediate threat
- 5 to the health, safety, or welfare of children;<sup>7</sup>
- 6 3. Who is listed on the state's abuse of vulnerable persons registry maintained by the Department
- 7 of Health;<sup>7</sup>
- 8 4. Who has not complied with the Immigration Reform and Control Act of 1986;<sup>11</sup>
- 9 5. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from
- 10 employment for cause; or
- 11 6. Who does not receive a satisfactory background check.<sup>10</sup>

## 12 EMPLOYMENT

### 13 *Professional Employees*

14 After checking references and receiving written recommendations, the Director of Schools shall hire  
15 and assign qualified applicants.

### 16 *Initial Employment*

17 Upon initial employment, the Director of Schools shall notify such person, in writing, of the offer and  
18 conditions of employment. Upon receipt of employment notification, such person shall ~~have fourteen~~  
19 ~~(14) days to accept or reject, in writing, the offered employment.~~ **respond within the timeline**  
20 **established by state law.**<sup>12</sup> From the date of the written acceptance, such person is considered to be  
21 under employment with the system and is subject to all rights, privileges, and duties.

### 22 *Support Employees*

23 After checking references and receiving written recommendations from principals and/or supervisors,  
24 the Director of Schools shall hire and assign qualified applicants. Each support employee shall be  
25 subject to a ninety (90) day probationary period.

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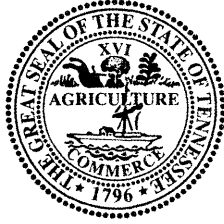
#### Legal References

1. TCA 49-5-406
2. State Board of Education Policy 5.501
3. TCA 49-5-406 (a)(2)(A)
4. TCA 49-5-413(c)
5. TCA 49-2-131
6. TCA 49-5-403; TCA 49-5-101
7. TCA 49-5-413(e)
8. TCA 49-5-404; TRR/MS 0520-01-03-.08(2)(f)
9. TCA 49-5-405
10. TCA 49-5-413(a), (f)
11. Immigration Reform and Control Act of 1986; Pub. L.  
No. 99-603, 100 Stat. 3359
12. **TCA 49-5-406(b)**

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#### Cross References

Orientation and Probation 5.107  
 Compensation Guides & Contracts 5.110  
 Background Investigations 5.118  
 Recommendations and File Transfers 5.203  
 Qualifications and Duties of the Director of Schools 5.802



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 222**

### **SENATE BILL NO. 743**

**By White**

Substituted for: House Bill No. 459

By Slater, Cepicky, Moody, Haston, Howell

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5, relative to individuals prohibited from employment with an educational entity.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-413(e), is amended by deleting subdivision (1) and substituting instead the following:

(1) The department of education, the state board of education, local boards of education, public charter schools, and LEAs shall not hire or retain, and the state board of education shall not grant a license, reactivate an expired license, restore a revoked license, or grant a temporary teaching permit to, an individual found by the department of children's services to have committed child abuse, severe child abuse, child sexual abuse, or child neglect pursuant to title 37. The department of children's services shall not report an individual or employee as a perpetrator unless the department of children's services has first determined that the due process rights of the individual or employee were either offered but not accepted or fully exhausted or concluded, pursuant to the department of children's services rules and pursuant to state and federal law.

SECTION 2. Tennessee Code Annotated, Section 49-5-413(e), is amended by adding the language "the state board of education," after the language "the department of education," wherever it appears in subdivisions (2)-(5) and by adding the language "public charter school," after the language "local board of education," wherever it appears in subdivisions (2)-(5).

SECTION 3. Tennessee Code Annotated, Section 49-5-413(e)(6), is amended by adding the language ", public charter schools," after the language "local boards of education" wherever it appears in the subdivision and by adding the language ", public charter school," after the language "local board of education" wherever it appears in the subdivision.

SECTION 4. Tennessee Code Annotated, Section 49-5-413(e), is amended by deleting subdivision (7) and substituting instead the following:

(7) The department of education, the state board of education, local boards of education, public charter schools, and LEAs shall not hire or retain, and the state board of education shall not grant a license, reactivate an expired license, restore a revoked license, or grant a temporary teaching permit to, an individual whose name has been placed on the state's vulnerable person's registry, the state's sex offender registry, or on registry similar to this state's vulnerable person's registry or this state's sex offender registry in another jurisdiction.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 743

PASSED: April 10, 2023

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 25<sup>th</sup> day of April 2023

  
BILL LEE, GOVERNOR

# Sullivan County Board of Education

Monitoring: <b>Review: Annually, in January</b>	Descriptor Term:  <b>Employment of Retirees</b>	Descriptor Code: <b>5.119</b>	Issued Date: <b>07/14/22</b>
		Rescinds:	Issued:

1 *General*

2 The Director of Schools may hire a retired individual if certain conditions are met as provided for in  
3 state law.

4 **EMPLOYMENT CONTRACTS FOR UP TO 120 DAYS**

5 Teachers who retire under the Tennessee Consolidated Retirement System (TCRS) may be employed  
6 for up to one hundred twenty (120) days per year without loss of retirement benefits. Retired teachers  
7 may substitute teach for additional days if the Director of Schools certifies in writing to the Division of  
8 Retirement that no other qualified personnel are available to substitute teach.<sup>1</sup>

9 **GENERAL EMPLOYMENT CONTRACTS FOR ONE YEAR**

10 The Director of Schools may employ ~~teachers~~ retired teachers ~~for at least one (1) year for full-time~~  
11 ~~employment as a kindergarten through twelfth (K-12) grade teacher on a year-to-year basis.~~ Retirement  
12 benefits will not be lost or suspended under certain conditions which include, but are not limited to, the  
13 following:<sup>2</sup>

- 14 ~~1. The Director of Schools of the employing district shall certify in writing that no other qualified~~  
15 ~~individuals are available to fill the position;~~  
16  
17 ~~2. The Commissioner of Education shall certify that the employing school district serves an area~~  
18 ~~that lacks qualified teachers to serve in the position to be filled;~~  
19  
20 3. The retired teacher shall hold a valid license and shall not be entitled to tenure status;  
21  
22 4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave, or  
23 receive medical insurance coverage; and  
24  
25 5. The salary paid to the retired teacher shall not be less than the rate of compensation set by the  
26 Board for teachers with no experience filling similar positions or more than eighty-five percent  
27 (85%) of the rate of compensation set by the Board for teachers with comparable training and  
28 years of experience filling similar positions.

## 1 ADDITIONAL EMPLOYMENT OPTION FOR RETIREES<sup>3</sup>

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

- 5 1. The retired member has been retired for at least sixty (60) calendar days;  
6
- 7 2. The retirement benefit payable to the retired member is reduced to seventy percent (70%) of the  
8 retirement allowance;  
9
- 10 ~~3. The retired member's employment can't be longer than a one (1) year period; however, the~~  
11 ~~retired member can be reemployed for additional one (1) year periods;~~  
12
- 13 4. The retired member is not drawing disability retirement benefits; and  
14
- 15 5. The retired member can't accrue additional retirement benefits.

16 The Director of Schools shall notify TCRS of the member's reemployment ~~and certify in writing that~~  
17 ~~the retired member has the required experience and training for the position and that no other qualified~~  
18 ~~persons are available to fill the position.~~

19 Once the retired member is hired by the district, the district shall pay TCRS as prescribed by state law.  
20 The school district shall pay to TCRS during the period of reemployment the greater of (1) a payment  
21 equal to the amount the school district would have contributed to TCRS; or (2) an amount equal to five  
22 percent (5%) of the retired member's pay rate.  
23

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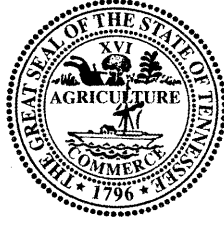
### Legal References

1. TCA 8-36-805
2. TCA 8-36-821
3. Public Acts of 2022, Chapter No. 821

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### Cross References

Application and Employment 5.106  
Substitute Teachers 5.701



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 425**

**SENATE BILL NO. 414**

**By Yarbro, Bowling**

Substituted for: House Bill No. 975

By Glynn, Hardaway, Haston, Slater, Camper, Parkinson, Raper

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 49, relative to K-12 education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-805, is amended by deleting subdivision (3) and substituting instead the following:

(3) The retired member may work in addition to the one hundred twenty (120) days prescribed above if employed as a substitute teacher in a public school system; provided, that the compensation payable to the retired member for such work does not exceed the rate of compensation set by the public school system for substitute teachers filling similar vacant positions, and the total salary paid to any such retired member for teaching during the twelve-month period does not exceed the pertinent pro rata share of average salary being paid at the institution in the academic discipline concerned;

SECTION 2. Tennessee Code Annotated, Section 8-36-821(a), is amended by deleting subdivisions (2), (3), and (7).

SECTION 3. Tennessee Code Annotated, Section 8-36-822, is amended by deleting subdivisions (a)(4) and (a)(7)(B), and by deleting subsection (b).

