



**Morgan County Schools Board of Education Regular Meeting
January 3, 2011 6:30 PM
Central Office**

MEMBERS PRESENT: Attendance Taken at 6:10 PM. Mr. Terry Armes: Present, Mrs. Louise Coleman: Absent, Wendy Collins: Present, Randy Harlan: Present, Mr. Paul Hudson: Present, Glen Moore: Present, Mr. Jim Rivers: Absent, Mr. Richard Spurling: Present.

1. **Prayer**
2. **Pledge**
3. **"Good News" - Distance Learning Course Offerings - 2nd Semester; E-rate support for network upgrades; "Save the Children" Program for Sunbright School.**
4. **Agenda**
5. **MCEA**
6. **Audience Participation**
7. **Consent Agenda**
 - A. Approval of Minutes-Regular Meeting of Dec. 7, 2010
 - B. Workshop - Monday, Jan. 31, 2011 6:30 p.m. @ Central High School
 - C. Regular Board Meeting-February 7, 2011, 6:30 p.m. @ Central Office
8. **Budget Amendments**
9. **Update - Maintenance and Transportation Facility (Discussion of Renovation Plans)**
10. **Discussion and Approval of Job Classification and Compensation Study**
11. **Discussion of 2011-12 Budget Preparation Timeline**
12. **Policy Revisions-Administrative Procedures**
 - A. Policy for Sick Leave Bank for Support Staff (2nd Reading)
 - B. TSBA Policy Packet-Section III-Support Services
 - C. District Organizational Chart-Draft 2
 - D. Positive Behavior Support - 2nd Reading
 - E. Policy 1.703 - School Attendance Areas (Discussion of Bus Routes-Petit Lane and Adjoining Roads)
 - F. GCRI - Support Personnel Longevity Pay (Administrative Procedures)
13. **Director's Performance Contract Report/Announcements**
 - A. Monthly Financial Report
 - B. Review of District Report Card (Release date changed to mid-January, 2011)
 - C. School Board Appreciation Week (Jan. 23-29, 2011)
 - D. TSBA Day on the Hill - Feb. 22 (Sheraton Nashville Downtown)
14. **Adjourn**
 - A. Workshop - Monday, January 31, 2011, 6:30 p.m. @ Central High School
 - B. Regular Board Meeting - February 7, 2011, 6:30 p.m. @ Central Office

Rural Literacy opportunity @ Sunbright Elementary

Etta Crittenden [Etta.Crittenden@tn.gov]

Sent: Wednesday, December 15, 2010 1:54 PM

To: Edd Diden; shannon@mcsmail.net

Dear Administrator:

Your school has been selected as a site for receiving the Save the Children program as part of the Rural Literacy initiative within the First to the Top grant in Tennessee. We feel this program would greatly support your students as they progress in reading and literacy.

The implementation of this program would involve funds being available for hiring a literacy coordinator to serve in your school for 110 days, along with the Accelerated Reader program which includes assessments for supporting reading instruction. Daily classroom support, afterschool programs, and summer sessions are involved in this wonderful program. These funds will be available throughout the grant period.

There will also be professional development provided designed to fit the needs of your school, along with the support of Save the Children staff located in your region of the state. There are 13 other sites located in rural Tennessee, with some located in your area.

I would encourage you to visit the Save the Children web site at www.savethechildren.org and/or call other schools where the program is being implemented. I believe you will find teachers and administrators who are very supportive and encouraged with the benefits they observe as the children are given the extra support they need to become successful readers.

If you have any questions, please feel free to call me at 615-253-6027 or email me at Etta.Crittenden@tn.gov. I will be glad to discuss this program with you. We want to get these programs implemented in mid-January. To be sure we can accomplish that goal I need to hear from you by December 17 to know if you are interested. I know this is quick turnaround time, but I would appreciate your answer as soon as possible. A phone call or email will suffice. I will then get the process started as soon as I hear from you.

Have a wonderful week and holiday season!

Sincerely,

Etta

Etta M. Crittenden
Director of Early Elementary Instruction
State of Tennessee
Department of Education
710 James Robertson Parkway
Andrew Johnson Tower, 9th Floor

MORGAN COUNTY BOARD OF EDUCATION

Suspension/Dismissal of Non-Certified Employees

Descriptor Code:
GCK

Issued Date:

09/01/00

SUSPENSION

A director of schools/designee may suspend an employee at any time when deemed necessary.¹ Before an employee is suspended s/he shall be: (1) provided with reasons for the suspension; (2) given an opportunity to respond³; and (3) given a written decision of the suspension.

Under no circumstances shall a director of schools suspend an employee with pay. If reinstated, the employee shall be paid full salary for the period of suspension,² unless suspension without pay is deemed to be an appropriate penalty.

DISMISSAL

The director of schools may dismiss any non-certified employee during the contract year for incompetence, inefficiency, insubordination, improper conduct or neglect of duty.

The director of schools may either choose to provide the employee with a hearing or give the employee the opportunity for a hearing before the Personnel Hearing Authority. Requests for hearings must be filed in writing within ten (10) days of notification.

PERSONNEL HEARING AUTHORITY

The Board will appoint a Personnel Hearing Authority to conduct such hearings. The Authority (PHA) shall consist of 3 members, (maximum number must not exceed total membership of Board). Members of the Personnel Hearing Authority shall be appointed for staggered terms so that one-third of the membership is reappointed at the yearly organizational meeting of the Board. Board members shall not serve as members of the Personnel Hearing Authority. Employees of the school system may serve as members but a member shall not hear a case in which his/her relationship with the employee involved might influence the decision. All members of the PHA shall participate in training sessions for dismissal procedures.

The director of schools will designate a chairman of the PHA who shall perform the following duties:

1. Identify the members of the PHA assigned to hear each individual case;
2. Preside at the hearing;
3. Prepare the disseminate the minutes of each meeting;
4. Set the time, place and date for each hearing;
5. Notify appropriate persons of each meeting within forty-eight (48) hours of receiving notification of the request for a hearing;
6. Sign copy of minutes of meeting; and
7. Prepare a written report of findings to submit to the director of schools

Each hearing shall be conducted by at least three (3) members of the PHA. The hearing will:

1. Allow the employee reasonable time and opportunity for defense;

2. Allow the employee the right to cross examine witnesses; and
Suspension/Dismissal of Non-Certified Employees, GCK, (Cont'd)

3. Allow the employee to be represented by counsel.

The Personnel Hearing Authority shall hear the evidence and base its findings and conclusions solely on the evidence presented at the hearing. After the hearing, the PHA shall prepare written findings. The PHA shall provide these written findings to the director of schools who shall review them and make a decision on the case.

The director of schools shall provide written notification of his/her decision to the employee within 10 days.

Legal References:

1. TCA 49-2-301 (f)(31)
2. TCA 49-5-511
3. TCA 49-5-511 through 513; TCA 49-2-301; *Cleveland Board of Education v. Loudermill*, 105 S. Ct. 1487 (1985)

MORGAN COUNTY SCHOOLS
Wartburg, Tennessee
MORGAN COUNTY BOARD OF EDUCATION
REGULAR MEETING – December 7, 2010
Conference Room – Central Office
6:30 p.m.

MEMBERS PRESENT: Terry Armes, Randy Harlan, Glen Moore, Richard Spurling, Wendy Collins, Paul Hudson

1. Prayer

2. Pledge

3. "Good News" – Mr. Mitchell Heidel, Director, MCCTC

4. Agenda

Motion was made by Randy Harlan and seconded by Glen Moore to adopt agenda as presented.

Motion carried

5. MCEA

6. Audience Participation

7. Consent Agenda

7.a. Approval of Minutes–Regular Meeting November 1, 2010

7.b. Workshop – Thursday, December 16, 2010 6:30 p.m. @ Central Office

7.c. Regular Board Meeting–January 3, 2011, 6:30 p.m. @ Central Office

7.d. Coalfield Cheerleader Trip to Capitol One Bowl

7.e. International Trip–Sunbright Spanish Trip to Puerto Rico–Spring Break, 2012

7.f. Central Middle School trip to Biltmore Estate

7.g. Approval of Special Courses–Distance Learning

Motion was made by Glen Moore and seconded by Wendy Collins to approve the consent agenda.

Motion carried

8. Budget Amendments – Correction #13, (57-72)

Motion was made by Randy Harlan and seconded by Wendy Collins to approve the budget amendments as presented.

Motion carried

Roll Call

Terry Armes	Yes
Glen Moore	Yes
Randy Harlan	Yes
Wendy Collins	Yes
Richard Spurling	Yes
Paul Hudson	Yes

Morgan County Board of Education
General Purpose Fund – 141
21st CCLC
December 7, 2010

Budget Amendment #13 Corrected

Debit		
141-39000	Fund Balance	\$30,019.63
Credit		
141-72210-163-7017	Educations Assistants	\$10,000.00
141-72210-355-7017	Travel	\$700.00
141-71100-429-7017	Instructional Supplies	\$6,439.00
141-71100-599-7017	Other Charges	\$6,440.00
141-72130-599-7017	Other Charges	\$6,440.63

Explanation:

This budget amendment will be necessary to implement the "21st Century" program.

**Morgan County Board of Education
G.P.
December 7, 2010
Budget Amendment #57**

Debit:		
141-44170	(Revenue)	\$29,016.00
Credit:		
141-72210-790	(Equipment)	\$29,016.00

Explanation:

E-Rate reimbursement from Highland Telephone Company.

**Morgan County Board of Education
G.P.
December 7, 2010
Budget Amendment #58**

Debit:		
141-44170	(Revenue)	\$1,000.00
Credit:		
141-71300-116	(Teachers)	\$1,000.00

Explanation:

Funds received from ARC Grant. Adjusted budget will allow payment of classroom instruction in solar & wind alternative energy.

**Morgan County Board of Education
G.P.
December 7, 2010
Budget Amendment #59**

Debit:		
141-47143	(Revenue)	\$3,513.41
Credit:		
141-71200-399	(Other Contracted Services)	\$3,513.41

Explanation:

These additional state funds are reimbursement of high cost expenditures for Special Education students.

Morgan County Board of Education

G.P.

December 7, 2010

Budget Amendment #60

Debit:
141-44170 (Miscellaneous Refunds) \$159.50

Credit:
141-72710-453 (Vehicle Parts) \$159.50

Explanation:

These funds are a reimbursement from Blue Bird Company for parts and labor.

Morgan County Board of Education

G.P.

December 7, 2010

Budget Amendment #61

Debit:
141-44146 (E-Rate Funding) \$5,428.80

Credit:
141-72210-790 (Other Equipment) \$5,428.80

Explanation:

E-rate reimbursement from AT&T.

Morgan County Board of Education

G.P.

December 7, 2010

Budget Amendment #62

Debit:
141-44530 (Sale of Equipment) \$1,750.00

Credit:
141-72710-453 (Vehicle Parts) \$1,750.00

Explanation:

Additional revenue from sale of tires.

Morgan County Board of Education

G.P.

December 7, 2010

Budget Amendment #63

Debit:
141-71100-116 (Teachers) \$12,086.55

Credit:		
141-71100-188	(Bonus)	\$10,500.00
141-71100-201	(Social Security)	\$651.00
141-71100-204	(Retirement)	\$783.30
141-71100-212	(Medicare)	\$152.25
	Total:	\$12,086.55

Explanation:

Budget adjustment needed to allow Central Office employees to receive bonus.

**Morgan County Board of Education
First To The Top
December 7, 2010
Budget Amendment #64**

Debit:

142-72210-308-581-650	Consultants	\$6,540.00
142-72210-599-581-650	Other Charges	\$460.00
142-72210-212-581-650	Employer Medicare	\$100.00
142-72210-189-581-650	Other Salaries	\$1,981.00
		<hr/>
		\$9,081.00

Credit:

142-71100-116-581-650	Teachers	\$9,081.00
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Correcting amount allotted for teacher salaries.

**Morgan County Board of Education
First To The Top
December 7, 2010
Budget Amendment #65**

Debit :

142-72210-189-581-560	Other Salaries	\$563.00
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Credit:

142-71100-201-581-650	Social Security	\$563.00
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Correcting amount allotted for teacher benefits.

**Morgan County Board of Education
First To The Top
December 7, 2010
Budget Amendment #66**

Debit:

142-72210-189-581-650	Other Salaries	\$822.00
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Credit:

142-71100-204-581-650	Retirement	\$822.00
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Correcting amount allotted for teacher benefits.

**Morgan County Board of Education
First To The Top
December 7, 2010
Budget Amendment #67**

Debit:
142-72210-189-581-650 Other Salaries \$131.00

Credit:
142-71100-212-581-650 Employer Medicare \$131.00

Correcting amount allotted for teacher benefits.

**Morgan County Board of Education
First To The Top
December 7, 2010
Budget Amendment #68**

Debit:
142-72210-201-581-650 Social Security \$1,977.00
142-72210-195-581-650 Certified Sub \$575.00
142-72210-189-581-650 Other Salaries \$1,503.00

Credit:
142-72210-204-581-650 Retirement \$4,055.00

Correcting amount allotted for teacher benefits.

**Morgan County Board of Education
First To The Top
December 7, 2010
Budget Amendment #69**

Debit:
142-72210-599-581-650 Other Charges \$1,000.00

Credit:
142-72210-524-581-650 In-service \$1,000.00

Increase amount to be used for staff development.

**Morgan County Board of Education
First To The Top
December 7, 2010
Budget Amendment #70**

Debit:
142-72210-189-581-650 Other Salaries \$5,000.00

Credit:
142-72210-790-581-650 Other Equipment \$5,000.00

Increase amount to be used for equipment.

**Morgan County Board of Education
Federal - Education Jobs Program
December 7, 2010
Budget Amendment #71**

Debit:

142-47590-551	(Revenue)	\$939,356.00
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Credit:

142-71100-188-551	(Bonus)	\$236,000.00
142-71100-163-551	(Teacher Assistant)	\$87,000.00
142-71100-116-551	(Teachers)	\$381,803.00
142-71100-188-551-RET	(Retirement Incentive)	\$100,000.00
142-71100-201-551	(Social Security)	\$49,898.00
142-71100-204-551	(Retirement)	\$70,485.00
142-71100-210-551	(Unemployment Comp)	\$2,500.00
142-71100-212-551	(Medicare)	<u>\$11,670.00</u>
	Total:	\$939,356.00

**Morgan County Board of Education
G.P.
December 7, 2010
Budget Amendment #72**

Debit:

141-44170	(Miscellaneous Refunds)	\$6,000.00
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Credit:

141-72110-599	(Other Charges)	\$6,000.00
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Explanation:

Additional revenue from the Ford Drive One 4 UR School to be distributed to 4 high schools.