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 414

PASSED: April 20, 2023

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 11<sup>th</sup> day of May 2023

  
\_\_\_\_\_  
BILL LEE, GOVERNOR

# Sullivan County Board of Education

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term: <b>Sick Leave</b>	Descriptor Code: <b>5.302</b>	Issued Date: <b>02/04/21</b>
		Rescinds: <b>5.302</b>	Issued: <b>01/05/15</b>

## 1 PROFESSIONAL PERSONNEL

2 Professional personnel shall earn one (1) day of sick leave for each month employed during the school  
3 year, and these days shall accumulate for an unlimited number of days.<sup>1</sup>

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

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

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

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

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

18 A teacher, upon employment, may transfer his/her accumulated sick leave from another Tennessee  
19 school system, provided that the director of schools of the system in which the accumulated leave was  
20 held provides notarized verification.<sup>3</sup>

## 21 SUPPORT PERSONNEL

22 Support personnel shall earn one (1) day of sick leave for each month an employee is employed.

23 At the termination of the employment of any employee, all unused sick leave accumulated by the  
24 employee shall be forfeited.

25 The immediate supervisor may require a physician's certificate stating the reason for absence.

## 26 SICK LEAVE BANK

- 1 The purpose of the sick leave bank is to provide sick leave to all employees<sup>4</sup> who have suffered an  
2 unplanned personal illness, injury, disability, or quarantine and whose personal sick leave is exhausted.
- 3 To form a sick leave bank, a minimum of twenty (20) employees from the school system shall petition  
4 the Board for permission to establish a sick leave bank.<sup>5</sup> Upon approval, sick leave bank trustees shall  
5 be appointed and shall operate as the governing body of the sick leave bank and shall enacted rules and  
6 regulations consistent with state law.<sup>6</sup> Employees electing to participate shall do so during the months  
7 of August, September, or October of each year. Employees wishing to participate shall initially give a  
8 maximum of three (3) days of sick leave. These days are to be deducted from the employee's personal  
9 accumulation and donated to the sick leave bank. Donations of sick leave to the bank are  
10 nonrefundable and nontransferable.<sup>7</sup>
- 11 At any time the number of days in the sick leave bank is less than twenty (20), or one (1) per employee  
12 if there are more than twenty (20) members, or at any time deemed advisable, the trustees shall assess  
13 each member one (1) or more days of accumulated sick leave. If an employee has no accumulated sick  
14 leave at the time of assessment, the first earned days shall be donated as they are accrued by the  
15 employee.<sup>7</sup>
- 16 An employee who is a member of the sick leave bank may request an allotment of days (for the  
17 employee's personal illness **or on account of an illness of his/her minor child**only) in the  
18 manner designated by the trustees. The need for these days must be verified by a statement from a  
19 doctor.
- 20 By written notice to the trustees, an employee may withdraw from bank participation on June 30 of any  
21 year.<sup>8</sup> Membership withdrawal results in forfeiture of all days contributed.
- 22 The sick leave bank shall be operated in accordance with state law.<sup>9</sup>

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Legal References

1. TCA 49-5-710(a)(1)
2. TRR/MS 0520-01-02-.04(2)
3. TCA 49-5-710(a)(5)
4. TCA 49-5-811
5. TCA 49-5-803
6. TCA 49-5-804; TCA 49-5-805
7. TCA 49-5-807
8. TCA 49-5-806
9. TCA 49-5-801 *et seq.*

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Cross References

- Family and Medical Leave 5.305  
Physical Assault Leave 5.307



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 151**

### **SENATE BILL NO. 533**

**By Haile, Crowe, Lowe, Massey, Reeves, Kyle, Yarbrow, Jackson, Lamar, Rose, Walley, White, Yager**

Substituted for: House Bill No. 1151

By White, Harris, Helton-Haynes, Jernigan, Bulso, Hakeem, Hardaway, Crawford, Lynn, Eldridge, Slater, Alexander, Thompson, Clemmons, Powell, Miller, Hawk, Howell

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 50, Part 8; Title 8, Chapter 50, Part 9 and Title 49, Chapter 5, Part 8, relative to sick leave banks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-50-907(h), is amended by deleting the language "illness of any member of the participant's family" and substituting instead the language "illness of a member of the participant's family except as provided in subsection (n)".

SECTION 2. Tennessee Code Annotated, Section 8-50-907, is amended by adding the following as a new subsection:

(n) Sick leave may be granted to a member on account of an illness of the member's minor child.

SECTION 3. Tennessee Code Annotated, Section 8-50-925(d)(1)(D), is amended by deleting the language "illness of any member of the individual's family" and substituting instead the language "illness of a member of the individual's family except as provided in subsection (h)".

SECTION 4. Tennessee Code Annotated, Section 8-50-925, is amended by adding the following as a new subsection:

(h) Sick leave may be granted to a member on account of an illness of the member's minor child.

SECTION 5. Tennessee Code Annotated, Section 49-5-808(g), is amended by deleting the language "illness of any member of the participant's family" and substituting instead the language "illness of a member of the participant's family except as provided in subsection (m)".

SECTION 6. Tennessee Code Annotated, Section 49-5-808, is amended by adding the following as a new subsection:

(m) Sick leave may be granted to a member on account of an illness of the member's minor child.

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it.


SENATE BILL NO. 533

PASSED: March 23, 2023

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 13<sup>th</sup> day of April 2023

  
\_\_\_\_\_  
BILL LEE, GOVERNOR

# Sullivan County Board of Education

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term:  <b>Family and Medical Leave</b>	Descriptor Code: <b>5.305</b>	Issued Date: <b>09/09/13</b>
		Rescinds: <b>5.305</b>	Issued: <b>04/10/12</b>

## 1 PURPOSE

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

## 4 ELIGIBILITY

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

## 8 GENERAL PRINCIPLES

- 9 1. Any employee shall be granted, upon request, up to twelve (12) weeks unpaid leave for the  
10 birth or adoption of a child, the care of a child, spouse, or parent who has a serious health  
11 condition or for qualifying exigencies arising out of the fact that the employee's spouse, child,  
12 or parent is on active duty, or has been notified of an impending call or order to active duty, in  
13 support of a contingency operation. (Any employee requesting leave due to pregnancy,  
14 childbirth, or adoption shall be granted up to four (4) months leave.)<sup>3</sup>  
15
- 16 2. Any employee on maternity leave shall be permitted to use accumulated sick leave during the  
17 period of actual physical disability only. Otherwise, the maternity leave shall be unpaid leave.  
18 A teacher may use up to thirty (30) days of accumulated sick leave for the adoption of a child.  
19 If both adoptive parents are teachers, only one parent may request leave. Written verification  
20 from the adoption agency or other entity handling the adoption shall be required before the  
21 leave is granted.<sup>4</sup>  
22
- 23 3. A physician's statement may be required by the director of schools when determining the period  
24 of actual physical disability.<sup>5</sup>  
25
- 26 4. Request for leaves and extension of leaves shall conform to state law governing all leaves of  
27 absence.

## 28 QUALIFYING EXIGENCIES

29 Qualifying exigencies include:

30 Issues arising from a covered service member's short notice deployment (i.e., less days of  
31 notice) for a period of seven days from the date of notification;

- 1 Military events and related activities, such as official ceremonies, programs, or events  
2 sponsored
- 3 by the military or family support or assistance programs and informational briefings sponsored  
4 or promoted by the military, military service organizations, or the American Red Cross that are  
5 related to the active duty or call to active duty status of a covered service member;
- 6 Making or updating financial and legal arrangements to address a covered service member's  
7 absence;
- 8 Attending counseling provided by someone other than a health care provider for oneself, the  
9 covered service member, or the child of the covered service member, the need for which arises  
10 from the active duty or call to active duty status of the covered service member;
- 11 Taking up to fifteen (15) days of leave to spend time with a covered service member who is on  
12 short-term temporary, rest and recuperation leave during deployment;
- 13 Attending to certain post-deployment activities, including attending arrival ceremonies,  
14 reintegration briefings and events, and other official ceremonies or programs sponsored by the  
15 military for a period of 90 days following the termination of the covered service member's  
16 active duty status, and addressing issues arising from the death of a covered service member;
- 17 Any other event that the employee and employer agree is a qualifying exigency.

## 18 **MILITARY CAREGIVER LEAVE<sup>8</sup>**

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

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

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

- 1 such VASRD rating is based, in whole or in part, on the condition precipitating the need for  
 2 military caregiver leave;
- 3 (iii) a physical or mental condition that substantially impairs the veteran's ability to secure or  
 4 follow a substantially gainful occupation by reason of a disability or disabilities related to  
 5 military service, or would do so absent treatment; or  
 6
- 7 (iv) an injury, including a psychological injury, on the basis of which the veteran has been  
 8 enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for  
 9 Family Caregivers.

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

## 15 RESTRICTIONS

- 16 1. For foreseeable leave, the employee shall provide the director of schools with at least thirty  
 17 (30) days written notice before the beginning of the anticipated leave.  
 18
- 19 2. The director may require that a request for leave be supported by certification issued by a  
 20 health care provider with the following information:  
 21
- 22 a. the date on which the serious health condition commenced; b. the probable duration of  
 23 the condition;  
 24 b. the appropriate medical facts within the knowledge of the health care provider regarding  
 25 the condition; and  
 26 c. a statement that the eligible employee is needed to care for the son, daughter, spouse or  
 27 parent and an estimate of the amount of time that such employee is needed.  
 28
- 29 3. If there is any reason to doubt the validity of the certification provided, the director may  
 30 require, at the expense of the school system, an opinion of a second health care provider.  
 31
- 32 4. Once it has been established that the leave requested qualifies for FMLA, the director of  
 33 schools/ designee shall notify the employee within two (2) business days (absent extenuating  
 34 circumstances) that —

35  
 36 Any leave taken pursuant to state leave statutes (paid vacation leave, personal leave,  
 37 sick leave or worker's compensation) shall run concurrently with FMLA leave.<sup>6</sup>  
 38

39 The notice may be given orally or in writing. If the notice is oral, it shall be confirmed in  
 40 writing, no later than the following pay day.<sup>7</sup>  
 41

- 42 5. Intermittent Leave - When a licensed employee requests foreseeable leave for planned medical  
 43 treatment and the employee would be on leave for greater than 20% of the total number of  
 44 working days in the period during which the leave would extend, the school may require that

1 such employee elect either to take the leave for periods of a particular duration, not to exceed  
 2 the duration of the planned medical treatment or to transfer temporarily to an available  
 3 alternative position offered by the school system for which the employee is qualified, and that  
 4 has equivalent pay and benefits and better accommodates recurring periods of leave.