9. Approval of Teachers Recommended for Tenure (Policy GBL)

Motion was made by Randy Harlan and seconded by Glen Moore to approve tenure for Margie Branstetter, Rodney Ellison, and Julie Parham, as recommended by the director.

Motion carried

10. Update on Proposed CTE Networking Program -(January, 2010)

Motion was made by Paul Hudson and seconded by Randy Harlan to approve a new CTE teaching position at MCCTC four Networking program.

Motion carried

11. Maintenance and Transportation Facility-Revision of Plan

Referred to Special Called Workshop December 9, 2010

12. Discussion and approval of 2011-12 Calendar

Motion was made by Wendy Collins and seconded by Paul Hudson to adopt the 2011-12 school calendar.

Motion carried

13. Approval Development of Grant Proposals

13.a. Safety Grant-Signals at intersection Liberty Rd & Hwy 62

13.b. \$10,000 grant opportunity from General Mills "Champions for Healthy Kids"

Motion was made by Randy Harlan and seconded by Glen Moore to grant permission to apply for Champions for Healthy Kids grant.

Motion carried

14. Evaluation and Decision-Bids for Exterminating Services

Motion was made by Glen Moore and seconded by Randy Harlan to grant Jerry's Exterminating, P. O. Box 1010, Harriman, TN 37748 the pest control services contract for school buildings and food service areas. The annual cost will be \$5,700 for school buildings and \$4,200 for food service areas.

Motion carried

15. Price quote for Sunbright Awnings

Referred to March board meeting.

16. Education Jobs Program (\$939,356)-Updates; Revised Plan for Expenditure of Funds (Budget Amendment #71)

Discussion: Ronnie Wilson informed the Board he has been working with the sheriff's office and city police to draft a Memorandum of Understanding to provide the school system with three additional SRO officers beginning in January and continuing through the 2011-12 school year.

17. Discussion and Approval of Job Classification and Compensation Study

Referred to January Board meeting.

18. Draft Bid Specifications for Mowing Contract(s)

Referred to January Board meeting.

19. Policy Revisions-Administrative Procedures

19.a. Policy for Sick Leave Bank for Support Staff (1st Reading)

Motion was made by Randy Harlan and seconded by Richard Spurling to pass a policy for sick leave bank for support staff on 1st reading.

Motion carried

19.b. TSBA Policy Packet-Section III-Support Services

Referred to Special Called Workshop

19.c. District Organizational Chart-Draft 2

Referred to January Board Meeting

19.d. Positive Behavior Support-1st Reading

Motion was made by Randy Harlan and seconded by Wendy Collins to pass policy on 1st reading for the positive behavior support program being piloted at Petros Joyner and Central Middle schools.

Motion carried

19.e. Policy 1.703 - School Attendance Areas (Discussion of Bus Routes-Petit Lane and Adjoining Roads)

Referred to Special Called Workshop

19.f. Discussion of current administrative practices-Bonus for bus drivers, Longevity Pay

Motion was made by Randy Harlan and seconded by Paul Hudson to discontinue the bus driver bonus program.

Motion carried

Discussion: Longevity pay will be looked at and referred to next workshop.

20. Director's Performance Contract Report/Announcements

20.a. Monthly Financial Report

20.b. First to the Top Report-Revised Plan (Budget Amendments)

20.c. Review of District Report Card (Tentative release date - Dec. 17th) -
Elementary Data Analysis Matrix for District and Schools

20.d. TSBA Day on the Hill (TBD)

21. Adjourn

21.a. Thursday, Dec. 9, 2010 - 6:00pm - Facility Planning Committee (Maintenance
& Transportation Bldg) 7:00pm -School Board Policy Workshop (Central Office)

21.b. Workshop - Thursday, December 16, 2010, 6:30 p.m. @ Central Office

21.c. Regular Board Meeting-January 3, 2011, 6:30 p.m. @ Central Office

Motion was made by Randy Harlan and seconded by Glen Moore to adjourn meeting at
7:03 p.m.

Motion carried

Chairperson

Superintendent

**Morgan County Board of Education
G.P.
January 3, 2010
Budget Amendment #73**

Debit:		
141-44146	(E-Rate Funding)	\$937.17
Credit:		
141-72210-790	(Other Equipment)	\$937.17

Explanation:

E-rate reimbursement from Verizon Wireless

Edward L. Diden, Director of Schools

Date

Terry Armes, Board Chairman

Date

**Morgan County Board of Education
G.P.
January 3, 2010
Budget Amendment #74**

Debit:		
141-44146	(E-Rate Funding)	\$15,504.89
Credit:		
141-72210-790	(Other Equipment)	\$15,504.89

Explanation:

E-rate reimbursement from AT&T.

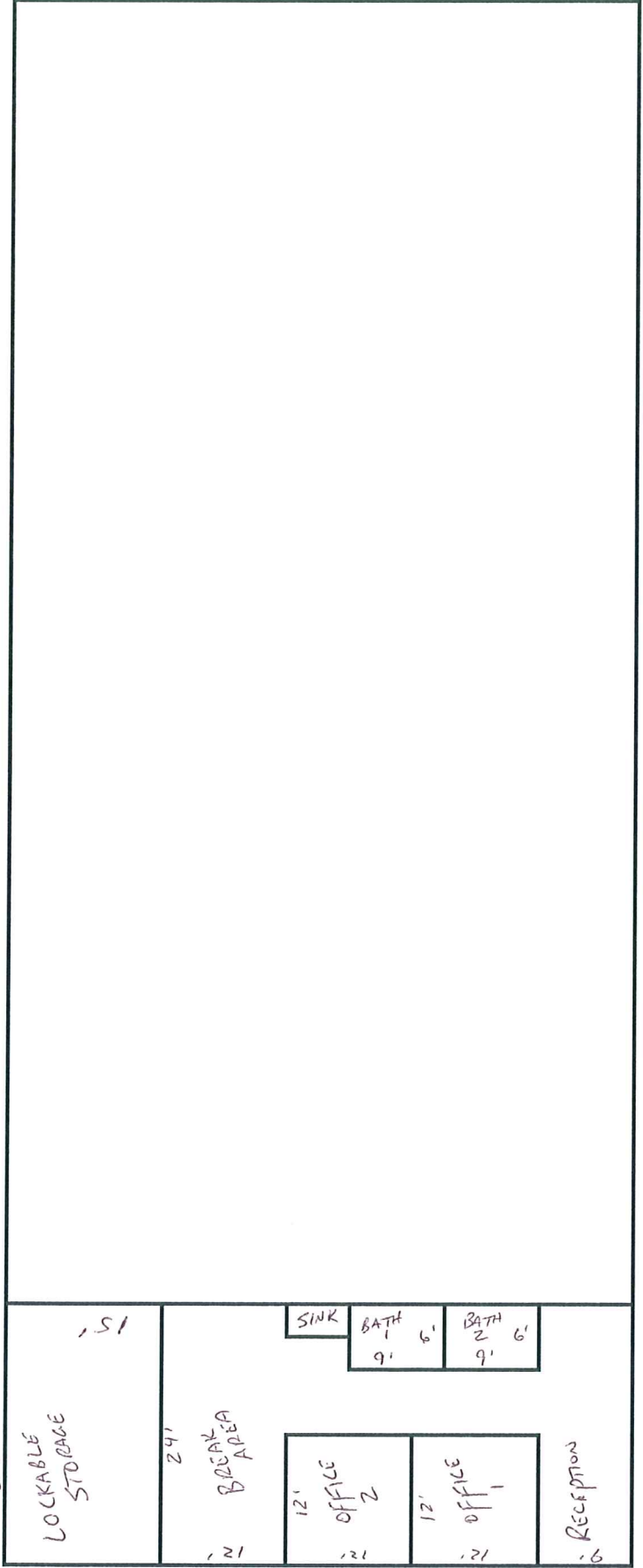
Edward L. Diden, Director of Schools

Date

Terry Armes, Board Chairman

Date

24'



LOCKABLE STORAGE
51

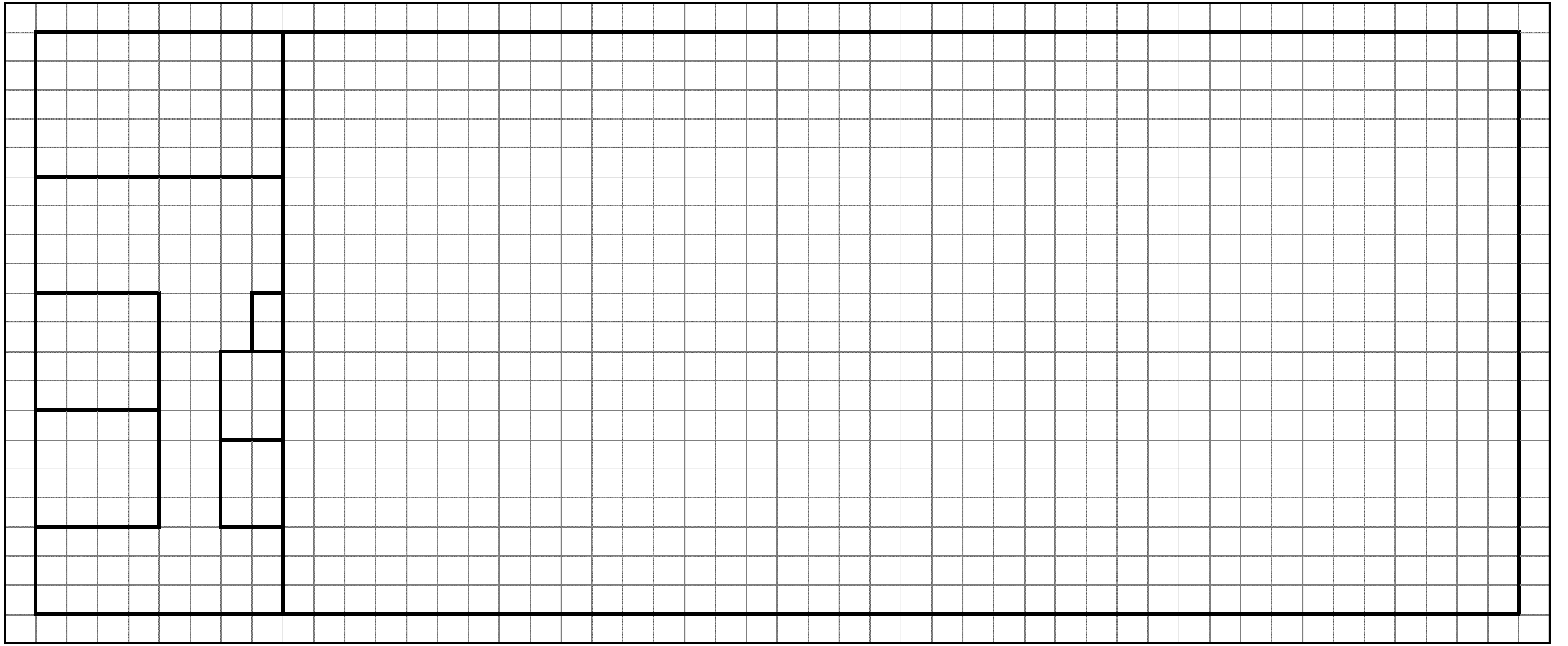
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BREAK AREA
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12'
OFFICE
2
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12'
OFFICE
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RECEPTION
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MORGAN COUNTY BOARD OF EDUCATION

Annual Operating Budget

Descriptor Code:
DC

Issued Date:
8-2-99

The school system budgets are the operational plans stated in financial terms which describe the programs to be conducted during the fiscal year beginning July 1 ending June 30 the following year.

PREPARATION PROCEDURES

Budget planning shall include an analysis of previous staffing, curriculum and facilities, and projections requiring additional staffing, curriculum modifications, and additional facilities.

The budget proposal should be balanced, consistent with Board policy and contract conditions, to include provisions for:

- Programs to meet the needs of the entire student body
- Staffing arrangements adequate for proposed programs
- Maintenance of the district's equipment and facilities
- Efficiency and economy¹

Budget preparation shall be the responsibility of the director of schools. The director of schools will establish procedures for the involvement of staff, including requests from department heads and principals, all of whom shall seek advice and suggestions from other staff and faculty members.

The director of schools and the chairman of the Board shall develop a budget preparation calendar no later than January 1 of the current school year. The calendar shall be used as a guide for coordinating the budgetary activities of individuals and groups, collecting budget data, reviewing budget problems, and making budget decisions.

HEARING AND REVIEWS

The proposed budget will be available for inspection by various interested citizens or groups in the office of the director of schools.

FINAL ADOPTION PROCEDURE

The Board shall adopt a budget and submit it to the County Commission no later than forty-five (45) days prior to the actual date the budget is to be adopted by the county commissioners.²

The director of schools shall file with the Commissioner of Education a copy of the budget within ten (10) days after its adoption.³

Legal References:

1. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-19
2. TCA 6-36-110, TCA 49-2-203(a)(11)
3. TCA 49-2-301(f)(26); TRR/MS 0520-1-2-.13(2)(a)

**MORGAN COUNTY SCHOOLS
ESP SICK LEAVE BANK DONATION**

Name _____
(First) (Middle) (Last)

Address _____
(Street) (City/State) (Zip)

Social Security Number _____ Home Phone _____

School _____ Department _____ Work Phone _____

DONATION

Donations shall be made during the months of August, September, or October.* The number of days to be donated shall be prescribed by the Committee of Trustees. Donations are non-refundable and non-transferable.

As a staff employee of the Morgan County Schools staff, I donate two of my Sick Leave days to the ESP Sick Leave Bank. I relieve the Morgan County Board of Education, Morgan County Education Association and the Board of Trustees, individually and collectively, from any liability as a result of action by the committee.

Signature of Employee Date

*Charter members will be accessed the 2 days in January 2011. Forms must be completed by December 19, 2010 to enroll this school year. In the future the window of August, September and October will be applicable.

Morgan County Schools Policy

Sick Leave Bank for Education Support Personnel

PURPOSE:

The purpose of the Sick Leave Bank is to provide sick leave to contributors to the bank who have suffered a personal illness, injury, disability, or quarantine and whose personal sick leave, or any other applicable paid leave, has been exhausted.

SICK LEAVE BANK COMMITTEE:

The ESP Sick Leave Bank shall be administered by a Committee of Trustees in accordance with the provisions and procedures outlined below. The committee shall be composed of five (5) members: one (1) member appointed by the School Board from its membership; two (2) members appointed by the Association from its ESP membership; the President of MCEA or his/her designee; and the director of schools, or his designee, who shall chair the Committee. The Committee shall be appointed in compliance with the policies of the Morgan County School Board.