- 5  
 6 6. Period Near the End of an Academic Term (Professional employees) - If leave is taken more  
 7 than five (5) weeks prior to the end of the term, the director of schools may require the  
 8 employee to continue taking leave until the end of the term if the leave is at least three (3)  
 9 weeks of duration and the return of employment would occur during the three (3) week period  
 10 before the end of the term.

11  
 12 If the leave is taken five (5) weeks prior to the end of the term, the director of schools may  
 13 require the employee to continue taking leave until the end of the term if the leave is greater  
 14 than two (2) weeks duration and the return to employment would occur during the two (2) week  
 15 period before the end of the term.

- 16  
 17 7. Spouses employed by the same employer are limited to a combined total of 26 workweeks in a  
 18 “single 12-month period” if the leave is to care for a covered service member or covered  
 19 veteran with a serious injury or illness, and for the birth and care of a newborn child, for  
 20 placement of a child for adoption or foster care, or to care for a parent who has a serious health  
 21 condition.

## 22 REQUIREMENTS OF THE BOARD

- 23 1. The employee shall be restored to the same position of employment or an equivalent position  
 24 with no loss of benefits, pay or other terms of employment.  
 25  
 26 2. The employee shall be kept under any group health plan for the duration of the leave.  
 27  
 28 3. The Board may recover the premium paid under the following conditions:  
 29  
 30 a. the employee fails to return from leave after the period of leave has expired.  
 31 b. the employee fails to return to work for a reason other than the continuation, recurrence,  
 32 or onset of a serious health condition or other circumstances beyond the control of the  
 33 employee.

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### Legal References

1. *Hinson v. Tecumseh Products Co.* 234 F.3d 1268, 6th Cir.(2000)
2. Federal Family and Medical Leave Act of 1993
3. TCA 49-5-702; TCA 4-21-408
4. TCA 49-5-710
5. TCA 49-5-704
6. 29 CFR § 825.207
7. OP Tenn. Atty Gen 94-006 (Jan 13, 1994);  
*Plant v. Morton International, Inc* 212 F. 3d 929, 6th Cir. (2000)
8. 8. 29 CFR § 825.127

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### Cross References

- Sick Leave 5.302  
 Long Term Leaves 5.304

Click here to choose a school board.			
Monitoring: <b>Review: Annually, in January</b>	Descriptor Term: <b>Family and Medical Leave</b>	Descriptor Code: <b>5.305</b>	Issued Date: Click here to enter a date.
		Rescinds:	Issued:

1 **ELIGIBILITY**

2 Anyone who has been employed for at least twelve (12) months by the school district and anyone who  
 3 has at least 1,250 hours of service (hours used for leave, even FMLA leave, shall not be credited for  
 4 service for purposes of FMLA eligibility<sup>1</sup>) during the previous twelve (12) month period shall be  
 5 eligible to use FMLA leave.<sup>2</sup>

6 **GENERAL PRINCIPLES**

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

- 9 1. The birth of a child;
- 10
- 11 2. The placement of a child with the employee for adoption or foster care;
- 12
- 13 3. A serious health condition of the employee that makes the employee unable to perform the  
 14 essential functions of his/her job position;
- 15
- 16 4. The care of a spouse, child, or parent of the employee who has a serious health condition; and
- 17
- 18 5. Any qualifying circumstances arising out of the fact that a spouse, child, or parent of the  
 19 employee is on covered active duty or has been notified of an impending call or order to  
 20 covered active duty in the Armed Forces.

21 An employee may substitute accrued paid leave for unpaid time. Use of accrued paid leave shall run  
 22 concurrently with and be counted toward the employee’s total period of FMLA leave.

23 **MATERNITY/PATERNITY LEAVE**

- 24 1. *Relationship between FMLA leave and Tennessee Maternity Leave Act* – FMLA leave shall run  
 25 concurrently with leave provided under the Tennessee Maternity Act, which affords eligible  
 26 employees leave for a period not to exceed four (4) months for the adoption, pregnancy,  
 27 childbirth, and nursing of a newborn child.<sup>3</sup>
- 28
- 29 2. *Teachers’ Leave* – In accordance with state law, any teacher who goes on maternity or paternity  
 30 leave shall be allowed to use all or a portion of the teacher's accumulated sick or annual leave  
 31 for maternity leave purposes. In order to be eligible to use sick leave, written request of the

1 teacher accompanied by a statement from the teacher's physician verifying pregnancy shall be  
2 submitted. Upon verification by a written statement from an adoption agency or other entity  
3 handling an adoption, a teacher may also be allowed to use accumulated leave for adoption of a  
4 child. If both adoptive parents are teachers employed by the district, however, only one (1)  
5 parent is entitled to use such leave.<sup>4</sup>  
6

7 3. Spouses who are both eligible employees of the school district are limited to a combined total  
8 of twelve (12) workweeks of FMLA leave in a single twelve (12) month period if the leave is  
9 taken for the birth and care of a newborn child, for the placement of a child for adoption or  
10 foster care, or to care for a parent who has a serious health condition. Under certain  
11 circumstances, spouses who share leave for the birth or adoption of a child may be eligible for  
12 limited amounts of additional leave for other qualifying FMLA reasons.<sup>5</sup>  
13

14 4. *Paid Parental Leave* – Under state law, an additional six (6) work weeks of paid leave is  
15 available to eligible employees after a birth, stillbirth, or adoption of a newly placed minor  
16 child. An eligible employee taking leave under this provision shall not be required to utilize any  
17 other type of accrued leave during this period. Eligible employees include teachers, principals,  
18 supervisors, or other individuals required by law to hold a valid license of qualification for  
19 employment who have been employed with a school district full time for at least twelve (12)  
20 consecutive months.  
21

22 Employees shall provide notice to the school district thirty (30) days prior to the intended use  
23 of the leave. If the employee learns about the need for leave less than thirty (30) days in  
24 advance, the employee shall give notice as soon as reasonably possible in order to be eligible  
25 for the paid leave. This paid leave does not need to be taken consecutively; however, the paid  
26 leave shall be used within twelve (12) months of the qualifying event. The leave shall run  
27 concurrently with FMLA leave.<sup>6</sup>

## 28 LEAVE FOR A SERIOUS HEALTH CONDITION<sup>7</sup>

29 Eligible employees, upon request, shall be granted up to twelve (12) weeks of unpaid leave when  
30 he/she is unable to work because of a serious health condition or to care for an immediate family  
31 member with a serious health condition. Employees shall contact Human Resources to determine if the  
32 reason for leave qualifies as FMLA leave. If the leave is foreseeable, the employee shall give thirty  
33 (30) days' notice. If the leave is not foreseeable, the employee shall notify Human Resources as soon  
34 as practicable, generally, either the same or next business day.

## 35 LEAVE FOR MILITARY FAMILY MEMBERS

36 1. *Qualifying Exigency Leave*<sup>8</sup> - Eligible employees are entitled to up to twelve (12) workweeks  
37 of leave because of any qualifying exigency arising out of the fact that the spouse, son,  
38 daughter, or parent of the employee, as defined under the FMLA, is on active duty, or has been  
39 notified of an impending call to active duty, or has been notified of an impending call to active  
40 duty status in the Armed Forces. Qualifying exigencies may include:

- 41 a. Issues arising from the service member's short notice deployment;
- 42 b. Military events and related activities (e.g., official ceremonies, support programs);
- 43

- c. Making or updating financial and legal arrangements;
- d. Attending counseling;
- e. Taking up to fifteen (15) days leave to spend time with a covered service member who is on short-term rest and recuperation leave during deployment; or
- f. Attending post-deployment activities.

2. *Military Caregiver Leave*<sup>9</sup> - An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member or covered veteran with a serious injury or illness is entitled to up to twenty-six (26) workweeks of leave in a single twelve (12) month period. 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 out-patient 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 five (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 single twelve (12) month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends twelve (12) months later. An eligible employee is limited to a combined total of twenty-six (26) workweeks of leave to provide care for a covered service member. The maximum of twenty-six (26) workweeks may include no more than twelve (12) workweeks of leave that is taken for the birth and care of a newborn child, for the placement of a child for adoption or foster care, for care of a parent who has a serious health condition, or for the employee's own serious health condition.

## **INTERMITTENT LEAVE**<sup>10</sup>

Eligible employees may take FMLA leave intermittently when medically necessary to care for a seriously ill family member, because of the employee's own serious health condition, or for the care for a newborn, a newly adopted child, or a newly placed foster care child. When an employee requests foreseeable leave for planned medical treatment and the employee would be on leave for greater than twenty percent (20%) of the total number of working days in the period during which the leave would extend, the school district 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 district for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

## **RESTRICTIONS**

### **1. Notice Requirements**

- a. *Employee Notice*<sup>11</sup>- For foreseeable leave, the employee shall provide the Director of Schools with at least thirty (30) days written notice before the beginning of the anticipated leave.

- 1           b. *District Notice* - Once it has been established that the leave requested qualifies for  
2 FMLA, the Director of Schools/designee shall notify the employee within three (3)  
3 business days (absent extenuating circumstances) that any leave taken pursuant to state  
4 leave statutes (paid vacation leave, personal leave, sick leave, or workers'  
5 compensation) shall run concurrently with FMLA leave.<sup>12</sup> The notice may be given  
6 orally or in writing. If the notice is oral, it shall be confirmed in writing, no later than  
7 the following pay day.<sup>13</sup>

8  
9           2. Certification Requirement<sup>14</sup>

- 10  
11           a. The Director of Schools may require that a request for leave be supported by  
12 certification issued by a health care provider with the following information:  
13  
14               i. The date on which the serious health condition commenced;  
15               ii. The probable duration of the condition;  
16               iii. The appropriate medical facts within the knowledge of the health care provider  
17               regarding the condition; and  
18               iv. A statement that the eligible employee is needed to care for the son, daughter,  
19               spouse, or parent and an estimate of the amount of time that such employee is  
20               needed.
- 21  
22           b. If there is any reason to doubt the validity of the certification provided, the Director of  
23 Schools may require, at the expense of the school district, an opinion of a second health  
24 care provider.

25  
26           3. Period Near the End of an Academic Term (Professional Employees)<sup>15</sup>

- 27  
28           a. If leave is taken more than five (5) weeks prior to the end of the term, the Director of  
29 Schools may require the employee to continue taking leave until the end of the term if  
30 the leave is at least three (3) weeks of duration and the return of employment would  
31 occur during the three (3) week period before the end of the term.
- 32  
33           b. If the leave is taken five (5) weeks prior to the end of the term, the Director of Schools  
34 may require the employee to continue taking leave until the end of the term if the leave  
35 is greater than two (2) weeks duration and the return to employment would occur during  
36 the two (2) week period before the end of the term.

37           **REQUIREMENTS OF THE BOARD**<sup>16</sup>

- 38           1. The employee shall be restored to the same position of employment or an equivalent position  
39           with no loss of benefits, pay, or other terms of employment.
- 40           2. The employee shall be kept under any group health plan for the duration of the leave.
- 41           3. The Board may recover the premium paid under the following conditions:  
42  
43               a. The employee fails to return from leave after the period of leave has expired; and

- 1  
2           b. The employee fails to return to work for a reason other than the continuation,  
3           recurrence, or onset of a serious health condition or other circumstances beyond the  
4           control of the employee.

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Legal References

1. *Hinson v. Tecumseh Products Co.*, 2000 U.S. App. LEXIS 26778, at \*1—10 (6th Cir. Oct. 17, 2000)
2. 29 USCA § 2601, 2611—2619
3. TCA 49-5-702; TCA 4-21-408
4. TCA 49-5-710(a)(2); TCA 8-50-802(a)(4)
5. 29 CFR § 825.120(a)(3)
6. Public Acts of 2023, Chapter No. 399
7. 29 CFR § 825.113
8. 29 CFR § 825.126
9. 29 CFR § 825.124; 29 CFR § 825.127
10. 29 CFR § 825.202
11. 29 CFR § 825.302-825.304
12. 29 CFR § 825.207
13. OP Tenn. Atty Gen 94-006 (Jan 13, 1994); *Plant v. Morton International, Inc.*, 212 F. 3d 929, 932 (6th Cir. 2000)
14. 29 CFR § 825.305-825.313
15. 29 CFR § 825.602
16. 29 USCA § 2614

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Cross References

- Sick Leave 5.302  
Long-Term Leaves of Absence 5.304



# State of Tennessee

## PUBLIC CHAPTER NO. 399

### HOUSE BILL NO. 983

By Mr. Speaker Sexton and Representatives Haston, Hardaway, Whitson, Clemmons, Raper, Slater, Hawk

Substituted for: Senate Bill No. 1458

By Senators White, Lamar, Akbari, Yarbrow

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8 and Title 49, relative to employment benefits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Birth" has the same meaning as "live birth" as defined in § 68-3-102;

(2) "Eligible employee" means a teacher, principal, supervisor, or other individual required by law to hold a valid license of qualification for employment in a local education agency and who has been employed full-time with a local education agency for at least twelve (12) consecutive months;

(3) "Local education agency" or "LEA" has the same definition as used in § 49-3-302;

(4) "Newly placed minor child" means the adoption of a minor child that results in a change of custody of that child; and

(5) "Stillbirth" has the same meaning as defined in § 68-3-102.

(b) Except as otherwise provided in this section, an eligible employee must be granted absence from work with pay for a period of time equal to six (6) work weeks after the birth or stillbirth of the employee's child or the employee's adoption of a newly placed minor child upon the employee giving thirty-days' notice to the employee's LEA; provided, however, that if an employee learns of the birth, stillbirth, or adoption of the employee's child less than thirty (30) days in advance of the birth, stillbirth, or adoption, then the employee must give notice of the birth, stillbirth, or adoption to the employee's LEA as soon as reasonably possible to be eligible to receive pay granted pursuant to this subsection (b).

(c) An eligible employee who is granted leave pursuant to this section shall not be required to use the employee's sick, annual, or other leave for the leave taken pursuant to this section. The leave granted pursuant to this section counts toward the employee's use of leave required to be given by this state as an employer under the federal Family and Medical Leave Act (29 U.S.C. § 2601, et seq.) and § 4-21-408.

(d)

(1) An eligible employee may receive no more than six (6) work weeks of paid leave pursuant to subsection (b) within a twelve-month period.

(2) The six (6) work weeks of paid leave granted pursuant to this section do not need to be consecutively taken; provided, that the paid leave granted pursuant to this section is used within twelve (12) months of the birth or stillbirth of the employee's child or the employee's adoption of a newly placed minor child.

**HB983**

(e) Each LEA shall establish policies for implementing this section.


(f) Paid leave under this section must be paid at one hundred percent (100%) of the employee's salary. For the purpose of calculating employment anniversary dates, absence from work pursuant to this section is considered full-time employment.

(g) The state shall reimburse an LEA that provides paid leave pursuant to this section in an amount equal to the leave paid by the LEA pursuant to this section.

SECTION 2. This act takes effect upon becoming law, the public welfare requiring it, and applies to leave taken on or after such date.

HOUSE BILL NO. 983

PASSED: April 21, 2023

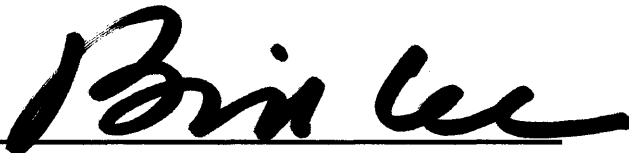


\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



\_\_\_\_\_  
RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 11<sup>th</sup> day of May 2023



\_\_\_\_\_  
BILL LEE, GOVERNOR

# Sullivan County Board of Education

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term:  <b>Physical Assault Leave</b>	Descriptor Code: <b>5.307</b>	Issued Date: <b>09/09/13</b>
		Rescinds: <b>5.307</b>	Issued: <b>04/10/12</b>

1 A teacher who is absent from assigned duties as a result of personal injury caused by physical assault  
 2 or other violent criminal acts committed in the course of the teacher's employment duties, shall receive  
 3 ~~workers' compensation or comparable benefits without loss of accumulated or granted sick, personal or~~  
 4 ~~professional leave.~~ **his/her full salary and full benefits until the teacher is released by his/her**  
 5 **physician to return to work or his/her physician determines the teacher is permanently unable to**  
 6 **return to work. If the teacher receives workers' compensation or other similar benefits the**  
 7 **Board shall pay the difference between that amount and the teacher's full salary.**<sup>1</sup>

8 ~~The school system shall continue to pay the teacher's full benefits including, but not limited to health~~  
 9 ~~insurance benefits, until the earlier of the date on which the teacher is released by the teacher's~~  
 10 ~~physician to return to work or the date on which the teacher is determined by the teacher's physician to~~  
 11 ~~be permanently disabled from returning to work.~~<sup>2</sup>

12 A signed statement listing the cause of the absence shall be provided by the employee on forms  
 13 furnished by the director of schools and shall promptly be given to the immediate supervisor in support  
 14 of all claims. A certificate from the physician on forms furnished by the director of schools may also  
 15 be required to verify the extent of the injury.<sup>3</sup>**2**

16

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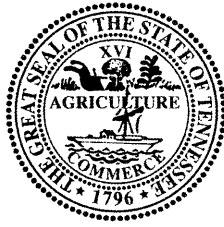
Legal References

1. TCA 49-5-714(a); **Public Acts of 2023, Chapter**
2. **No. 343**
3. ~~2013 Public Chapter 439~~
4. TRR/MS 0520-01-02-.04(5)

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Cross References

- Worker's Compensation 3.602
- Sick Leave 5.302**
- Long Term Leaves of Absence 5.304



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 343**

### **SENATE BILL NO. 906**

**By Niceley, Crowe, Pody, Reeves, Rose, Stevens**

Substituted for: House Bill No. 1357

By Farmer, Parkinson, Richey, Warner

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5, Part 7, relative to personal injury sustained by teachers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-714, is amended by deleting the section and substituting:

(a)(1) If a teacher is absent from assigned duties as a result of personal injury caused by a physical assault or other violent criminal act committed against the teacher in the course of the teacher's employment activities, then the LEA shall continue to pay the teacher's full salary and full benefits including, but not limited to, health insurance benefits, until the teacher is released by the teacher's physician to return to work or is determined by the teacher's physician to be permanently and totally disabled from returning to work, whichever occurs first.