MEMBERSHIP:

Persons entitled to sick leave under Morgan County School Board policy can become members of the bank by donating two (2) days of accumulated sick leave.

RULES:

1. Any ESP employee shall be eligible to participate in the ESP Sick Leave Bank; however, a minimum participation of fifty (50) members shall be required to establish the Bank.
2. Any support personnel who elects to participate in the bank shall initially have two (2) days of sick leave deducted from his/her personal accumulation and deposited to the ESP Sick Leave Bank. Such employees electing to participate shall do so only during the months of August, September, or October of any year. Donations of sick leave to the Bank are nonrefundable and nontransferable unless the Bank is dissolved. New employees may contribute within the first thirty (30) days after their effective employment. Applications must be received by the business office of the Morgan County School System within fifteen (15) days of the end of the enrollment window.
3. If at any time the number of days in the Sick Leave Bank is less than fifty (50) or one (1) per member if there are more than fifty (50) members, or at any time deemed advisable, the committee shall assess each member one (1) or more days of accumulated sick leave. If a member has no accumulated sick leave at the time of assessment, the first earned days shall be donated as they are accrued by the employee.
4. By written notice to the Trustees, a member may withdraw from Bank participation effective June 30, next. Membership withdrawal shall result in forfeiture of all days contributed.
5. Members of the ESP Sick Leave Bank shall be eligible to make application to the Bank for sick leave only after being a member of the Bank for thirty (30) calendar days.
6. A participant shall not receive any sick leave from the Bank until after having exhausted all accumulated paid leave, including all paid Board extensions, and then only after satisfying a five (5) working day waiting period. (This would be five (5) days of work time without pay prior to receiving any days from the bank.)
7. Leave grants from the Bank, recommended by the Board of Trustees, shall be in units of no more than twenty (20) consecutive pay days for the individual applicant. Applicants may submit requests for extensions before or after their prior grants expire; the maximum number of days any participant may receive in any fiscal year is sixty (40). The maximum number of days any

Morgan County Schools Policy

Sick Leave Bank for Education Support Personnel

participant may receive as a result of any one or recurring diagnosed illness or accident is ninety (90) days. Days from the Bank may not be utilized for those days when an employee would not receive pay. The Trustees may establish regulations restricting the number of days which may be drawn from the Bank by one (1) member on account of one (1) illness, particularly any known illness existing at the time the employee elected to participate in the Bank.

8. In the event a member is physically or mentally unable to make a request to the Sick Leave Bank for use of sick leave days, a family member or agent may file the request.

9. Sick leave granted a member from the Bank need not be repaid by the individual except as all members are uniformly assessed.

10. Grants of sick leave from the Bank shall not be made to any member on account of any elective surgery, or illness of any member of the participant's family, or for any period the member is receiving disability benefits from social security or the state or local retirement plan, or under the Workers' Compensation Law, or earned income from any other employer or contractor. Grants given in excess of allowable circumstances will be refunded by the bank member who received the excess benefits.

11. A member shall lose the right to obtain the benefits of the Sick Leave Bank by:

- (a) resignation or termination of employment;
- (b) cancellation of participation which is effective on June 30, next;
- (c) being on approved leave of absence with the exception of personal illness or disability leave;
- (d) or retirement.

12. All actions of the Trustees shall require three (3) affirmative votes and shall be final and binding.

PROCEDURES:

1. Contributions to the Bank must be made on the form prescribed by the Committee of Trustees.

2. Each member must sign an enrollment card stating that he/she is aware of the provisions of the Bank and relieve the Board of Education and/or Morgan County Education Association from any liability as a result of action by the Committee.

3. All requests to draw from the Bank must be made on a Sick Leave Bank Request Form and submitted to the Committee of Trustees within thirty (30) days of the first dates bank usage is requested. In extreme and unusual cases, exceptions may be approved.

4. All requests to draw from the Bank must be accompanied by a physician's statement on the approved form confirming the cause of illness or injury and must be signed by the physician. An applicant may be required to undergo at his/her expense a medical review by a physician approved by the Committee.

5. Notice will be made to the payroll department only of approved actions. Payroll will take no action in anticipation of the approval during the period of processing and payment will be started on the next regularly scheduled payroll for the individual.

6. The Committee shall maintain the record of all contributions, withdrawals, and the status of the Bank. Records of the Bank will be subject to annual audit as the school system is audited.

7. If a member does not use all days advanced from the Bank, the unused days will be returned to the Bank.

8. All days collectively contributed to the Bank and not used in any one fiscal year, shall be carried over to the next fiscal year.

9. Application forms for the Bank may be obtained through the Board at each work location.

Morgan County Board of Education
Policy Review Changes – Section 3 Support Services
January 3, 2010

A number of policies moved to other sections, namely **EBHA (which was moved to section 4) and EBHAC (which was added to section 2)**.

Policies EH and EHE were removed as redundant because the TLN representative is now covered in Section 1 under the election of officers.

Remove **Policies EBHAB and EI from the policy manual**. These policies will be more appropriately handled as administrative procedures.

3.206 – Community Use of School Facilities. Change Item #8; line 21-22 by deleting “and Civil Defense,” and replacing with “other Emergency Management Agencies.”

3.602 – Worker’s Compensation. Addition for lines 18-19 as follows:
“Workers’ compensation benefits pay two thirds (2/3) of employee’s salary. Sick days may be applied (1/3) per day permitting the daily rate of pay to remain the same.”

3 - SUPPORT SERVICES

Descriptor Code	Policy Title	Issued Date
3.100	Business Management Goals	00/00/00
Facilities Management		
3.200	Buildings and Grounds Management	00/00/00
3.201	Safety	00/00/00
3.202	Emergency Preparedness Plan	00/00/00
3.203	Crisis Management	00/00/00
3.205	Security	00/00/00
3.206	Community Use of School Facilities	00/00/00
3.207	Facility Expansion	00/00/00
3.208	Facilities Planning	00/00/00
3.209	Estimating Facility Cost	00/00/00
3.210	Naming Schools and Facilities	00/00/00
3.211	Project Planning	00/00/00
3.212	Involvement of Architects	00/00/00
3.213	Educational Specifications	00/00/00
3.214	Project Financing	00/00/00
3.215	Board Inspection and Acceptance	00/00/00
3.216	Retirement of Facilities	00/00/00
Equipment and Supplies Management		
3.300	Equipment and Supplies Management	00/00/00
3.3001	Use of Cellular Phones	00/00/00
3.301	Leasing and Renting	00/00/00
Transportation Management		
3.400	Student Transportation Management	00/00/00
3.401	Scheduling and Routing	00/00/00
3.402	Special Use of School Vehicles	00/00/00
3.403	Traffic and Parking Controls	00/00/00
3.404	Private Vehicles	00/00/00

Food Service Management

3.500	Food Service Management	00/00/00
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Insurance Management

3.600	Insurance Management	00/00/00
3.601	Student Insurance Program	00/00/00
3.602	Workers' Compensation	00/00/00

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Business Management Goals	Descriptor Code: 3.100	Issued Date:
		Rescinds:	Issued:

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The Board establishes these general goals for the conduct of its management program:

1. To develop a plan for the management of buildings and grounds which provides a safe, secure, comfortable, and clean environment for instruction and administration;
2. To provide a building maintenance program which protects the taxpayer's investment in facilities and ensures their continued use;
3. To provide sufficient supplies and equipment for effective teaching and learning;
4. To provide a student transportation system which meets state requirements;
5. To design and implement a program of food services which emphasizes nutritional needs of children as the basis of growth and development of bodies and minds;
6. To collect and maintain data pertinent to educational planning; and
7. To provide a sound program of insurance protection for system employees, students, and property.

Cross Reference:
School District Goals 1.700

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.100

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

The developed sample provides a reference for the Board and for administrative staff.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Buildings and Grounds Management	Descriptor Code: 3.200	Issued Date:
		Rescinds:	Issued:

1 All school properties shall be maintained in good physical condition: safe, clean, sanitary, and as com-
2 fortable and convenient as the facilities will permit or the use requires.

3
4 The director of schools shall develop and implement a continuing program of maintenance of all
5 district-owned buildings and grounds which shall provide for the following:

- 6
7 1. Adequate custodial programs for all schools;
- 8
9 2. Improvement and maintenance of school buildings and grounds;
- 10
11 3. Repairs, including repairs of equipment, and painting; and
- 12
13 4. Determination of obsolete equipment.

14
15 The following are responsibilities of building principals:

- 16
17 1. To oversee the operation of the school plant and require that personnel assigned to the building
18 keep it in a clean, healthful, and pleasant condition;
 - 19
20 2. To make continuing checks for hazardous conditions, including safety and operation of equip-
21 ment, and prevention of hazardous situations caused by carelessness; and
 - 22
23 3. To request, on a timely basis, appropriate maintenance and repairs through appropriate chan-
24 nels.
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.200

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

- | | |
|---|------------------------|
| X | Developed Sample |
| | District policy used |
| | Customize as indicated |
| | MANDATED BY LAW |

Large empty area for additional information or comments.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Safety	Descriptor Code: 3.201	Issued Date:
		Rescinds: EBB	Issued: 06/06/1994

1 Within board policy, the principal shall develop procedures for keeping school facilities safe and free
2 from hazards.

3
4 All staff members shall report current and potential hazards to their immediate supervisors.

5
6 Each principal is responsible for seeing that the practice of safety is a part of the instructional program
7 of the school and that it is appropriately geared to students at different grade levels.¹

8
9 The program shall include:

- 10
11 1. Fire prevention
12 2. Accident prevention
13 3. Warning systems
14 4. Emergency drills (Fire, severe weather, earthquake, and bomb threat)
15 5. Emergency closings
16 6. Traffic safety
17 7. Traffic and parking controls
18 8. Safety inspections
19 9. First aid
20 10. A disaster preparedness plan for a nuclear or other major emergency.

21
22 Only students assigned to the school, the staff of the school, parents of students, and other persons with
23 lawful and valid business on the school premises shall enter onto the grounds or into the buildings of
24 the schools during the hours of student instruction. All staff members shall report all persons appearing
25 to be improperly on school premises to the principal.²

26
27 The principal shall secure assistance from law enforcement officials when he deems it necessary in order
28 to maintain order or security during the school day or during extracurricular activities at school.

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34 Legal References:

- 35 1. TCA 49-6-1003
36 2. TCA 49-6-2008

37 _____
38 Cross References:

- 39 Visitors to the School 1.501
40 Care of School Property 6.311
41

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.201	<i>District Sources Consulted:</i>
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Policy Recommendations:	<i>Editor's Comments:</i> The district policy is essentially identical to the TSBA sample.
<input type="checkbox"/> Developed Sample	
<input checked="" type="checkbox"/> District policy used	
<input type="checkbox"/> Customize as indicated	
MANDATED BY LAW	

LEGAL REFERENCE:

TCA 49-6-1003. Safety instruction—Bicycle safety curriculum. — (a) Whenever any state funds are used in any of the public schools of the state, it is the duty of the principal of the school or schools, including all subprincipals and teachers therein, to instruct pupils in the art of safety against injury on the public thoroughfares, highways and streets of the state, and other places where the students may come in contact with, or be in danger of bodily injury, for at least fifteen (15) minutes in each week during the time the school is in session.

TCA 49-6-2008. Persons improperly on school premises—Assault upon educational personnel. —

- (a) In order to maintain the conditions and atmosphere suitable for learning, no person shall enter onto school buses, or during school hours, enter the grounds or into the buildings of any school except students assigned to that school, the staff of the school, parents of students, and other persons with lawful and valid business on the bus or school premises.
- (b) Any person improperly on the premises of a school shall depart on the request of the school principal or other authorized person.
- (c) A violation of subsection (a) is a Class A misdemeanor.
- (d) In addition to any criminal penalty provided by law, there is created a civil cause of action for an intentional assault upon educational personnel by any person during school hours or during school functions, if the parties are on school grounds or in vehicles owned, leased, or under contract by the local education agency and used for transporting students or faculty. A person who commits such assault shall be liable to the victim for all damages resulting therefrom, including compensatory and punitive damages. Upon prevailing, a victim shall be entitled to three (3) times the amount of the actual damages and shall be entitled to reasonable attorney fees and costs.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Emergency Preparedness Plan	Descriptor Code: 3.202	Issued Date:
		Rescinds: EBBC	Issued: 04/02/2007

1 The director of schools shall be responsible for developing, maintaining and acquiring Board approval
 2 of the district Emergency Preparedness Plan,¹ which shall include procedures for cases of nuclear or
 3 bomb threat, civil disturbance, earthquake, fire, tornado or other severe weather, and medical emergen-
 4 cies, such as pandemic flu outbreak.

5
 6 Emergency preparedness drills will be developed and implemented by each principal, with approval of
 7 the director of schools, and when appropriate, be held in conjunction with emergency response agencies.
 8 These procedures shall be in written form and distributed to all staff, students and parents.

9
 10 The principal shall be responsible for ensuring that a sufficient number of drills is conducted in order to
 11 give instruction and practice in proper actions by staff and students. One fire drill requiring full evacu-
 12 ation shall be given every month during the school year, with an additional fire drill to be conducted
 13 within the first thirty (30) days of operation. Three (3) additional safety drills shall be given during the
 14 school year. These drills may include inclement weather, earthquake, intruder or other emergency drills
 15 that do not require full evacuation.²

16
 17 In the event of any threats to safety, students will be retained at school when less than one hour of warn-
 18 ing time is given, unless parents or persons authorized by the parents pick up their children.

19
 20 The principal shall regularly check the quantity, locations, and conditions of fire extinguishers and shall
 21 give all school personnel instructions in the proper use of them in their building.

22
 23 **MEDICAL EMERGENCIES/PANDEMIC FLU**

24
 25 In the event of medical emergencies, such as a pandemic flu outbreak, school officials shall cooperate and
 26 consult with the local and state health departments and other local emergency or healthcare providers in
 27 protecting students and the community from further infection. The director of schools shall develop pro-
 28 cedures for health emergencies using as reference the state's 2006 Pandemic Influenza Response Plan.³

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 35 Legal Reference:

- 36 1. TRR/MS 0520-1-3-.03(17)
- 37 2. TCA 68-102-137 (b) (f)
- 38 3. Tennessee Department of Health Pandemic Influenza Response Plan
- 39 <http://www2.state.tn.us/health/CEDS/pandemic.htm>

Cross Reference:

- Emergency Closings 1.8011
- Community Use of School Facilities 3.206

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.202

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

The district policy is essentially identical to the TSBA sample.

Developed Sample

X District policy used

Customize as indicated

MANDATED BY LAW

LEGAL REFERENCE:

TRR/MS 0520-1-3-.03(17) Emergency Preparedness Plans.