(2) If, at the time of the personal injury, the teacher is eligible for workers' compensation or other similar type benefits, then the teacher must file a claim for those benefits. Notwithstanding subdivision (a)(1), if a teacher receives benefits under a workers' compensation or similar type benefit during the time the teacher is on leave, then the LEA must pay the difference between the teacher's full salary and the workers' compensation or similar type benefits received.

(3) A teacher on leave shall not receive more than their full salary and full benefits the teacher is eligible to receive under subdivision (a)(1).

(4) A leave of absence for personal injury resulting from an assault or other violent criminal act shall not be charged to the teacher's sick leave, personal leave, or professional leave accumulated or granted pursuant to this part.

(5) As used in this subsection (a), "full benefits" means the benefits the teacher was receiving from the LEA when the teacher was placed on leave due to the teacher's personal injury.

(b) An LEA is not required to pay the teacher's full salary or full benefits, or the difference between the teacher's full salary and the workers' compensation or similar type benefits received, if any, under this section for more than one (1) year.

(c) This section does not discourage, diminish, invalidate, or supersede a policy, benefits package, or contract that provides greater benefits or leave for teachers injured in the course of the teacher's employment activities.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.


SENATE BILL NO. 906

PASSED: April 19, 2023

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 5<sup>th</sup> day of May 2023

  
\_\_\_\_\_  
BILL LEE, GOVERNOR

# Sullivan County Board of Education

Monitoring:  <b>Review: Annually, in March</b>	Descriptor Term:  <h2 style="text-align: center;">Employee Code of Ethical Behavior</h2>	Descriptor Code: <b>5.600</b>	Issued Date: <b>04/10/12</b>
		Rescinds: <b>1028</b>	Issued: <b>2012</b>

All Sullivan County Department of Education employees shall:

Comply with established policy, routine and procedure relating to an employee's attendance and punctuality, and adhere to scheduled roles and responsibilities.

Be truthful and honest regarding all matters of interest to the Sullivan County Department of Education.

Promote a safe and healthy environment and conduct themselves in a manner free from harassment, intimidation, bullying, substance abuse, bias, discrimination, and violence.

Comply with justifiable directives issued by a recognized source of authority.

Be truthful and properly present and use documents, data and other information sources of interest to the Sullivan County Department of Education.

Conduct themselves in a manner, on or off Sullivan County Department of Education property or outside the established contract day, that does not affect the ability of the employee to perform his/her job duties.

Maintain confidentiality in all matters pertinent to the Sullivan County Department of Education including, but not limited to local, state and federal policies.

Plan, prepare and provide for optimal execution of job responsibilities.

Immediately intervene and report any code of conduct violation that negatively impacts an environment conducive to safe and supportive learning.

Comply with all Sullivan County Department of Education local, state and federal laws.

Click here to choose a school board.

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term: <b>Staff Rights &amp; Responsibilities</b>	Descriptor Code: <b>5.600</b>	Issued Date:
		Rescinds:	Issued:

- 1 In fulfilling any rights and responsibilities, employees shall give proper consideration to the  
2 educational welfare of students and ensure that no conflict exists with their duties.
- 3 Each staff member has the right to a work environment free from sexual, racial, ethnic, and religious  
4 discrimination/harassment.<sup>1</sup>
- 5 Educators have the right to:<sup>2</sup>
- 6
- 7 1. Be treated with civility and respect as well as having his/her professional judgement and  
8 discretion respected;
- 9
- 10 2. Have their professional judgment and discretion respected;
- 11
- 12 3. Report any errant, offensive, or abusive content or behavior of a student to the principal and/or  
13 appropriate agencies;
- 14
- 15 4. Provide students with a safe environment;
- 16
- 17 5. Defend themselves and their students from physical violence or harm;<sup>3</sup>
- 18
- 19 6. Share information regarding a student’s educational experience, health, or safety with the  
20 student’s parent(s)/guardian(s) unless otherwise prohibited;<sup>4</sup>
- 21
- 22 7. Review all instructional material or curriculum before being utilized by students;
- 23
- 24 8. Not be required to use his/her personal money to appropriately equip a classroom;
- 25
- 26 9. Report students who commit offenses of assault and battery or vandalism on school property  
27 endangering the life, health, or safety of others pursuant to state law;<sup>5</sup> and
- 28
- 29 10. Receive benefits in accordance with state law if the educator is a teacher who is on leave due to  
30 a physical assault or other violent criminal act committed during the course of employment.<sup>6</sup>
- 31 Each staff member has the responsibility to:
- 32 1. Make themselves familiar with and abide by the laws of the state, the policies of the Board,  
33 and the procedures designed to implement them;

- 1           2. To adhere to the Teacher Code of Ethics, to the extent applicable;<sup>7</sup>
- 2           3. Exercise good judgment in selecting issues for discussion and balance the relative maturity of
- 3           students and the students' right to know;
- 4           4. Be courteous and helpful in interacting and responding to parent(s)/guardian(s), visitors, and
- 5           members of the public;
- 6           5. Keep all records and prepare and submit promptly all reports that may be required by state law,
- 7           State Board of Education rules and regulations, board policy, and administrative procedures;
- 8           and
- 9           6. Wear appropriate dress for work according to local school rules.

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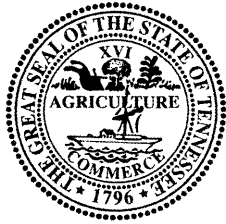
**Legal References**

1. 42 USCA § 2000e-2(a), (b); TCA 49-6-8004
2. TCA 49-5-209; Public Acts of 2023, Chapter No. 153
3. TCA 49-6-2802
4. 20 USCA § 1232g
5. TCA 49-6-4301
6. TCA 49-5-714
7. TCA 49-5-1001 *et seq.*

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**Cross References**

Curriculum Development 4.200  
Controversial Issues 4.800  
Religious Content of Courses 4.804  
Staff-Student Relations 5.610  
Ethics 5.611



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 153**

**SENATE BILL NO. 1155**

**By Stevens**

Substituted for: House Bill No. 892

By Reedy, Lynn, Richey, Warner, Ragan, Howell, Terry, Lafferty

AN ACT to amend Tennessee Code Annotated, Title 49, relative to school personnel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-4301(a), is amended by adding "the director of schools and" after "shall report the action immediately to".

SECTION 2. Tennessee Code Annotated, Section 49-5-209(c), is amended by adding the following as new subdivisions:

(9) Report students who commit offenses of assault and battery or vandalism on school property endangering the life, health, or safety of others pursuant to § 49-6-4301; and

(10) Receive benefits in accordance with § 49-5-714 if the educator is a teacher who is absent from the teacher's assigned duties as a result of personal injury caused by a physical assault or other violent criminal act committed against the teacher in the course of the teacher's employment activities.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.


SENATE BILL NO. 1155

PASSED: March 23, 2023

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 13<sup>th</sup> day of April 2023

  
\_\_\_\_\_  
BILL LEE, GOVERNOR

# Sullivan County Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term:  <b>Attendance</b>	Descriptor Code: <b>6.200</b>	Issued Date: <b>12/05/19</b>
		Rescinds: <b>6.200</b>	Issued: <b>09/05/19</b>

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

3  
4 **The Director of Schools/designee shall ensure that this policy is posted in each school building**  
5 **and disseminated to all students, parent(s)/guardian(s), teachers, and administrative staff.**

6 The attendance supervisor shall oversee the entire attendance program which shall include:<sup>1</sup>

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

15 Student attendance records shall be given the same level of confidentiality as other student records.  
16 Only authorized school officials with legitimate educational purposes may have access to student  
17 information without the consent of the student or parent/guardian.<sup>3</sup>

18 Absences shall be classified as either excused or unexcused as determined by the principal or his/her  
19 designee. Excused absences shall include:<sup>4</sup>

- 20 1. Personal illness;  
21 2. Illness of immediate family member;  
22 3. Death in the family;  
23 4. Extreme weather conditions;  
24 5. Religious observances;<sup>5</sup>  
25 6. ~~College visits~~;

1           7. ~~6.~~Pregnancy with physicians excuse, may be eligible for six (6) weeks of homebound  
2           instruction (per Policy 4.206);

3           **7. School endorsed activities;**

4           8. Summons, subpoena, or court order; or

5           9. Circumstances which in the judgment of the principal create emergencies over which the  
6           student has no control.

7           The principal shall be responsible for ensuring that:<sup>6</sup>

8           1. Attendance is checked and reported daily for each class;

9           2. Daily absentee sheets contain sign in/sign out sheets and indicate students present or  
10          absent for the majority of the day;

11          3. All student absences are verified;

12          4. Written excuses are submitted for absences and tardiness;

13          5. System-wide procedures for accounting and reporting are followed.

14          **TRUANCY**

15          Annually, the Director of Schools/designee will provide written notice to parent(s)/guardian(s) that  
16          attendance at school is required. Students shall be present at least fifty percent (50%) of the scheduled  
17          school day in order to be counted present. Students may attend part-time days, alternating days, or for a  
18          specific amount of time as indicated in their Individualized Education Plan or 504 Plan and shall be  
19          considered present for school attendance purposes. If a student is required to participate in a remedial  
20          instruction program outside of the regular school day where there is no cost to the parent(s)/guardian(s)  
21          and the school district provides transportation, unexcused absences from these programs shall be  
22          reported in the same manner.<sup>7</sup>

23          A student who is absent five (5) days without adequate excuse shall be reported to the Director of  
24          Schools/designee who will, in turn, provide written notice to the parent(s)/guardian(s) of the student's  
25          absence. If a parent/guardian does not provide documentation within adequate time excusing those  
26          absences, or request an attendance hearing, then the Director of Schools shall implement the  
27          progressive truancy intervention plan described below prior to referral to juvenile court.

28          *Progressive Truancy Intervention Plan*<sup>8</sup>

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

31          **Tier I**

32          Tier I of the progressive truancy intervention plan shall include the following:

33               1. A conference with the student and the student's parent(s)/guardian(s);  
34

- 1        2. An attendance contract, based on the conference, signed by the student, the  
2        parent(s)/guardian(s), and an Attendance Supervisor/designee. The contract shall include:  
3  
4            a. A specific description of the school's attendance expectations for the student;  
5            b. The period for which the contract is effective; and  
6            c. Penalties for additional absences and alleged school offenses, including additional  
7            disciplinary action and potential referral to juvenile court; and  
8  
9        3. Regularly scheduled follow-up meetings to discuss the student's progress.

## 10    **Tier II**

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

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

## 16    **Tier III**

17    This tier shall be implemented if the truancy interventions under Tier II are unsuccessful.

18    These interventions shall be determined by a team formed at each school. The interventions shall  
19    address student needs in an age-appropriate manner. Finalized plans shall be approved by the Director  
20    of Schools/designee.

## 21    **NON-SCHOOL SPONSORED EXTRACURRICULAR ACTIVITY<sup>9</sup>**

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

- 28        1. Student's name and personal identification number;  
29
- 30        2. Student's grade;  
31
- 32        3. The dates of the student's absence;  
33
- 34        4. The reason for the student's absence; and  
35
- 36        5. The signatures of the student and parent/guardian.

## 37    **RELEASED TIME COURSE<sup>10</sup>**

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

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

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

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

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

### 13 **MILITARY SERVICE OF PARENT/GUARDIAN**

14 ~~School principals shall provide students with a one-day excused absence prior to the deployment of~~  
15 ~~and a one-day excused absence upon the return of a parent or custodian serving active military service.~~  
16 ~~Principals shall also allow up to ten (10) excused cumulative absences per year for students to visit a~~  
17 ~~parent or guardian during a deployment cycle. The student shall provide documentation to the school~~  
18 ~~as proof of his/her parent's/guardian's deployment. Students shall be permitted to make up schoolwork~~  
19 ~~missed during the these absences.<sup>11</sup>~~

### 20 **MAKE-UP WORK**

21 Students are granted the opportunity to make-up school work missed due to any absences, including  
22 unexcused absences and/or suspensions. However, for students make up work for unexcused absences  
23 and/or suspensions, the highest score they may receive for the work is 80% of a perfect score. For all  
24 students making up work missed due to absences, whether excused, unexcused or suspension, the  
25 following conditions must be met:

- 26 1. It is the student's responsibility to initiate arrangements for making up work.
- 27 2. A student will complete written make-up work within a time period equal to the number of  
28 days missed unless an extension is granted by the teacher.
- 29 3. If make-up tests, quizzes, etc. are scheduled at other than normal student hours, the student  
30 must be notified at least twenty-four (24) hours in advance.
- 31 4. If a student and/or parent refuses the opportunity to serve ISS or to attend Alternative School,  
32 the student forfeits the opportunity to make up work for the days of out-of-school suspension.

1 ***School Functions***

2 ~~School functions will not count as an absence from school. School functions must be approved by~~  
3 ~~school administrators prior to the activity designated as a school function.~~

4 **STATE-MANDATED TESTS/END OF COURSE EXAMS**

5 Students who are absent the day of the scheduled End of Course Exams must present a signed doctor's  
6 excuse or must have been given an excused release by the principal prior to testing to receive an  
7 excused absence. Students who have excused absences will be allowed to take a make-up exam.  
8 Excused students will receive an incomplete in the course until they have taken the End of Course  
9 Exam. Students who have an unexcused absence shall receive a failing grade on the course exam.

10 **CREDIT/PROMOTION DENIAL**

11 Credit/promotion denial determinations may include student attendance, however student attendance  
12 may not be the sole criterion.<sup>1211</sup> However, if attendance is a factor, prior to credit/promotion denial,  
13 the following shall occur:

14

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

18 **DRIVER'S LICENSE REVOCATION<sup>2</sup>**

19 ~~More than ten (10) consecutive or fifteen (15) reported absences (unexcused) by a student during any~~  
20 ~~semester renders a student ineligible to retain a driver's permit or license, or to obtain such if of age.~~  
21 ~~In order to qualify for reclaiming a driver's permit or license, the student must make a passing grade in~~  
22 ~~at least two (2) subjects or their equivalency at the conclusion of a subsequent grading period.~~

23 **A student who has more than ten (10) consecutive or fifteen (15) unexcused absences during any**  
24 **semester shall be ineligible to retain a driver's permit or license.**

25 **ATTENDANCE HEARING<sup>1312</sup>**

26 Students with excessive (more than five (5)) unexcused absences or those in danger of  
27 credit/promotion denial shall have the opportunity to appeal to an attendance hearing committee

- 1 appointed by the principal. If the student chooses to appeal, the student or his/her parent(s)/guardian(s)  
 2 shall be provided written or actual notice of the appeal hearing and shall be given the opportunity to  
 3 address the committee. The committee will conduct a hearing to determine if any extenuating  
 4 circumstances exist to excuse an absence(s) or to determine if the student has met attendance  
 5 requirements that will allow him/her to pass the course or be promoted. Upon notification of the  
 6 attendance committee decision, the principal shall send written notification to the Director of  
 7 Schools/designee and the parent(s)/guardian(s) of the student of any action taken regarding the  
 8 excessive unexcused absences. The notification shall advise parent(s)/guardian(s) of their right to  
 9 appeal such action within two (2) school days to the Director of Schools/designee.
- 10 The appeal shall be heard no later than ten (10) school days after the request for appeal is received.
- 11 Within five (5) school days of the Director of Schools/designee rendering a decision, the student's  
 12 parent(s)/guardian(s) may request a hearing by the Board, and the Board shall review the record.  
 13 Following the review, the Board may affirm or overturn the decision of the Director of  
 14 Schools/designee. The action of the Board shall be final.
- 15 ~~The Director of Schools/designee shall ensure that this policy is posted in each school building and~~  
 16 ~~disseminated to all students, parent(s)/guardian(s), teachers, and administrative staff.~~

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 Legal References

1. TRR/MS 0520-01-03--08(1)(a); TCA 49-6-3006
2. TCA 49-6-3017(c)
3. 20 USCA § 1232g
4. TRR/MS 0520-01-02-.17(1)(c); **State Board of Education Policy 4.100**
5. TCA 49-6-2904(b)(5)
6. TCA 49-6-3007
7. TCA 49-6-3021
8. TCA 49-6-3007; TCA 49-6-3009
9. TCA 49-6-3022
10. TCA 49-2-130; ~~Public Acts of 2019, Chapter No. 272~~
11. ~~TCA 49-6-3019~~ **TCA 49-2-203(b)(7); TCA 49-6-3002(b); Public Acts of 2023; Chapter No. 130**
12. ~~TCA 49-2-203(b)(7); TCA 49-6-3002(b)~~
13. **12.** TRR/MS 0520-01-02-.17

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 Cross References

- School Calendar 1.800
- Extracurricular Activities 4.300
- Interscholastic Athletics 4.301
- Field Trips/Excursions/Competitions 4.302
- Reporting Student Progress 4.601
- Promotion and Retention 4.603
- Recognition of Religious Beliefs, Customs, & Holidays 4.803
- Voluntary Pre-K Attendance 6.2011
- Homeless Students 6.503**
- Students in Foster Care 6.505
- Students from Military Families 6.506
- Student Records 6.600





# *State of Tennessee*

## **PUBLIC CHAPTER NO. 130**

### **SENATE BILL NO. 987**

**By Yager**

Substituted for: House Bill No. 680

**By Powers**

AN ACT to amend Tennessee Code Annotated, Section 49-2-130, relative to released time courses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-130(g), is amended by deleting subdivision (1) and substituting:

(1) A local board of education may adopt a policy to award students credit for work completed in a released time course that is substantiated by a transcript from the entity that provided the released time course. If a board adopts a policy in accordance with this subsection (g), then a student may be awarded one (1) unit of elective credit for the completion of each released time course.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to the 2023-2024 school year and each school year thereafter.


SENATE BILL NO. 987

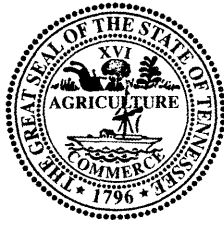
PASSED: March 20, 2023

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 4<sup>th</sup> day of April 2023

  
\_\_\_\_\_  
BILL LEE, GOVERNOR



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 279**

**SENATE BILL NO. 1069**

**By Hensley**

Substituted for: House Bill No. 826

By Gillespie, Ragan

AN ACT to amend Tennessee Code Annotated, Title 49, relative to K-12 education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3402(c)(1)(C), is amended by deleting subdivision (i) and substituting instead the following:

(i) Notwithstanding subdivision (c)(1)(A), a director of schools, or a director's designee, is not required to assign a student in grades seven through twelve (7-12) who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school, to an alternative school or alternative program if:

(a) The alternative school or alternative program is located on the same grounds as the regular school program from which the student was suspended or expelled; or

(b) The director of schools, or the director's designee, determines that assigning the student to the alternative school or alternative program may endanger the safety of the students or staff of the alternative school or alternative program.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.