- (a) Each local school system shall have a disaster preparedness plan to include, but not be limited to, fire, tornado, earthquake, flood, bomb threat, and armed intrusion.
- (b) Each school shall practice emergency safety procedures.

TCA 68-102-137. Public and private schools — Institutions — Fire drills — Doors to be kept unlocked. — (b) Fire drills requiring full evacuation shall be held at least once a month during the school year, with an additional fire drill to be conducted within the first thirty (30) days of operation.
 (f) In addition to the fire drills required by this section in educational occupancies, safety drills not requiring full evacuation of all persons from the building shall be conducted at least three (3) times during the school year. A record of safety drills, including the time and date, shall be kept in the respective school offices, and shall be made available upon request to the State Fire Marshal, the State Fire Marshal's Deputies or Assistants for inspection and review.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Crisis Management	Descriptor Code: 3.203	Issued Date: 06/06/1994
		Rescinds: EBBCB	Issued: 06/06/1994

1 The principal shall develop a Crisis Management plan for use in times of crisis, including suicides,
2 shootings, and death of a student, parent or faculty member. Within the development of such plan,
3 the principal shall appoint a Crisis Team which shall deal with specific situations, make decisions, and
4 disseminate information in the event of a crisis. Members of the Team shall consist of the principal,
5 school counselor, and at least two other staff members designated by the principal.
6

7 The principal of each building shall be responsible for the development of emergency procedures which
8 shall be distributed to building employees, parents, and members of the Crisis Team. Training for all
9 school employees in the crisis management procedures shall be conducted annually during in-service
10 sessions prior to the beginning of school.
11

12 In the event of a crisis, the principal shall notify the Crisis Team members and the director of schools. If
13 he determines it to be necessary, the principal shall contact the appropriate emergency services (police,
14 fire, ambulance, etc.).
15

16 All media attention shall be directed to the director of schools' office.
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34 Cross Reference:

35 News Releases, News Conferences and Interviews 1.503
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.203

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

The district policy is essentially identical to the TSBA sample.

Developed Sample

X District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Security	Descriptor Code: 3.205	Issued Date: 06/06/1994
		Rescinds: EBC	Issued: 06/06/1994

1 The director of schools shall establish procedures as required to adequately protect school property which
2 shall include, but not be limited to:

- 3
- 4 1. Closing and securing teacher work areas when being left unattended or at the end of the day;
- 5
- 6 2. Denying students permission to use the classrooms, laboratories, gymnasiums or other school
7 facilities or equipment without appropriate faculty supervision;
- 8
- 9 3. Controlling the issuance of building keys and master keys; and
- 10
- 11 4. Developing programs which contribute to the proper care and use of school facilities and equip-
12 ment.
- 13
- 14 5. Equipment purchased with federal funds shall be managed as directed by federal and state
15 law.¹
- 16

17 The principal shall call law enforcement officials in cases involving illegal entry, theft or vandalism.

18
19 The principal shall notify the director of schools within 48 hours after each case of vandalism, theft,
20 building damage and illegal entry.

21
22 The director of schools, or his/her representative, is authorized to sign a criminal complaint and to press
23 charges against perpetrators of vandalism against school property.

24 25 26 **SCHOOL POLICING**

27
28 The Board may enter into a memorandum of understanding with a chief of a law enforcement agency
29 to provide school policing. Any memorandum of understanding shall address, at a minimum, the fol-
30 lowing issues:²

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

- 44
45 1. EDGAR 43 subtitle A Part 80.32
46 2. Tenn. Code Ann. § 49-6-4217
47
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Cross References:

- Visitors to the Schools 1.501
Care of School Property 6.311

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.205

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

The district policy is essentially identical to the TSBA sample without the section on school policing. This section has been added.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Computer Network Security	Descriptor Code: 3.2051	Issued Date: 08/07/2007
		Rescinds: EBCC	Issued: 08/07/2007

- 1 The superintendent shall establish procedures as required to adequately protect computer networks as well
2 as individual computers in the system by establishing procedures by which computer breaches, commonly
3 known as hacking, shall be avoided, or, if they occur, dealt with.
4
- 5 These procedures shall include:
6
- 7 1 All employees/students closing and securing their work areas when being left unattended or at the end of
8 the day. The individual assigned the computer/security account is accountable for any and all transactions
9 entered under that computer/security account login.
10
 - 11 2. Employees/students keeping secure any passwords, access codes, or other means by which they enjoy
12 privileged access to computer programs or networks;
13
 - 14 3. Denying students permission to use computers without faculty supervision;
15
 - 16 4. Establishment of procedures at the building level by which teachers can check out computer equip-
17 ment;
18
 - 19 5. Inclusion of a notice in all student handbooks that states:
20
21 “All users, including students, should understand that the use of electronic resources, including but not limited
22 to computers and internet access, may be monitored and recorded at the discretion of the school system.
23 There is no expectation of privacy when using school system resources. Computer usage by students is
24 for educational purposes, and student access to programs will be determined by school personnel. Student
25 work, such as essays, are accessible for inspection by school personnel, that student, and that student’s
26 guardians. Unauthorized access by students to other persons’ work and/or hacking unauthorized access to
27 programs and/or other data will be treated as illegal entry, theft, and/or vandalism, as is described in Board
28 Policies. Consequences include the possibility of law enforcement personnel involvement.”
29
- 30 A similar statement will be provided to all other users when that user is first given access to electronic
31 resources.
32
- 33 6. For the protection and security of the MCS data, all equipment attached to the MCS physical network
34 (equipment located at a MCS facility either wired or wireless) must be MCS property or have received
35 approval from the IT Department.
36
 - 37 7. Use of software designed to gain passwords, bypassing internet filters or access beyond the rights as-
38 signed to a user or computer is strictly prohibited. Use of such programs risk the security of the network
39 and is considered “hacking”. The intent to control unauthorized access is a violation of State and Federal
40 law. Violators will be prosecuted. Employees who inadvertently discover passwords or any other method
41 used to control unauthorized access must report this to the IT Department.

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.2051

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

	Developed Sample
X	District policy used
	Customize as indicated
	MANDATED BY LAW

This policy is unique to Morgan County. Additional disclaimer language has been added to clarify that there is no expectation of privacy in the use of school system electronic resources.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Community Use of School Facilities	Descriptor Code: 3.206	Issued Date: Issued: 08/02/1999
		Rescinds: EBH	

1 When not in use for school purposes, school buildings and grounds or portions thereof may be used for
 2 public, governmental, charitable, civic, recreational, cultural, and other purposes as approved by the
 3 Board.^{1,2,3}

- 4
- 5 1. Requests for the use of school facilities shall be made at the office of the principal prior to the
- 6 date of use;
- 7 2. Student clubs and activities, parent-teacher associations, and other organizations affiliated with
- 8 the schools shall be permitted use of school facilities without charge;
- 9 3. School facilities may not be used for private profit, except that unused facilities may be leased for
- 10 private day-care centers which provide educational and child care services to the community;²
- 11 4. All activities must be under adult supervision and approved by the building principal. In all cases,
- 12 an assigned school employee will be present. The group using the facilities will be responsible
- 13 for any damage to the building or equipment;
- 14 5. Groups receiving permission for building use are restricted to the dates and hours approved and
- 15 to the building area and facilities specified, unless requested changes are approved by the princi-
- 16 pal;
- 17 6. Groups receiving permission for building use are responsible for the observance of all fire and
- 18 safety regulations at all times;
- 19 7. The use of alcoholic beverages, drugs or tobacco, profane language, or gambling in any form is
- 20 not permitted in school buildings;
- 21 8. The Board will cooperate with recognized agencies, such as the Red Cross, National Guard and
- 22 Civil Defense, and will make suitable facilities available without charge during community
- 23 emergencies;
- 24 9. When school kitchens are used, at least one member of the cafeteria staff must be present to
- 25 supervise the use of the equipment;
- 26 10. The Board will approve and periodically review a fee schedule for the use of school facilities by
- 27 community or civic organizations and other non-profit, recreational, religious, political or
- 28 philosophical groups.
- 29 11. School facilities shall not be used for religious purposes on a permanent basis.
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 35 Legal References:

- 36 1. Tenn. Code Ann. § 49-50-201
- 37 2. Tenn. Code Ann. § 49-2-203(b)(4)
- 38 3. *Lamb's Chapel v. Center Moriches Union Free School District*,
 39 113 S. Ct. 2141 (1993)
- 40
- 41

Cross References:

- Tobacco-Free Schools 1.803
 Care of School Property 6.311

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.206	<i>District Sources Consulted:</i>
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Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td style="text-align: center; padding: 5px;">X</td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>		Developed Sample	X	District policy used		Customize as indicated		MANDATED BY LAW	<p>The district policy is essentially identical to the TSBA sample. The district policy adds the prohibition against permanent use of facilities for religious purposes.</p>
	Developed Sample								
X	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TCA 49-50-201. General provisions. — (a) In order to provide for increased involvement of citizens in their local schools through community schools advisory councils, to assure maximum use of public school facilities by the citizens of each community in this state, and to encourage community educational programs on a county-wide or multi-county wide basis to provide the best possible programs for the least cost without duplication of efforts, the state board of education may adopt appropriate rules and regulations for encouraging increased community involvement in public schools and the usage of the public school facilities as community educational centers. Such rules and regulations may consider and include, but not necessarily be limited to provisions for:

- (1) The use of public school facilities by governmental, charitable or civic organizations for activities within the community;
 - (2) The utilization of the talents and abilities of volunteers within the community for the enhancement of public school programs, including tutoring, counseling and cultural programs and projects; and
 - (3) Increased communications between the staff and faculty of the public schools, other community institutions and agencies, and citizens in the community.
- (b) The state board of education may further establish guidelines governing the submission and approval of community educational programs prepared by local boards for encouraging increased community involvement in the public schools and use of public school facilities.
- (c) Every local board of education may:
- (1) Develop programs and plans for increased community involvement and learning opportunities in the public schools based upon rules and guidelines adopted by the state board of education;
 - (2) Develop programs and plans for increased community use of public school facilities based upon rules and guidelines adopted by the state board of education; and
 - (3) Establish rules governing the implementation of such programs and plans in its public schools and submit these rules along with adopted programs and plans to the state board of education for approval.

TCA 49-2-203. Powers and duties. — (b) The local board of education has the power to:

- (4) Permit school buildings and school property to be used for public, community or recreational purposes under such rules, regulations and conditions as may be prescribed from time to time by the board of education.

Lambs Chapel v. Center Moriches Union Free School District, 113 S. Ct. 2141 (1993).

The United Supreme Court ruled that a school district violated free speech rights of an evangelical church by refusing it permission to use school facilities to show a self-described "family-oriented movie-from the Christian perspective." The school board policy allowed use of school buildings outside of school hours for certain designated purposes but specifically excluded religious purposes. The Court ruled that the school engaged in "viewpoint" discrimination by allowing other groups to present their views on family values but denying petitioners the right to present the subject from a religious perspective.

Sherman v. Community Consolidated School District 21 of Wheeling Township, 1993 W.L. 57522 (N.D. Ill. 1993).

The federal district court addressed the issue of whether the practice of a public school that allowed the Boy Scouts to use its facilities was consistent with the Establishment Clause of the First Amendment, given the fact the Boy Scouts would allow in its membership only those individuals who recognized "a duty to God." Based on the finding that (1) the challenged practice was not overtly religious; (2) involvement of school officials was minimal; and (3) students were not directly or indirectly compelled to participate in any religious exercise, the court ruled that there was no unconstitutional endorsement of religion by the school district. The court reasoned:

The case does not present a situation in which a child is forced to choose between participating in a classroom religious activity or risk embarrassing himself in front of his peers by refusing to do so. Any student not wishing to join the Boy Scouts can simply not attend the Scout meetings, which are held in the evening long after the school day has ended.

The court also ruled that the display of Boy Scout posters at school entrances and the distribution of scout information in classrooms failed to rise to the level of an unconstitutional establishment of religion.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Facility Expansion - Goals	Descriptor Code: 3.207	Issued Date:
		Rescinds:	Issued:

1 The Board shall authorize the construction of a sufficient number of school buildings to meet the demands
2 of present and future enrollments. Plans shall include simplicity of design; sound economics, including
3 low long-range maintenance costs and low insurance rates; high educational utility; and flexibility.

4
5 The Board establishes these broad goals for development of facilities:

- 6
7 1. To integrate facilities planning with other aspects of planning in a comprehensive program of edu-
8 cational problem solving;
- 9
10 2. To base educational specifications for facilities on identifiable learner needs;¹
- 11
12 3. To design facilities as economically as feasible, provided learner needs are effectively and adequately
13 met by the design;
- 14
15 4. To involve the community, school staff, and authorities on school construction and design and to
16 use the latest developments and research in building plans and specifications; and
- 17
18 5. To design school buildings for maximum potential community use.

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Legal Reference:

- 37 1. TRR/MS 0520-1-4-.01
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.207

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

LEGAL REFERENCE:

TRR/MS 0520-1-4-.01 School Facilities.

- (1) Each school shall comply with rules, regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and safety. Copies of state regulations may be obtained from the office of the State Architect.

- (2) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshall's Office.
 - (a) Each school shall have at least one fire safety inspection annually. The fire safety inspections will be based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's office.
 - (b) Copies of inspection reports, including findings of non-compliance and actions taken to comply will be maintained in the office of the director of schools and be available for review.

- (3) Each school shall have classrooms, laboratories and libraries which are sufficient in number, adequate in space, and so constructed and arranged as to be conducive to carrying on the assigned activities. Playgrounds and physical education facilities shall be well maintained, free from hazards, and large enough to permit an adequate program of physical education.

- (4) Every school system that constructs, remodels, renovates, expands or modifies school buildings or other structures adjunct thereto for use by children with disabilities shall submit plans and specifications for review by the Commissioner of Education. Such plans and specifications shall meet federal requirements.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Facilities Planning	Descriptor Code: 3.208	Issued Date:
		Rescinds:	Issued:

1 The director of schools shall present an annual facility needs assessment to the Board in October. The needs
2 assessment shall include a review of each school site. Each principal shall coordinate the needs assessment
3 for his/her school with input from staff, parents and community leaders. Appropriate system-wide staff
4 will be made available as needed.