SENATE BILL NO. 1069

PASSED: April 17, 2023

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28<sup>th</sup> day of April 2023

  
\_\_\_\_\_  
BILL LEE, GOVERNOR

# Sullivan County Board of Education

Monitoring: <b>Review: Annually, in March</b>	Descriptor Term: <b>Alternative Education</b>	Descriptor Code: <b>6.319</b>	Issued Date: <b>01/10/23</b>
		Rescinds: <b>6.319</b>	Issued: <b>11/05/20</b>

## 1 *General*<sup>1</sup>

2 The Board shall operate an alternative school and/or program for students in grades six through twelve  
3 (6-12) who have been suspended or expelled from the regular school program.

4 An alternative program is a short-term intervention program designed to provide educational services  
5 outside the regular school program for students who have been suspended or expelled. Alternative  
6 programs may be located within the regular school or be a self-contained program within a school.

7 The alternative school and/or program shall be operated in accordance with state laws and the rules of  
8 the State Board of Education, and instruction shall proceed as nearly as practicable in accordance with  
9 the instructional program at the student's regular school. The Director of Schools shall develop  
10 procedures that provide appropriate educational opportunities for all students assigned to the  
11 alternative school or program. These educational opportunities shall adhere to Tennessee's academic  
12 standards.<sup>2</sup>

## 13 **ASSIGNMENT**

14 Students who have been suspended for more than ten (10) days or expelled shall be assigned to the  
15 alternative school or program if there is staff and space available.<sup>3</sup> Availability of staff and space shall  
16 be determined at the time the disciplinary decision is rendered. The Director of Schools/designee shall  
17 make this determination by evaluating factors including, but not limited to, the following:

- 18 1. Level of supervision available;
- 19
- 20 2. Safety considerations; and
- 21
- 22 3. Type of infraction.
- 23

24 The director of schools/designee is not required to assign a student to the alternative school or program  
25 if the student committed one of the following:

- 26 • A zero-tolerance offense;<sup>4</sup> or
- 27 • An offense of violence or threatened violence, or an offense that threatened the safety of  
28 other students at the school, if the location of the alternative school or program is on the  
29 same grounds as the school from which the student was disciplined **or assigning the**  
30 **students to that location would endanger the safety of the students or staff.**<sup>5</sup>
- 31

1 Consideration to assign these students to the alternative school or program, the Director of  
2 Schools/designee on a case-by-case basis.

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

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

12 The Director of Schools/designee shall monitor and regularly evaluate the academic progress of each  
13 student enrolled in the alternative school.

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

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

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

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

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

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

25 The Director of Schools/designee shall develop procedures regarding the implementation of transition  
26 plans for the integration of students assigned to the alternative school.

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#### Legal References

1. TCA 49-6-3402; TRR/MS 0520-01-02-.09
2. TRR/MS 0520-01-02-.09(9)(a)
3. TCA 49-6-3402(c)(1)(A)
4. TRR/MS 0520-01-02-.09(6)(a); TCA 49-6-3402(c)(1)(B)
5. TCA 49-6-3402(c)(1)(C)
6. TRR/MS 0520-01-02-.09(9)(i)
7. TRR/MS 0520-01-02-.09(9)(h)
8. TCA 49-6-3402(c)(2)(B)
9. TRR/MS 0520-01-02-.09(9)(g)(2)
10. TRR/MS 0520-01-02-.09(9)(m)

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#### Cross References

Special Education 4.202  
Virtual Education Program 4.212  
Suspension 6.316  
Student Disciplinary Hearing Authority 6.317  
Special Education Students 6.500



# NAEP 2024

## Facts for Districts

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**“NAEP is the only assessment providing half a century of performance data to measure what students know and can do. The state and national trends inform local, state, and national program and policy discussions that improve teaching and learning.”**

—David Atherton, EdD, Principal, Clear Creek Middle School, Gresham, OR

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### What is NAEP?

The National Assessment of Educational Progress (NAEP) is an integral measure of academic progress across the nation and over time. It is the largest nationally representative and continuing assessment of what our nation's students know and can do in various subjects such as civics, mathematics, reading, and U.S. history. The program also provides valuable insights into students' educational experiences and opportunities to learn in and outside of the classroom.

NAEP is a congressionally mandated program administered by the National Center for Education Statistics (NCES), within the U.S. Department of Education and the Institute of Education Sciences.

### How are NAEP results reported?

The results of NAEP are released as The Nation's Report Card. NAEP results are available for the nation; results for states and select urban districts that participate in the Trial Urban District Assessment (TUDA) may also be available, depending on the assessment. Additionally, results are available for different student groups, based on factors such as race/ethnicity, gender, school location, and more. NAEP is not designed to report results for individual students, classrooms, or schools.

### Why should my district participate in NAEP?

Your district's participation is vitally important for several reasons.

- Results from the 2024 assessments will provide much-needed information about the academic achievement and continued recovery of students whose elementary or secondary school experiences have been shaped by the COVID-19 pandemic.

- Schools and students selected to participate in NAEP represent schools and students across the country. When students participate and give their best effort, NAEP results provide the most accurate and representative measure possible of student achievement and experiences.
- The 2024 assessments will help NAEP continue to examine transitions to online assessments and using devices that students are most familiar with. Such shifts will help to ensure the program can flexibly, meaningfully, and reliably measure trends in student achievement and experiences over time.

### What NAEP assessments will be administered in 2024?

The 2024 program will include

- Assessments in mathematics and reading at grades 4, 8, and 12 and science at grade 8
- Pilot testing in mathematics and reading at grades 4 and 8, to help improve future NAEP assessments and ensure that they continue to be a reliable measure of student achievement
- Survey questionnaires for participating students, teachers, and principals, to provide a better understanding of factors that may be related to students' learning\*

The assessments will be administered between January 29 and March 8, 2024.

Results will be released at the national, state, and select urban district levels for the mathematics and reading assessments at grades 4 and 8. National results will be released for the science assessment at grade 8 and mathematics and reading assessments at grade 12.

Additionally, some schools and students may be selected to participate in special studies.

- American Indian and Alaska Native students participating in the NAEP mathematics and reading assessments at grades 4 and 8 will also be included in the National Indian Education Study (NIES). NIES describes the condition of education for American Indian and Alaska Native (AI/AN) students in the United States.

\* There will be no teacher questionnaires at grade 12.

- High schools selected for grade 12 assessments will also participate in the High School Transcript Study, which involves the collection of student transcripts and course catalogs in order to examine coursetaking patterns of students and relate those patterns to educational achievement and NAEP assessment data.

## What will students in my district do?

Participating students will complete

- Subject-area questions in mathematics, reading, or science
- Survey questionnaires that provide valuable information about their educational experiences and opportunities to learn both in and outside of the classroom

It takes participating students approximately 2 hours to complete the assessments. This includes transition time, directions, and completion of survey questionnaires. A broad range of accommodations are provided for students with disabilities and English learners.

Some students will be assessed on NAEP-provided Surface Pros and some students will be assessed on NAEP-provided Chromebooks, in order to inform the program's transition to using devices that are most familiar to students.

## Do teachers need to prepare students for the assessment?

Teachers do not need to prepare their students to take the assessment but should encourage them to do their best.

## Who will administer NAEP? What do schools need to provide on the day of the assessment?

NAEP representatives will administer the NAEP assessment and provide significant support to schools on assessment day. They will bring all necessary materials and equipment, including the Surface Pros and Chromebooks to assess the students.

Schools will only need to provide space for students to take the assessment, desks or tables, and an adequate number of electrical outlets in the assessment location.

- NAEP will also ask to utilize school-based Internet—when possible—as the program continues to examine a shift toward online assessments. NAEP representatives will contact your district in the coming months to learn more about your schools' internet capabilities.

## How were schools in my district selected for NAEP?

Schools were selected as part of a carefully designed sampling process that ensures NAEP-selected schools and students are representative of your district, state, and the nation.

Under the Elementary and Secondary Education Act, districts and states that receive Title I funds are required to participate in the biennial assessments.

## How can school administrators and teachers use NAEP data to help our students?

The NAEP Data Explorer ([nationsreportcard.gov/ndecore](https://nationsreportcard.gov/ndecore)) is a powerful tool that allows you to examine the relationships between student performance and factors such as instructional practices, school resources, and more.

Questions from previous NAEP assessments can also be used as a helpful educational resource in the classroom. Teachers can use the NAEP Questions Tool ([nces.ed.gov/nationsreportcard/nqt](https://nces.ed.gov/nationsreportcard/nqt)) to see how their students' performance compares to peers in your state and across the nation. Released NAEP questions come with a scoring guide, sample student responses, and performance data.

## How long has NAEP been around?

NAEP was first administered in 1969 to measure student achievement nationally. In 1990, NAEP was administered at the state level for the first time. The NAEP TUDA program, which measures student achievement in some of the nation's large urban districts, began in 2002.

## Where can I find more information?

Learn more about the NAEP program at [nces.ed.gov/nationsreportcard](https://nces.ed.gov/nationsreportcard), and explore the latest NAEP results at [nationsreportcard.gov](https://nationsreportcard.gov).