5
6 The individual school needs assessment shall include the following information:

- 7
- 8 1. building deficiencies
- 9 2. site deficiencies
- 10 3. utility deficiencies
- 11 4. maintenance deficiencies
- 12 5. curriculum and educational concerns including projected changes
- 13 6. number of oversized classrooms as well as projected class sizes
- 14 7. student "spot maps"
- 15 8. population and enrollment projections
- 16 9. community needs
- 17 10. cost projections
- 18 11. other information as directed

19
20 The system-wide needs assessment shall include the following information:

- 21
- 22 1. individual school assessments
- 23 2. system-wide curriculum needs
- 24 3. population growth projections
- 25 4. industrial and business forecasts
- 26 5. other information as deemed necessary
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.208

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Estimating Facility Costs	Descriptor Code: 3.209	Issued Date:
		Rescinds:	Issued:

1 When new construction, renovation and/or a building addition is proposed, the director of schools shall
2 secure cost estimates for each project and submit such estimates to the Board for approval.¹

3
4 Estimates are to include the following:

- 5
- 6 1. cost of new construction
- 7 2. cost of renovation
- 8 3. cost of addition
- 9 4. cost of site preparation
- 10 5. fees charged by governmental agencies
- 11 6. fees charged by utility companies
- 12 7. cost of landscaping
- 13 8. architect or construction management fees
- 14 9. school transportation costs
- 15 10. other costs and/or fees as required
- 16

17 Qualified consultants and/or consulting firms are to be involved when cost estimates are submitted. Em-
18 ployment of such persons requires Board approval.

19
20 The cost of each project shall be presented to the Board as a part of the project recommendation. In addi-
21 tion, consideration is to be given to costs of future maintenance, to any warranties that might be involved
22 in construction and the determination of easements.

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Legal Reference:

1. TCA 49-2-203(a)(3)(c)

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.209

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Naming New Facilities	Descriptor Code: 3.210	Issued Date:
		Rescinds:	Issued:

- 1 Facilities of the school system shall be named through Board action, based upon the following criteria:
2
- 3 1. Schools shall not be named for living persons, except for those who have rendered exemplary service
4 to public education as recognized and attested by a vote of the Board.
 - 5 2. Two schools in the system shall not be given the same name and care should be taken to avoid
6 similar names.
 - 7 3. Schools shall be named for:
8 a. The area or community in which the school is located, or
9 b. The street on which the school is located, or a street bordering the school site, if that street is
10 well known in the community, or
11 c. Presidents, governors or recognized national, state and local leaders who have made an outstand-
12 ing contribution to the field of education.
 - 13 4. A single building on a campus with multiple buildings or a specific area on the campus may be named
14 for a living person, provided s/he has made an outstanding contribution to that school. The naming
15 of such building or specific area shall not supplant the facility's name.
 - 16 5. Facilities other than school shall be given names which describe the facility or the geographic loca-
17 tion in the city.
 - 18 6. If in the judgment of the Board an existing facility should be renamed, the criteria of this policy will
19 apply.
20

21 When a new school or facility is to be named, the director of schools will appoint a committee composed
22 of school personnel and patrons of the school. Names for consideration by the committee may be submitted
23 by any citizen, board member or school personnel.
24

25 The committee will submit its recommendations with supporting reasons to the director of schools.
26

27 The director of schools shall have the authority to recommend the naming of a portion of a facility, such as
28 a section of a building, a single building on a campus with multiple buildings or a specific area on campus
29 within a school.
30

31 The director of schools shall submit a recommendation to the Board in either situation for its consideration
32 and approval.
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.210

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: New Project Planning	Descriptor Code: 3.211	Issued Date:
		Rescinds:	Issued:

- 1 **ARCHITECT SELECTION¹**
2
3 1. Appointed by the Board for each specific project.
4
5 2. Service
6
7 a. Design and complete working drawings and provide as-was construction drawings.
8 b. Supervise construction as outlined in Standard A1A Contract.
9
10 3. Fees shall not exceed five percent (5%).
11
12 4. Contract as agreed to by the Board.
13
14 **ENGINEER SELECTION¹**
15
16 Engineer shall be selected by the architectural firm.
17
18 **SITE SELECTION**
19
20 1. As a result of consideration of population center, transportation routes, accessibility to utilities.
21
22 2. Land acquired not to be less than eighty percent (80%) usable.
23
24 **EQUIPMENT AND FURNITURE SELECTION**
25
26 1. By special committee.
27
28 2. Purchasing by bid letting.
29
30 3. Installation by the seller.
31
32 **FINANCIAL METHODS**
33
34 1. Bond indebtedness/limitations as established by the County Commission.
35
36 2. Issuance of Bonds
37
38 a. By county financial advisory when approved by initial resolution and bond resolution.
39 b. Length of term as established by County Commission.
40 c. Sale of bonds as advised by financial consultant.
41

- 1 3. Temporary investment shall be determined by the director of schools, chairman of board, and county
- 2 executive.
- 3
- 4 4. Short-term borrowing shall be provided by the County Commission with the county executive acting
- 5 as borrower.
- 6

7 **TAX LEVIES**

8
9 As determined by the County Commission.

10
11 **DETERMINATION OF COST**

- 12
- 13 1. Preliminary estimates.
- 14
- 15 2. Periodic computations during construction.
- 16
- 17 3. Final computation upon construction completion.
- 18

19 **PAYMENT TO CONTRACTOR**

- 20
- 21 1. Periodic, as recommended to the Board by the architect.
- 22
- 23 2. Adjustments and corrections, as recommended to the Board by the architect.
- 24
- 25 3. Final
- 26
- 27 a. After completion of punch list.
- 28 b. Copies of working drawings given to board members.
- 29 c. Copies of hardware schedule given to board members.
- 30

31 **FUNDING**

- 32
- 33 1. Board will determine need.
- 34
- 35 2. Board will appear before Finance Committee of County Commission to discuss the need.
- 36
- 37 3. After the need is substantiated by the manager of finance, the Board shall proceed by selecting an ar-
- 38 chitect to plan the particular project and have bids opened as to the cost.
- 39
- 40 4. Following the opening of bids, the Board will then request this sum of money from the commission.
- 41

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44 Legal Reference:

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- 46 1. TCA 62-2-107
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.211	<i>District Sources Consulted:</i>
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Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td>Developed Sample</td> </tr> <tr> <td></td> <td>District policy used</td> </tr> <tr> <td></td> <td>Customize as indicated</td> </tr> <tr> <td></td> <td>MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	This is a new policy for the system.
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TCA 62-2-107. Employment of licensees on public works — Excluded public works. — (a)

Neither the state, nor any county, city, town or village or other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture, engineering or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, registered engineer or registered landscape architect.

(b) Nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the complete project does not exceed twenty-five thousand dollars (\$25,000), and such work does not alter the structural, mechanical or electrical system of the project.

(c) For the purposes of this chapter, "public work" does not include construction, reconstruction or renovations of all or any part of an electric distribution system owned or operated directly or through a board by a municipality, county, power district or other subdivision of the state of Tennessee, that is to be constructed, reconstructed or renovated according to specifications established in the American National Standard Electrical Safety Code, the National Electric Code, or other recognized specifications governing design and construction requirements for such facilities. Notwithstanding the foregoing, "electrical distribution system" does not include any office buildings, warehouses or other structures containing walls and a roof which are to be open to the general public.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Facilities Planning: Involvement of Architects	Descriptor Code: 3.212	Issued Date:
		Rescinds:	Issued:

1 Believing that several separate architects or architectural firms will produce a wider range of experience
 2 and talent which should result in development of better or more efficient plans, the Board shall recommend
 3 one or more qualified architects or firms to be assigned to buildings projects.
 4

5 In recommending architects the following criteria will be considered:
 6

- 7 1. Training and experience;
- 8
- 9 2. Planning ability;
- 10
- 11 3. Promptness;
- 12
- 13 4. Specification in writing, accuracy and sufficiency of detail;
- 14
- 15 5. Design, appearance and utility;
- 16
- 17 6. Ability to meet budget requirements;
- 18
- 19 7. Past performance;
- 20
- 21 8. Relation with contractors;
- 22
- 23 9. Location;
- 24
- 25 10. Work load;
- 26
- 27 11. Volume of work previously awarded by the school system with the objective of effecting an eq-
 28 quitable distribution of contracts among qualified firms; and
- 29
- 30 12. Experience with government agencies.
- 31

32 When it becomes necessary to secure the services of an architect or firm, the Board shall request submission
 33 of proposal(s) including qualifications and services from interested architectural firms. Public announce-
 34 ments of the proposed projects shall be made.
 35

36 After review of the proposal(s) submitted and interviews with selected firms under consideration by the direc-
 37 tor of schools and based upon the director's recommendation(s), the Board shall make a recommendation(s)
 38 to the City/County Commission.
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The Board may hire a construction manager. The selection process will be the same as used to select an architect. Only those firms with previous expertise in construction management will be considered.¹

Legal References:

1. TCA 62-2-107; TCA 49-2-203(4)(C)(3)(ii); TCA 62-6-102 &103

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.212

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

LEGAL REFERENCE:

TCA 62-2-107. Employment of licensees on public works — Excluded public works. — (a) Neither the state, nor any county, city, town or village or other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture, engineering or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, registered engineer or registered landscape architect.

(b) Nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the complete project does not exceed twenty-five thousand dollars (\$25,000), and such work does not alter the structural, mechanical or electrical system of the project.

TCA 49-2-203. Powers and duties. — (3)(C)(ii) Construction management services which are provided for a fee and which involve supervision of the planning, design, bid and construction phases of the project, but not the performance of actual construction work, are deemed to be professional services and may be performed by a qualified person on the basis of recognized competence and integrity. Construction management services are to be procured through a request for proposals process. The request for proposals process will invite prospective proposers to participate and will indicate the service requirements and the factors used for evaluating the proposals. Such factors shall include construction manger's qualifications and experience on similar projects, qualifications of personnel to be assigned to the project, fees or any additional factor or factors deemed relevant by the procuring entity for procurement of the service; cost is not to be the sole criterion for evaluation. The contract for such services will be awarded to the best-evaluated and responsive proposer. A construction manager is prohibited from undertaking actual construction work on a project over which such construction manager coordinates or oversees the planning, design, bid or construction phases of the project, except in the instances where bids have been solicited twice and no bids have been submitted. If the construction manager can document that a good faith effort was made in each bid solicitation to obtain bids and no bids were received, then the construction manager can perform the construction work at a price agreed upon by the construction manager, the architect and the owner of the project. A school system, at its own discretion, may perform work on the project with its own employees and include the coordination and oversight of this work as part of the services of the construction manager;

(iii) A contract manager who provides construction management services must be a contractor licensed in Tennessee;

(iv) Construction work which is under the coordination and oversight of a construction manager shall be procured through competitive bids as provided in this subsection (a).

TCA 62-6-102. Chapter definitions.— As used in this chapter, unless the context otherwise requires:

(1) "Commercial building contractors" are those contractors authorized to bid on and contract for every phase of the construction, direction, alteration, repair or demolition of any building or structure for use and occupancy by the general public;

(2) "Contracting" means any person or entity who performs or causes to be performed any of the activities defined in subdivision (3)(A) or (6);

(3)(A) "Contractor" means any person or entity who undertakes to, attempts to, or submits a price or bid or offers to construct, supervise, superintend, oversee, schedule, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or furnishing labor to install material or equipment for any building, highway, road, railroad, sewer, grading, excavation, pipeline, public utility structure, project development, housing, housing development, improvement or any other construction undertaking for which the total cost of the same is twenty-five (\$25,000) or more. "Contractor" includes, but is not limited to, a prime contractor, electrical contractor, electrical subcontractor, mechanical contractor, mechanical subcontractor, plumbing contractor and plumbing subcontractor. If the cost of a project exceeds twenty-five thousand dollars (\$25,000), "contractor" also includes a construction manager of any kind, including, but not limited to, a residential construction manager, construction consultant, architect and/or engineer who conducts or provides any activity or service described herein other than normal architectural or engineering services.

TCA 62-6-103. License requirement—Recovery of expenses by unlicensed contractor.— (a)(1) Any person, firm or corporation engaged in contracting in this state shall be required to submit evidence of qualification to engage in contracting, and shall be licensed as hereinafter provided. It is unlawful for any person, firm or corporation to engage in or offer to engage in contracting in the state, unless such person firm or corporation has been duly licensed under the provisions of this chapter, as hereafter provided. Any person, firm or corporation engaged in contracting including such person, firm or corporation, that engages in the construction of residences or dwellings constructed on private property for the purpose of resale, lease, rent or any other similar purpose, shall be required to submit evidence of qualification to engage in contracting, and shall be licensed. It is unlawful for any person, firm or corporation to engage in, or offer to engage in, contracting as hereinabove described, unless such person, firm or corporation has been duly licensed under the provisions of this chapter.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Educational Specifications	Descriptor Code: 3.213	Issued Date:
		Rescinds:	Issued:

1 The educational specifications of a proposed project will be developed prior to the time that the services
2 of an architectural firm are sought.¹
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36 _____
37 Legal Reference:
38 1. TRR/MS 0520-1-4-.01(4); TCA 49-6-403
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.213

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

LEGAL REFERENCE:

TRR/MS 0520-1-4-.01 (4) School Facilities

- (4) Every school system that constructs, remodels, renovates, expands or modifies school buildings or other structures adjunct thereto for use by children with disabilities shall submit plans and specifications for review by the Commissioner of Education. Such plans and specifications shall meet federal requirements.

TCA 49-6-403. Attendance and length of term.— (a) There shall be maintained in each county of the state one (1) senior high school, which shall give at least one (1) full course of study approved by the state board of education. Local boards of education may establish additional high schools.

(b)(1) No junior high school shall be established and maintained with fewer than one hundred (100) pupils in average daily attendance;

(2)(A) No senior high school shall be established and maintained with fewer than three hundred (300) pupils in average daily attendance;

(B) Any senior high school in a state of transition may be initially established with fewer than three hundred (300) pupils in average daily attendance; provided, that as soon as the period of transition has been completed, such senior high school shall not have fewer than three hundred (300) pupils in average daily attendance/

(C) Nothing in this part shall prohibit the consolidation of any two (2) or more high schools now established, into one (1) high school, even though the combined daily attendance of the pupils in such consolidated high school is less than that required in this part.

(D) Nothing in this part shall be construed as abolishing any high school now established.

(E) Local boards of education may, in unusual circumstances establish and maintain high schools with fewer pupils in average daily attendance than is prescribed herein; provided that prior approval for such is granted by the commissioner of education and the state board upon request of the respective local board of education.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Project Financing	Descriptor Code: 3.214	Issued Date:
		Rescinds:	Issued:

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Construction of school facilities may be financed by state capital outlay funds, issuance of school bonds and local tax revenue.¹

Legal Reference:

1. TCA 49-3-101; TCA 49-3-1004; TCA 49-3-311

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.214

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

LEGAL REFERENCE:

TCA 49-3-101. General provisions. — (a) The state school fund consists of all funds appropriated or allocated from the state treasury for the operation and maintenance of the public schools or that may derive from any state taxed proceeds of which are devoted to public school purposes.

(b) The state school fund shall be administered and distributed in accordance with the applicable provisions of this title, or, if not controlled therein, then in accordance with such provisions of such general appropriations act as may be applicable.

TCA 49-3-1004. Use of funds. — (a) The proceeds from the sale of school bonds issued under 49-3-1002 constitute a special fund to be known as the "special school fund" (except funds for aiding the state of Tennessee in construction of state education facilities or institutions as provided for in subsection (b)), which shall be kept by the trustees of such county and the treasurer of the city schools separate and apart from all other funds and shall be applied exclusively to purchase property for school purposes, to purchase sites for school buildings, to erect or repair school buildings, to furnish and equip school buildings and to refund, call or make principal and interest payment on bonds or other purposes by the county board of education, the city board of education, or the governing board of the city. The city board shall have a right to draw warrants on the funds only for the purposes mentioned in the preceding sentence.

TCA 49-3-311. Capital outlay. — (a)(1) There shall be included in the state education finance funds an amount to be used exclusively for the purpose of capital outlay, including the purchase and improvement of sites, the construction of buildings, the remodeling or renovation of buildings, the purchase of equipment for schools and school buildings, and the purchase of student transportation equipment for the public schools for this state.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Board Inspection and Acceptance of New Facilities	Descriptor Code: 3.215	Issued Date:
		Rescinds:	Issued:

1 New construction shall be inspected by the architect and the Board's representative after the contractor
2 indicates that all work is complete. The building will not be accepted as complete until the architect and
3 the Board's representative agree that all specifications have been met and the building is ready for occu-
4 pancy

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6 Acceptance of new construction will be withheld until all details are complete and the buildings are certi-
7 fied as complete by the director of schools.
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.215

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Retirement of Facilities	Descriptor Code: 3.216	Issued Date:
		Rescinds:	Issued:

1 The Board recognizes that school buildings may become inadequate by virtue of age, condition, size of
2 site, lack of need or other overriding limitations and cannot reasonably and economically be brought up to
3 the current educational standards. The director of schools shall be responsible for assessing the utilization
4 of school facilities and making recommendations to the Board for retirement of facilities. In determining
5 retirement of facilities, the Board will be guided by the following:

- 6
- 7 1. Ability of building to house a modern and flexible educational program;
- 8
- 9 2. Proximity to population served;
- 10
- 11 3. Enrollment capacity;
- 12
- 13 4. Cost of upkeep and maintenance;
- 14
- 15 5. Ability of building to meet safety standards established by the state; and
- 16
- 17 6. Ability of building to meet safety standards for public buildings, including state fire code.
- 18

19 The Board will seek professional advice and community input before making a final decision regarding
20 retirement of a school facility.

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22 Buildings approved for closing will be considered for sale only after it has been determined that the sale
23 of the facility is more beneficial than converting it to some other use.

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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.216

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Equipment and Supplies Management	Descriptor Code: 3.300	Issued Date: 12/07/1998
		Rescinds: EC	

1 All equipment and materials placed in school buildings by any group or organization become the property
2 of the Board. The Board reserves the right to transfer property to other schools if the school in which
3 it was originally placed is discontinued or if there is no longer any need for the equipment or materials
4 where originally placed.

5
6 The director of schools shall develop procedures promoting the useful life of equipment and supplies
7 by establishing a thorough, effective and economical operations and maintenance program and provid-
8 ing adequate insurance coverage. Equipment management shall be in accordance with federal and state
9 laws, regulations and guidelines.

10
11 Each employee of the system shall be responsible for the materials, equipment and supplies assigned
12 to him. In addition, he/she is responsible for the preservation and protection of materials, equipment
13 and supplies not under his/her direct control when such are endangered and when the system employee
14 having direct control is not present or is otherwise unable to act.

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16 Principals shall give authorization to use school equipment or supplies, otherwise employees are the only
17 individuals authorized to use school equipment, materials, or supplies.

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Cross Reference:

Inventories 2.702

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.300

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

The district policy was used.

Developed Sample

X District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Use of Cellular Phones	Descriptor Code: 3.3001	Issued Date:
		Rescinds: ECH	Issued: 11/04/1996

1 Cellular phones shall be provided to a limited number of employees when essential to the operation of
2 the school system. Whenever possible, other methods of more economical, immediate communication
3 shall be considered (i.e., use of pagers or two-way radios). The assignment of cellular phones shall be
4 approved by the director of schools/designee. The Board shall be financially responsible for the custom-
5 ary minimum monthly bills for pre-approved cellular phones.
6

7 Cellular phones provided to employees are for official school board business only and shall not be used
8 for personal purposes except in cases of emergencies. If the monthly bill reflects charges greater than the
9 customary minimum monthly bill, the excess portion shall become the responsibility of the employee to
10 whom the cellular phone has been issued. If the employee wishes to dispute the portion of the monthly
11 bill for which s/he is responsible, the employee may request and become financially responsible for
12 obtaining a listing for phone use during the disputed period of time.
13

14 The director of schools/designee shall develop procedures for assignment and use of phones, billing
15 disputes and lost or damaged cellular phones. These procedures shall be given to any employee request-
16 ing a cellular phone.
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.3001

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

The TSBA sample policy is recommended, as it provides greater flexibility than the district policy.

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Equipment and Supplies Leasing and Renting	Descriptor Code: 3.301	Issued Date:
		Rescinds:	Issued:

1 Equipment and/or supplies shall be lent or rented only with the prior permission of the principal. Parties
2 in whose name the equipment is lent or rented will be responsible for any damage to the equipment.

3
4 Staff members may borrow school equipment and materials at no cost when such use is related to their
5 employment.

6
7 Students may borrow school equipment and materials at no cost when used in connection with their
8 studies or extracurricular activities.

9
10 The general public may rent audio-visual equipment such as movie, filmstrip or public address systems
11 when requested by responsible parties or organizations.

12
13 Staff members borrowing school equipment for personal use will be subject to the same regulations,
14 including fees, as for non-school usage.

15
16 School machinery, vehicles, all vocational-type equipment (e.g., typewriters, sewing machines and shop
17 tools), and cleaning and maintenance equipment are not for personal use by anyone.

18
19 The principal shall establish proper controls to assure the return of all borrowed and rented equip-
20 ment.

21
22 The Board will approve and periodically review a rental fee for the use of school equipment.

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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.301

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Student Transportation Management	Descriptor Code: 3.400	Issued Date: 06/06/1994
		Rescinds: ED	Issued: 06/06/1994

1 School buses shall be maintained and operated in accordance with state law and State Board Rules and
2 Regulations.¹

3
4 To avoid the financial burden of replacing an aging bus fleet at any one time, the Board shall replace
5 a certain number of buses each year on a rotating basis.

6
7 The school transportation program shall be monitored daily by the principals and the supervisor of
8 transportation and subjected to periodic evaluations by them as necessary. An overall evaluation shall
9 be conducted by the supervisor of transportation on or before November 1 and June 15 of each school
10 year, and a summary report of same submitted to the director of schools and the Board.

11
12 All buses and other vehicles owned and operated by the Board shall be given safety inspections by the
13 assigned driver and the transportation supervisor on a regular basis. The transportation supervisor shall
14 develop and maintain a safety inspection record which shall be filled out and signed by the individual
15 who conducts the inspection. In addition, all buses shall be available for regular state inspections. Any
16 defects noted by either the regular local or state inspection shall be remedied immediately.

17
18 All accidents, regardless of the damage involved, must be reported to the transportation supervisor, in-
19 cluding incidents in which any part of the bus rubs, scrapes or touches any other object or vehicle.

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Legal Reference:

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35 1. TCA 49-6-2101 through 2113; TRR/MS 0520-1-5-.01(4)

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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.400	<i>District Sources Consulted:</i>
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Policy Recommendations:	<i>Editor's Comments:</i>
<input type="checkbox"/> Developed Sample	
<input checked="" type="checkbox"/> District policy used	
<input type="checkbox"/> Customize as indicated	
MANDATED BY LAW	

LEGAL REFERENCE:

TCA 49-6-2109. Equipment—Commercial advertising — (a) Pupils shall be transported in safe equipment constructed of steel or materials providing similar safety, as determined by the state board of education, and other safety features shall be included according to specifications for school buses as adopted from time to time by the state board of education.

(b) The state board of education shall permit the use of conventional school buses for a period of twelve (12) years of service. The commissioner of education may grant waivers for an additional three (3) years on a year-to-year basis. The owner of the bus may apply for a waiver after twelve (12) years of service on a year-to-year basis upon the following conditions:

(1) Any bus with over twelve (12) years of use, but not more than fifteen (15) years of use, shall be inspected by the commissioner of education or the commissioner's designee at least twice annually.

(2) At such inspections, the inspector shall have the authority to require repairs or reconditioning to be made which the inspector considers necessary for the continued safe use and operation of the bus. If the local authority or owner refuses to take the required action or if the inspector considers continued use of the bus to be unsafe, the inspector shall order its removal from service.

(3) In addition to any other repairs, replacements or reconditioning required by the inspector, the steering, braking and exhaust systems of all conventional buses with over twelve (12) years of service shall be thoroughly reconditioned or replaced, as necessary, prior to any continued use.

(c)(1) School buses shall be of uniform approved color with the necessary marking easily to identify them in accordance with requirements of the state board of education. This requirement does not apply to a van-type vehicle used only to transport students to and from school-related activities.

(2) No other motor carrier, for hire or otherwise, shall bear the same color or markings as designated by the state board of education for school buses.

(3) A violation of this subsection is a Class A misdemeanor.

(d) The commissioner of education is directed to have made not less than one (1) inspection annually of each school bus which transports school children, in order to determine whether it can be used safely to protect properly the lives of school children.

(e) Nothing in this title shall prohibit a local school district from allotting space on the exterior or interior of a school bus for the purpose of commercial advertising. After consultation with the Department of Safety, the State Board of Education is directed to promulgate rules and regulations to effectuate the provisions of this subsection. Commercial advertising shall be permitted only on the rear quarter panels of the school bus of a size not to exceed sixteen (16") in height and sixty inches (60") in length, be composed of black lettering on a white background, and shall not advertise alcohol or tobacco products. Commercial advertising permitted by this act shall not include campaign advertising as prohibited in Tennessee Code Annotated, Section 2-19-144, and any such campaign advertising shall be expressly prohibited.

TRR/MS 0520-1-5-.01(4). Operation of School Buses

(4) Approved buses are identified as:

- (a) Conventional buses with 15 years or less of service. After 12 years of service, year to year approval is required from the Commissioner of Education.
- (b) Transit buses with 15 or less years of service.
- (c) Transit buses with 150,000 miles or less of recorded travel and a maximum of 17 years of service.
- (d) Van-type equipment with 10 or less years in service.
- (e) Conventional buses re-manufactured not later than the 10th nor earlier than the 7th year with 15 or less years of service.
- (f) Transit buses re-manufactured not later than the 15th nor earlier than the 12th year with 20 or less years of service.
- (g) Used out-of-state buses with a post April 1, 1977 date of manufacture.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Scheduling and Routing	Descriptor Code: 3.401	Issued Date:
		Rescinds: EDD	Issued: 06/06/1994

- 1 All school bus routes shall be arranged in such a way as to travel the shortest possible distance from the
2 time the first student is picked up until the trip is complete.
3
- 4 The transportation supervisor will be responsible for surveying all bus routes and scheduling bus transpor-
5 tation, including the determination of bus stops and the assignment of students. Deleting or establishing
6 new bus routes is the responsibility of the Board.¹
7
- 8 Appeals of transportation decisions shall be made to the director of schools.
9
- 10 Students shall not be in transit to and from school more than one and one-half hours each way.² Under no
11 circumstances shall students be transported past their assigned school.
12
- 13 Bus routes shall not overlap unless necessary to reach some other portion of each respective route or unless
14 overlapping results from the necessity to travel the main highway to school centers. When more than one bus
15 travels a main highway and each bus picks up some students along such routes, each bus shall be assigned
16 a certain portion of the route and all students within this section shall ride the bus to which assigned.
17
- 18 Every bus driver, at the beginning of the school year or, in the event that the driver is hired during the
19 school year, at the time of hire, shall be informed of all the policies and procedures in place regarding the
20 transportation of students.
21
- 22 Once the official route is begun, stops shall only be made to take on, discharge or transfer students. Buses
23 are not to stop at stores (or make any other nondesignated stops except for emergencies) when transport-
24 ing students.
25
- 26 No student may exit the bus at a destination other than that students designated bus stop. The Director
27 may adopt, with the approval of the Board, procedures that would allow a student to exit the school bus at
28 an alternative location. If the Director adopts procedures, such procedures shall include, at a minimum,
29 the following:³
30
- 31 1. No school bus driver shall require or permit a student to exit the bus in violation of the School
32 System's policies and procedures. The Director shall immediately review the fitness to drive of a
33 driver who permits or requires a student to exit a bus in violation of the School System's policies
34 and procedures.
35
 - 36 2. No student shall be allowed to exit the bus at a stop other than the student's regular bus stop un-
37 less the student provides the driver with a signed note from the parent or guardian informing the
38 driver of the change in the student's bus stop for the day. The driver shall turn the note over to the
39 principal as soon as practical after the completion of the route.
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- 3. In the event that the driver finds it necessary for a student to exit the bus at a stop other than the student’s designated stop in order to preserve the safety of other student passengers or the driver, the driver may remove the offending student from the bus provided that the driver secures the safety of the student for the uncompleted trip.
- 4. A driver shall report to school authorities as soon as possible, but no later than the end of the route, any student refusing to obey the driver or exiting the bus without the driver’s permission at a point other than the student’s destination for that trip.

Where practical, transfers may be made from one bus to another. Both buses shall be present while the transfer is in process, unless the transfer point is a school campus. Leaving students at a home or place of business for transfer shall be permitted only after approval has been obtained from the principal.

Students who ride school buses shall attend the school designated unless the Board designates an alternate school. If a parent chooses to send his/her child to another school in the system, the parent must provide transportation to and from that school.

Legal References:

- 1. TCA 49-6-2106; TCA 49-6-2102(a)-(c)
- 2. TCA 49-6-2105
- 3. P.C. 261 (2007)

Cross Reference:

Bus Conduct 6.308

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.401	<i>District Sources Consulted:</i>
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Policy Recommendations:		<i>Editor's Comments:</i> The system policy appears to be an earlier version of the TSBA sample. The new policy is the current version.
X	Developed Sample	
	District policy used	
	Customize as indicated	
	MANDATED BY LAW	

LEGAL REFERENCE:

TCA 49-6-2106. Approval of routes. — School bus routes shall be subject to the approval of the commissioner of education in order that the most efficient and economical services may be rendered. This section only applies where specific request for such approval is made by the county board of education where the school bus routes are located.