Visit [nces.ed.gov/nationsreportcard/about/covid19.aspx](https://nces.ed.gov/nationsreportcard/about/covid19.aspx) for more information about NAEP health and safety protocols.

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National Center for Education Statistics (NCES) conducts the National Assessment of Educational Progress to evaluate federally supported education programs. All of the information you provide may be used only for statistical purposes and may not be disclosed, or used, in identifiable form for any other purpose except as required by law (20 U.S.C. §9573 and 6 U.S.C. §151). By law, every NCES employee as well as every NCES agent, such as contractors and NAEP coordinators, has taken an oath and is subject to a jail term of up to 5 years, a fine of \$250,000, or both if he or she willfully discloses ANY identifiable information about you. Electronic submission of your information will be monitored for viruses, malware, and other threats by Federal employees and contractors in accordance with the Cybersecurity Enhancement Act of 2015.

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## Sullivan County Dept. of Education

**Title:** Floating Cafeteria Manager

**Job Classification:** SS-4, 7 Hrs per day, 198 Days

**Minimum Qualifications:**

- High school diploma or equivalent
- Meet health and physical requirements
- Must be able to enforce and follow written and oral directions
- Strong organizational skills
- Considerable supervisory experience
- Thorough experience preparing large quantities of food
- Operate equipment in a safe manner
- Work cooperatively with other employees and general public
- Such alternatives to the above qualifications as the School Nutrition Supervisor may find appropriate and acceptable.

**Reports to:** School Nutrition Supervisor

**Job Goal:**

This position will be a floating position. This manager will not have a home school and will travel to any and all locations as needed, for any duration of time.

This is very responsible supervisory and culinary work involving the feeding of students and teaching staff and visitors for the schools of Sullivan County Department of Education. Activities associated with the job include overseeing and assisting with the preparation and serving of breakfast and lunch meals according to established menus and ensuring the proper cleaning and sanitizing of cooking utensils, cooking surfaces, coolers and kitchen equipment. Additional activities include ordering food and kitchen supplies, assisting with the receipt and stocking of food and kitchen supplies, serving as a cashier when necessary and overseeing and assisting with other kitchen operations as necessary. Incumbents are also responsible for ensuring the proper receipt and deposit of all fees received from students, teaching staff and visitors for meals and interacting with Health Inspectors and other regulatory officials. Job responsibilities require strong organizational, interpersonal and decision making skills, thorough experience cooking and preparing large quantities of food according to established nutritional guidelines, considerable supervisory experience, thorough knowledge of federal regulations dictating the operation of the program, knowledge of nutritional requirements for school age children and sufficient strength and agility to perform the physically demanding aspects of the job. Job performance is evaluated by the School Nutrition Supervisor through review of the quality of meals provided for students and staff, knowledge of cafeteria operations, ability to consistently enforce established

policies and procedures, organizational, interpersonal and decision making skills, supervisory skills and efficiency of cafeteria operations. Job related duties are also subject to review by state and local regulatory agencies.

### **Illustrative Examples of Work**

- Oversees and assists with checking daily menus and pulling food from coolers, freezers and dry storage area in a timely fashion
- Supervises the preparation of meals according to established recipes after determining the proper amounts of ingredients and correct yield
- Ensures that special meals are prepared for children with special nutritional needs and/or diets
- Checks and records the temperatures of freezers and coolers on a daily basis
- Enters money into student's accounts upon receipt utilizing the current software program
- Deposits money to the School Nutrition bank account on a daily basis or at a minimum within 3 banking days
- Counts all inventory on hand and computes the aggregate value on a monthly basis
- Oversees and assists with setting up and stocking serving lines including utensils, napkins, plates, condiments, salt and pepper, etc.
- Supervises and assists with chopping vegetables, preparing salads, and preparing fruit for meals
- Supervises the baking of bread and desserts to accompany meals in accordance with established menus
- Oversees and assists with operating cash registers, ensuring the proper entry of students' PIN numbers and receiving the proper amount of money for each student's meal
- Ensures the proper operation of industrial dishwashers and cleaning of utensils, trays, pots and pans, etc.
- Supervises the operation of deep fryers utilized to prepare french fries, tater tots, etc.
- Oversees and assists with filling out production sheets indicating the amount of food consumed and left over for each meal
- Ensures the proper operation of washers and dryers to clean laundry utilized in cooking operations
- Ensures the proper utilization of the HACCP (Hazard Analysis and Critical Control Points) procedures to ensure food safety
- Orders groceries and supplies, and verifies the receipt and accuracy of all deliveries

- Oversees and assists with receiving food items and dietary supplies, stocking them in the appropriate location and submitting accurate records of food purchased and available food inventories
- Trains new employees and coordinates the use of substitute personnel as needed
- Prepares and submits accident reports and/or employee injury reports in accordance with established procedures
- Completes and submits time sheets for all employees in accordance with established schedules
- Participates in training sessions and workshops when required
- Oversees and assists with cleaning and sanitizing cooking surfaces and equipment, coolers, ice boxes, sinks, trash cans, etc.
- Assists with preparing and serving meals and snacks for employees when required
- Oversees and assists with preparing meals and/or snacks for special occasions including open houses, parties, etc.
- Ensures the proper and accurate monitoring and recording of temperatures of cold and hot food items and ensures they are held and served at acceptable temperatures
- Assists with preparing meals and snacks for employees when required
- Oversees and assists with preparing meals and/or snacks for special occasions including open houses, parties, etc.
- Assists with cleaning ice filters and air conditioning filters when necessary
- Supervises the cleaning of ovens, steamers and other kitchen equipment in accordance with established procedures
- Submits all reports, invoices, etc. to the central office on a timely basis.
- Performs related duties as required

**Physical Demands:**

This job may require lifting of objects that exceed 50 pounds, with frequent lifting and/or carrying of objects up to 25 pounds. Other physical demands that may be required are as follows:

- Lifting
- Carrying
- Pushing and/or pulling
- Climbing
- Balancing
- Stooping and/or kneeling
- Crawling
- Reaching
- Hearing
- Seeing

## **Professionalism:**

The Sullivan County Dept. of Education values professionalism in their employees. In addition to board policies and procedures, the following attributes and behaviors are examples of what is expected of an employee.

- Display empathy and positive regard for others in written, verbal and nonverbal communications.
- Work effectively with colleagues by practicing punctuality, respect for deadlines, collaborative problem solving, and honest communication.
- Build trusting relationships by acting with integrity, courtesy, and responsibility, even in the face of stress or demanding workplace conditions.
- Maintain proficiency as needed and attend approved training, reading job related materials, and meeting with others in the areas of responsibility.
- Dress appropriately for the workplace with frequent interaction and community outreach.
- Meet all required standards of confidentiality and safety.

## **Capacity and Ability Requirements:**

- Thorough knowledge of the school age children including special dietary supplements and special diets required for various medical conditions
- Thorough knowledge of the proper temperatures for serving hot and cold components of meals to avoid contamination and/or spoilage
- Thorough knowledge of the state and federal regulations pertaining to school age children for the preparation and serving of meals
- Thorough knowledge of cooking all food items according to established recipes
- Thorough knowledge of OSHA regulations and the proper handling and use of cleaning and sanitizing chemicals used in industrial kitchen facilities including the Material Safety Data Sheets (MSDS)
- Thorough knowledge of proper cleaning and sanitation practices for kitchen equipment, utensils and surfaces
- Thorough knowledge of proper food handling practices which ensure the proper storage, rotation and sanitation of food supplies
- Thorough knowledge of the Sullivan County Department of Education procurement and purchasing policies and procedures
- Thorough knowledge of Tennessee Department of Health and Fire Department regulations pertaining to public school cafeteria operations
- Considerable knowledge of acceptable inventory control practices and procedures

- Considerable knowledge of the Sullivan County Department of Education personnel policies and procedures
- Considerable knowledge of federal and state regulations pertaining to the free and/or reduced meal programs
- Considerable knowledge of effective supervisory techniques and practices including motivation and evaluation
- Considerable knowledge of acceptable accounting practices involving the receipt and deposit of funds, use of internal controls and reconciliation of accounts
- Ability to consistently enforce and follow detailed instructions and operational policies and procedures
- Ability to effectively supervise and direct the activities of assigned personnel
- Ability to maintain required files and related documentation in an organized and accessible manner
- Ability to determine the proper amount of ingredients for preparing large quantities of food
- Ability to consistently perform accounting transactions in an accurate and thorough manner
- Ability to make appropriate and timely decisions in response to situations encountered on the job
- Ability to interact with co-workers, children, teaching staff and family members in an effective and courteous manner
- Ability to perform the physically demanding aspects of the job including heavy lifting (up to 50 lbs.), standing, walking, bending and stooping
- Ability to effectively organize personal time and activities on the job to meet established deadlines and reporting requirements
- Ability to recognize unsafe situations on the job that could potentially endanger a co-worker and/or children
- Skilled in the use of industrial kitchen equipment and devices including steam pots, steamers, industrial ovens, chill blasters, microwaves, blender, mixers, slicers, etc.

**Work Conditions:**

Some degree of physical discomfort due to exposure to dust, noise, temperature, and weather conditions.

**General Requirements:**

The above statements are intended to describe the general nature and level of work being performed by people assigned to this position. They are not intended to be a complete list of responsibilities, duties, and skills required of personnel so assigned.

I understand the above list of responsibilities, duties, and skills required of personnel assigned this position and can adequately fulfill all requirements.

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Name

Date