TCA 49-6-2105. Maximum time in transit. — No pupil shall be allowed to remain in transit to or from school on a school bus more than one and one-half (1 1/2) hours in the morning or one and one-half (1 1/2) hours in the afternoon.

TCA 49-6-2101.— Power of boards to provide transportation.—(a) Boards of education may provide school transportation facilities for children who live more than one and one-half (1 1/2) miles by the nearest accessible route from the school to which they are assigned by the board of education and in which they are enrolled.

(b) Boards of education may, in their discretion, provide school transportation facilities for children who live less than one and one-half (1 1/2) miles by the nearest accessible route from the school in which they are enrolled, but the county shall not be entitled to receive state transportation funds for any student other than children with physical disabilities, who live less than one and one-half (1 1/2) miles by the nearest accessible route from the school in which they are enrolled.

(c) Nothing in this part shall be construed to prevent a board of education from transporting children with physical disabilities, regardless of the distance they live from school, under rules and regulations adopted by the state board of education with the approval of the commissioner of education.

(d) Boards shall have power to purchase school transportation equipment, employ school transportation personnel, contract for transportation services with persons owning equipment, and pay for the same out of funds duly authorized in the budget approved by the county legislative body.

(e) Appointed directors of schools, in employing school transportation personnel, and boards of education, in contracting for transportation services with persons owning equipment, are hereby authorized to enter into contracts for such services for periods of time as long as, but not

exceeding, four (4) years from the date of making such contracts, it being the purpose of this section to permit a reasonable degree of employment security for such school transportation personnel.

(f)(1) No board of education shall use or authorize the use of any school transportation facilities for the purpose of achieving a racial balance or racial imbalance in any school by requiring the transportation of any student or pupil from one (1) school to another or from one (1) school district established for such student or pupil's neighborhood to another.

(2) If the local board of education adopts any transportation plan or directive for the purpose of achieving racial balance, the governor may order that any or all parts of the state transportation funds shall be withheld from the local school board.

(3) If the governor so orders, the commissioner and the state board of education shall withhold, or cause to be withheld, state transportation funds to local boards of education.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Special Use of School Vehicles	Descriptor Code: 3.402	Issued Date:
		Rescinds: EDDA	Issued: 06/06/1994

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SCHOOL BUSES

All standard rules of student and driver conduct shall apply to all extracurricular trips.

System-owned buses may be used by athletic teams and other school groups, provided such trips are recommended by the principal.

The principal will make all transportation arrangements with the director of transportation.

The Board shall be reimbursed by the individual school for the use of buses for extracurricular activities. However, the Board may establish special rates for extended trips or in special cases. Forms for reporting extra use of buses will be furnished to each school principal.

Only qualified bus drivers duly elected by the Board may drive school buses for extracurricular activity trips during the regular school year.

School buses may be used only for the transportation of school personnel on authorized school business. No other individual or group may rent a school bus without written request to the director of schools' office.

BOARD-OWNED VEHICLES

The director of schools shall recommend for board approval a list of Board-owned vehicles to be assigned to positions requiring full-time use. Such use shall be restricted to commuting to and from job-related sites and must comply with IRS requirements,¹ including implications for reporting taxable income. Employees assigned full-time use of Board-owned vehicles shall be on call twenty-four (24) hours a day to perform services required by their job responsibilities. Other than commuting to and from work, use of these vehicles for personal use is prohibited.

Legal Reference:

- 1. Internal Revenue Code § 61;
¶ H-2230 Methods for Valuing the Use of
Employer-Provided Vehicles

Cross References:

- Extracurricular Activities 4.300
- Interscholastic Athletics 4.301
- Field Trips and Excursions 4.302

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.402	<i>District Sources Consulted:</i>
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Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">X</td> <td>Developed Sample</td> </tr> <tr> <td></td> <td>District policy used</td> </tr> <tr> <td></td> <td>Customize as indicated</td> </tr> <tr> <td></td> <td>MANDATED BY LAW</td> </tr> </table>	X	Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	<p>The system policy appears to be an earlier version of the TSBA sample policy. this has be updated to the current version.</p>
X	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

Internal Revenue Code § 61 Gross income defined.

(a) General definition.

Except as otherwise provided in this subtitle, gross income means all income from whatever source derived, including (but not limited to) the following items;

- (1) Compensation for services, including fees, commissions, fringe benefits, and similar items;. . .

¶ H-2230. Methods for Valuing the Use of Employer-Provided Vehicles.

Special methods are available to determine the value of the availability of an employer-provided vehicle to arrive at the amount includible in the employee-recipient's income. The "annual lease valuation" method is based on a table that provides the value of leasing an automobile, based on the fair market value of the automobile. This valuation is made for a four-year period. An employer with a fleet of 20 or more automobiles may determine the annual lease value based on a fleet-average valuation. A vehicle may also be valued using the "cents-per-mile" method. Under this method, the number of miles the employer-provided vehicle is driven for personal purposes is multiplied by the optional standard mileage rate. Employees who use an employer-provided vehicle in the employer's trade or business and who are required to use the vehicle for commuting purposes for valid business reasons may the "commuting value" method. If the employee is not a control employee and, under the employer's written policy, the employee does not use the vehicle for other personal purposes, the value of the vehicle's use to the employee is \$1.50 per one-way commute.

Once the employer adopts the annual lease method or the cents-per-mile method to value the availability of an automobile, that method must be used for that vehicle for all following periods. However, the employer may use the commuting value method for any period for which use of the vehicle qualifies. An employee may use a special valuation method only if the employer also uses it. The employee may use the general valuation method even if the employer uses a special valuation method.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Traffic and Parking Controls	Descriptor Code: 3.403	Issued Date: 06/06/1994
		Rescinds: EBBE	Issued: 06/06/1994

1 The principal of each school shall develop and implement a plan to ensure maximum vehicular and pe-
2 destrian safety for his/her campus and shall submit it to the director of schools for approval. The plan
3 shall include a sketch showing various parking areas, traffic flow, areas reserved for school bus loading
4 and unloading; the location of any safety hazards as areas to be avoided by vehicles or students; and
5 dismissal times for car and bus students.

6
7 Students who ride bicycles or drive motor vehicles to school must leave the vehicles parked in desig-
8 nated areas until the end of the school day, unless permission is obtained from the principal to use said
9 vehicle.

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11 Parking regulations for each school will be developed by the principal and published in the school
12 handbook.

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Cross References:

Code of Behavior and Discipline 6.300
Interrogations and Searches 6.303
Suspension/Expulsion/Remand 6.316

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.403

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

The system policy appears to be an earlier version of the TSBA sample policy. this has be updated to the current version.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Private Vehicles	Descriptor Code: 3.404	Issued Date: 09/05/1994
		Rescinds: EDAE	Issued: 09/05/1994

1 The Board recognizes that certain employees may need to use their private vehicles for school pur-
2 poses. With the use of private vehicles, the following policy shall be observed:

- 3
- 4 1. To use a private vehicle for school purposes, the employee must have the written permission of
5 the director of schools/ designee and proof of vehicle liability insurance coverage in the following
6 forms:
 - 7 a. A copy of the insurance certificate issued to the insured indicating liability limits of at least
8 \$300,000/700,000/100,000¹; and
9
 - 10 b. A specific permit for each trip involving students, including field trips.
 - 11 2. The school system shall assume no responsibility for liability in case of accident, unless the
12 employee has the proper authorization described above.
 - 13 3. The Board specifically forbids any employee to transport students for school purposes without
14 prior authorization by the director of schools or his/her designee.
 - 15 4. Privately-owned school buses and drivers of such shall meet all requirements of state law and
16 state Board Rules, Regulations, and Minimum Standards.²
 - 17 5. No student shall be sent on errands, personal or school-related, in a vehicle owned by the student,
18 an employee, or the school system.
 - 19 6. No employee may ask for or give permission to students to transport other students to and from
20 any school or school-related activity without written parental permission and proof of student
21 insurance.

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29 The Board recognizes that volunteer parent drivers are often needed to use their private vehicles for
30 school purposes. The volunteer parent drivers who use a private vehicle must provide proof of vehicle
31 liability insurance coverage in the form of an insurance certificate issued to the insured indicating limits
32 of at least \$300,000/700,000/100,000.¹

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Legal Reference:

- 36 1. TCA 29-20-403(b)(4); OP Tenn. Atty. Gen. 04-136 (August 24, 2004)
 - 37 2. TRR/MS 0520-1-5
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.404

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

The policy was amended to include the increased policy limits for actions arising after 2007 and to include language that would allow volunteer parent drivers.

Developed Sample

District policy used

X Customize as indicated

MANDATED BY LAW

TRR/MS 0520-1-5-.01 Operation of School Buses

(4) Approved buses are identified as:

(a) Type C conventional buses with 15 years or less of service. After 12 years of service, year to year approval is required from the Commissioner of Education.

(b) Type D transit buses with 15 or less years of service.

(c) Type D transit buses with 150,000 miles or less of recorded travel and a maximum of 17 years in service.

(d) Type A buses with single rear wheels and 10 years or less of service.

(e) Type A buses with dual rear wheels and 12 years or less of service.

(f) Type C conventional buses remanufactured not later than the 10th nor earlier than the 7th year with 15 or less years of service.

(g) Type D transit buses remanufactured not later than the 15th nor earlier than the 12th year with 20 or less years of service.

TRR/MS 0520-1-5-.01 Operation of School Buses

(5) School bus drivers shall meet the following requirements:

(a) School bus drivers shall have an appropriate commercial driver license issued by the State Department of Safety and shall meet all other rules and regulations of the State Department of Safety as set forth in Chapter 1340-3-3.

- (b) All school bus drivers shall be required to pass an annual physical and mental examination as prescribed by the State Board of Education
- (c) No person shall be issued a certificate by a local board of education until an investigation has been made to determine whether or not such person has been found guilty of any criminal offense and such criminal records, if any, made a part of his or her permanent file.

TCA 29-20-403. Liability Insurance. — (b) Every policy or contract of insurance purchased by a governmental entity as authorized by this chapter shall provide:

- (4) Minimum limits of not less than three hundred thousand dollars (\$300,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000) for injury or destruction of property of others in any one (1) accident, occurrence or act. The provisions of this subdivision (b) (4) shall apply to any action arising on or after July 1, 2007.

Tennessee Attorney General Opinion No. 04-136. Volunteer Parent-Drivers Transporting Students to School Sporting Events (August 24, 2004).

Question: Are parents who volunteer to transport student team members to school sporting events at other schools required to have the same insurance liability coverage as the school system does for transporting its students?

Opinion: We have found no statute that requires volunteer parent-drivers to carry the same amount of liability insurance coverage as the school system. Because the local school board, however, has responsibility and control over all schools in its system, we believe that it would be within the school board's discretion to establish a policy requiring volunteer parent-drivers to have a specific amount of liability insurance when, under the auspices of the school involved, they volunteer to transport students to "away" sporting or other similar events.

Analysis: These are the facts upon which we base this opinion. A public high school has a soccer team but does not provide transportation for team-member students to and from soccer matches with other schools. Parents provide transportation for team members on a voluntary basis. We further assume for purposes of this opinion that the parents who volunteer for this duty do so with the knowledge and encouragement of school officials and are transporting students other than their own children. The Tennessee Governmental Tort Liability Act (TGLA), Tenn. Code Ann. §§ 29-20-101, et seq., authorizes governmental entities, such as a public school system, to purchase insurance to cover their liability. Tenn. Code Ann. § 29-20-102(3) and § 29-20-403(a). After July 1, 2002, but before July 1, 2007, the TGLA sets minimum requirements on such policies as follows:

Minimum limits of not less than two hundred fifty thousand dollars (\$250,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than six hundred thousand dollars (\$600,000) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and eighty-five thousand dollars (\$85,000) for injury or destruction of property of others in any one (1) accident, occurrence or act. The provisions of this subdivision shall apply to any action arising on or after July 1, 2002, but before July 1, 2007.

Tenn. Code Ann. § 29-20-403(b)(3). Drivers of personal cars, e.g., volunteer parent-drivers, must carry liability insurance as follows:

If proof [of financial responsibility] is required after December 31, 1989, such proof means:

- (i) A written proof of liability insurance coverage provided by a single limit policy with a limit of not less than sixty thousand dollars (\$60,000) applicable to one (1) accident;
- (ii) A split-limit policy with a limit of not less than twenty-five thousand dollars (\$25,000) for bodily injury to or death of one (1) person, not less than fifty thousand dollars (\$50,000) for bodily injury to or death of two (2) or more persons in any one (1) accident, and not less than ten thousand dollars (\$10,000) for damage to property in any one (1) accident;
- (iii) A deposit of cash with the commissioner in the amount of sixty thousand (\$60,000);
or
- (iv) The execution and filing of a bond with the commissioner in the amount of sixty thousand dollars (\$60,000).

Tenn. Code Ann. § 55-12-102(12)(C). Thus, the statutory requirement of liability insurance for motor vehicle drivers generally is much lower than the amount of coverage a school system would carry under the TGLA.

Local school boards have broad authority over the administration of the schools in their systems and reasonable discretion in carrying out their duties. See Tenn. Code Ann. § 49-2-203(a)(2); *State ex rel. Bobo v. County of Moore*, 207 Tenn. 622, 341 S.W.2d 746 (1960). With the possible exception of students with disabilities¹, local school boards do not have to provide transportation for public school students. Tenn. Code Ann. § 49-6-2101(a)

If the local board does provide transportation, it must use reasonable and ordinary care under the circumstances. See *Hawkins co. v. Davis*, 216 Tenn. 262, 391 S.W.2d 658, 663 (1965). Also, if it does, it must adopt a policy to govern the overall operation of the pupil transportation program. Tenn. Admin. Rule, State Board of Education, 0520-1-5-.01(6). While the education statutes do not require local school boards to supervise volunteer transportation that is not state-funded, we believe that a school board has sufficient authority to adopt a policy governing liability insurance requirements for volunteer parent-drivers in the circumstances described above.

The request mentions 2004 Public Acts, ch. 299, and suggests that this statute has been interpreted to require that parent-drivers have the same liability insurance coverage as the school system itself does. We have reviewed this act and can find nothing in it that requires such coverage.

We conclude that state statutes do not place liability insurance requirements on volunteer parent-drivers different from those that apply to any other motor vehicle driver. A local school board, however, could exercise its discretion and adopt a policy to govern liability insurance requirements for volunteer parent-drivers in the circumstances described in this request. If the local school board's adoption of such a policy is challenged, the courts will be the final arbiters of whether the board exercised its discretion properly. *State ex rel. Bobo*, 341 S.W.2d at 632.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: <h2 style="margin: 0;">Food Service Management</h2>	Descriptor Code: 3.500	Issued Date:
		Rescinds: EE	Issued: 05/06/2002

1 The School Nutrition Program will be operated on a nonprofit basis and will comply with all rules and
 2 regulations pertaining to nutrition, health, sanitation, internal accounting procedures, and service of foods
 3 and will meet all state and federal and local requirements necessary for participation.¹
 4

5 The system’s food service supervisor will oversee the program All products and services necessary for
 6 the operation of the school nutrition department shall be procured using the Board-approved procurement
 7 plan which must comply with federal and state purchasing procedures.
 8

9 School Nutrition may include the following programs: National School Lunch Program, School Breakfast
 10 Program, Summer Food Service Program and Afterschool Snack Program. Meals and snacks that are
 11 offered shall meet the federal requirements for reimbursement as defined by federal regulations.²
 12

13 As required for participation in the School Nutrition Programs, the Board agrees to the following:

- 14 1. Meals/snacks must be made available to all students in attendance.
- 15
- 16 2. Free and reduced-price meals/snacks must be made available to students who are determined
- 17 eligible for these benefits.
- 18
- 19

20 Students will be permitted to bring their lunches from home and to purchase allowable beverages and
 21 a la carte items at school.
 22

23 The sale of competitive foods must be in compliance with all local procedures, but at a minimum must
 24 be as stringent as the current federal regulations concerning competitive foods.³
 25

26 Procedures for implementing guidelines established by the State Department of Education, School Nutri-
 27 tion Program are on file in the district food service procedures manual.
 28
 29
 30
 31
 32
 33
 34

35 _____
 36 Legal References:

- 37 1. TCA 49-6-2302; 2303
- 38 2. 7 CFR § 210.10 -13
- 39 3. 7 CFR § 210.11; OP Tenn. Atty. Gen. 92-54 (September 24, 1992)
- 40
- 41

- Cross References:
- Deposit of Funds 2.500
 - Financial Reports and Records 2.701

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.500	<i>District Sources Consulted:</i>
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Policy Recommendations:	<i>Editor's Comments:</i>
Developed Sample	The system policy appears to be an earlier version of the TSBA sample policy, with some local changes. this has been updated to the current version. this removes some procedural details.
District policy used	
Customize as indicated	
MANDATED BY LAW	

LEGAL REFERENCE:

TCA 49-6-2302. Establishment of nutritional breakfast and lunch programs.— (a) Unless a waiver is granted pursuant to § 49-6-2303(10), and only to the extent federal funds are available for free or reduced price meals:

- (1) Each school board shall establish a school lunch program in every school under its jurisdiction in accordance with rules and regulations established under § 49-6-2303; and
- (2) Each school board shall establish a school breakfast program in the following schools based on the cumulative analysis of school lunch participation for the month of April of the preceding school year;
 - (A) Every school which contains kindergarten through grade eight (K-8) in which twenty-five percent (25%) or more of the students participated in the school lunch program at a free or reduced price; and
 - (B) In every school which does not contain a kindergarten through grade eight (K-8) in which forty percent (40%) or more of the students participated in the school lunch program at a free or reduced price.
- (b) Each LEA operating a school breakfast program pursuant to this part shall be reimbursed by the state for any additional expenses to that agency which are incurred as a result of implementation of this part.
- (c) The school breakfast program shall automatically terminate if federal funding for such program ceases.

TCA 49-6-2303. Rules and regulations.— The commissioner of education shall recommend and the state board of education shall adopt rules which shall:

- (1) Establish minimum nutrition requirements for school lunch and school breakfast programs;
- (2) Establish standards of income eligibility for free or reduced price meals;
- (3) Prescribe uniform methods for determining eligibility for free or reduced price meals;
- (4) Require that each school board establish a method to regularly notify students and parents of the availability of free or reduced price meals and to encourage participation in the breakfast program;
- (5) Establish a uniform reporting system for the collection and compilation of data on the administration of this part including a report on each individual school, regardless of its

participation;

- (6) Require each local school board to submit to the commissioner a plan for compliance with this part sixty (60) days prior to the beginning of the school year. For each subsequent school year, require each local school board to submit modifications to the plan sixty (60) days prior to the beginning of the school year;
- (7) Require each local school board to certify to the commissioner compliance with the plan as submitted or modified within thirty (30) days after the beginning of the school year;
- (8) Provide that compliance with the standards and requirements of the federal National School Lunch Act (42 U.S.C. §§ 1751-1769), as amended, and the federal Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1789), as amended, shall be deemed compliance with these requirements;
- (9) Permit, in accordance with federal requirements, reimbursement for supervision of student's participating in a meals program required by this part;
- (10) Allow the local school board to waive the requirements of § 49-6-2302(a)(2) for any individual school for each year that the board determines at a public meeting of the board with notice and right to be heard to any person who has, in writing, requested to be notified of the consideration of such waivers;
 - (A) That the implementation of a school breakfast program would cause an unavoidable and unreasonable disruption of schedule which would substantially impair the ability of the school to maintain a proper educational program;
 - (B) The cumulative annualized participation in the school breakfast program is less than fifty (50) students and the school has complied with § 49-6-2302(a)(2); or
 - (C) That the implementation of the program would cause the expenditure of state or local education funds for which reimbursement under the federal Child Nutrition Act of 1966, as amended, is unavailable or inadequate;
- (11) Not permit the limitation of the full six and one-half (6 1/2) hours instructional school time required by statute; and
- (12) Provide that the established work day of licensed personnel shall not, without compensation, be lengthened as a result of this part and that the principal not be in charge of the lunch program in any county where a system-wide school food service manager is available, unless the local board of education specifically provides for a principal to be in charge of the lunch program.

7 CFR 210.10 —What are the nutrition standards and menu planning approaches for lunches and the requirements for afterschool snacks?

(a) What are the general requirements?

- (1) General nutrition requirements. Schools must provide nutritious and well-balanced meals to all the children they serve.
 - (i) Requirements for lunch. For children age 2 or older, schools must offer lunches that meet, at a minimum, the nutrition standards in paragraph (b) of this section. Compliance with the nutrition standards and the appropriate nutrient and calorie levels is determined by averaging lunches planned to be offered over a school week. Under any menu planning approach, schools must plan and produce at least enough food to meet the appropriate calorie and nutrient levels for the ages/grades of the children in the school (see paragraphs (c), (d), (i)(1) or (l) of this section, depending on the menu planning approach used). Also, if schools use one of the food-based menu planning approaches, they must plan and produce at least enough food to offer each child the minimum quantities under the meal pattern (see paragraph (k) of this section). Schools offering lunches to infants must meet the meal pattern requirements

in paragraph (o) of this section

(ii) Requirements for afterschool snacks. Schools offering afterschool snacks in afterschool care programs must meet the meal pattern requirements in paragraph (n) of this section. Schools must plan and produce enough food to offer each child the minimum quantities under the meal pattern in paragraph (n) of this section. The component requirements for meal supplements served under the Child and Adult Care Food Program authorized under part 226 of this chapter also apply to afterschool snacks served in accordance with paragraph (n) of this section.

(2) Unit pricing. Schools must price each meal as a unit. Schools need to consider participation trends in an effort to provide one reimbursable lunch and, if applicable, one reimbursable afterschool snack for each child every day. If there are leftover meals, schools may offer them to the students but cannot get reimbursement for them.

(3) Production and menu records. Schools must keep production and menu records for the meals they produce. These records must show how the meals contribute to the required food components, food items or menu items every day. In addition, for lunches, these records must show how the lunches contribute to the nutrition standards in paragraph (b) of this section and the appropriate calorie and nutrient levels for the ages/grades of the children in the school (see paragraphs (c), (d), or (i)(1) or (l) of this section, depending on the menu planning approach used) over the school week. If applicable, schools or school food authorities must maintain nutritional analysis records to demonstrate that lunches meet, when averaged over each school week:

(i) The nutrition standards provided in paragraph (b) of this section; and

(ii) The nutrient and calorie levels for children for each age or grade group in accordance with paragraphs (c) or (i)(1) of this section or developed under paragraph (l) of this section.

(b) What are the specific nutrition standards for lunches? Children age 2 and above must be offered lunches that meet the following nutrition standards for their age/grade group:

(1) Provision of one-third of the Recommended Dietary Allowances (RDAs) for protein, calcium, iron, vitamin A and vitamin C in the appropriate levels for the ages/grades (see paragraphs (c), (d), (i)(1) or (l) of this section, depending on the menu planning approach used);

(2) Provision of the lunchtime energy allowances (calories) in the appropriate levels (see paragraphs (c), (d),(i)(1) or (l) of this section, depending on the menu planning approach used);

(3) These applicable recommendations from the 1995 Dietary Guidelines for Americans:

(i) Eat a variety of foods;

(ii) Limit total fat to 30 percent of total calories;

(iii) Limit saturated fat to less than 10 percent of total calories;

(iv) Choose a diet low in cholesterol;

(v) Choose a diet with plenty of grain products, vegetables, and fruits; and

(vi) Choose a diet moderate in salt and sodium.

(4) These measures of compliance with the applicable recommendations of the 1995 Dietary Guidelines for Americans:

(i) Limit the percent of calories from total fat to 30 percent of the actual number of calories offered;

(ii) Limit the percent of calories from saturated fat to less than 10 percent of the actual number of calories offered;

(iii) Reduce sodium and cholesterol levels; and

(iv) Increase the level of dietary fiber.

(5) School food authorities have several ways to plan menus. The minimum levels of nutrients and calories that lunches must offer depends on the menu planning approach used and the ages/grades served. The menu planning approaches are:

- (i) Nutrient standard menu planning (see paragraphs (c) and (i) of this section);
- (ii) Assisted nutrient standard menu planning (see paragraphs (c) and (j) of this section);
- (iii) Traditional food-based menu planning (see paragraphs (d)(1) and (k) of this section);
- (iv) Enhanced food-based menu planning (see paragraphs (d)(2) and (k) of this section); or
- (v) Alternate menu planning (see paragraph (l) of this section).

(e) Must schools offer choices at lunch? FNS encourages schools to offer children a selection of foods and menu items at lunch. Choices provide variety and encourage consumption. Schools may offer choices of reimbursable lunches or foods within a reimbursable lunch. Children who are eligible for free or reduced price lunches must be allowed to take any reimbursable lunch or any choices offered as part of a reimbursable lunch. Schools may establish different unit prices for each lunch offered provided that the benefits made available to children eligible for free or reduced price lunches are not affected.

(f) What are the requirements for lunch periods?

- (1) Timing. Schools must offer lunches meeting the requirements of this section during the period the school has designated as the lunch period. Schools must offer lunches between 10:00 a.m. and 2:00 p.m. Schools may request an exemption from these times only from FNS.
- (2) Lunch periods for young children. With State agency approval, schools are encouraged to serve children ages one through five over two service periods. Schools may divide the quantities and/or the menu items, foods, or food items offered each time any way they wish.
- (3) Adequate lunch periods. FNS encourages schools to provide sufficient lunch periods that are long enough to give all students enough time to be served and to eat their lunches.

(g) What exceptions and variations are allowed in meals?

- (1) Exceptions for medical or special dietary needs. Schools must make substitutions in lunches and afterschool snacks for students who are considered to have a disability under 7 CFR part 15b and whose disability restricts their diet. Schools may also make substitutions for students who do not have a disability but who cannot consume the regular lunch or afterschool snack because of medical or other special dietary needs. Substitutions must be made on a case by case basis only when supported by a statement of the need for substitutions that includes recommended alternate foods, unless otherwise exempted by FNS. Such statement must, in the case of a student with a disability, be signed by a physician or, in the case of a student who is not disabled, by a recognized medical authority.
- (2) Variations for ethnic, religious, or economic reasons. Schools should consider ethnic and religious preferences when planning and preparing meals. Variations on an experimental or continuing basis in the food components for the food-based menu planning approaches in paragraphs (k) or (n) of this section may be allowed by FNS. Any variations must be nutritionally sound and needed to meet ethnic, religious, or economic needs.
- (3) Exceptions for natural disasters. If there is a natural disaster or other catastrophe, FNS may temporarily allow schools to serve meals for reimbursement that do not meet the requirements in this section.

(h) What must schools do about nutrition disclosure? To the extent that school food authorities identify foods in a menu, or on the serving line or through other available means of communicating with program participants, school food authorities must identify products or

dishes containing more than 30 parts fully hydrated alternate protein products (as specified in appendix A of this part) to less than 70 parts beef, pork, poultry or seafood on an uncooked basis, in a manner which does not characterize the product or dish solely as beef, pork, poultry or seafood. Additionally, FNS encourages schools to inform the students, parents, and the public about efforts they are making to meet the nutrition standards (see paragraph (b) of this section) for school lunches.

(i) What are the requirements for lunches under the nutrient standard menu planning approach?

(1) Nutrient levels.

(i) Adjusting nutrient levels for young children. Schools with children who are age 2 must at least meet the nutrition standards in paragraph (b) of this section and the preschool nutrient and calorie levels in paragraph (c)(1) of this section over a school week. Schools may also use the preschool nutrient and calorie levels in paragraph (c)(2) of this section or may calculate nutrient and calorie levels for two year olds. FNS has a method for calculating these levels in guidance materials for menu planning.

(ii) Minimum levels for nutrients. Lunches must at least offer the nutrient and calorie levels for the required grade groups in the table in paragraph (c)(1) of this section. Schools may also offer lunches meeting the nutrient and calorie levels for the age groups in paragraph (c)(2) of this section. If only one grade or age group is outside either of these established levels, schools may follow the levels for the majority of the children. Schools may also customize the nutrient and calorie levels for the children they serve. FNS has a method for calculating these levels in guidance materials for menu planning.

(2) Reimbursable lunches.

(i) Contents of a reimbursable lunch. A reimbursable lunch must include at least three menu items. One of those menu items must be an entree, and one must be fluid milk as a beverage. An entree is a combination of foods or is a single food item offered as the maincourse. All menu items or foods offered in a reimbursable lunch contribute to the nutrition standards in paragraph (b) of this section and to the levels of nutrients and calories that must be met in paragraphs (c) or (i)(1) of this section. Unless offered as part of a menu item in a reimbursable lunch, foods of minimal nutritional value (see appendix B to part 210) are not included in the nutrient analysis. Reimbursable lunches planned under the nutrient standard menu planning approach must meet the nutrition standards in paragraph (b) of this section and the appropriate nutrient and calorie levels in either paragraph (c) or paragraph (i)(1) of this section.

(ii) Offer versus serve. Schools must offer at least three menu items for lunches. Senior high (as defined by the State educational agency) school students must select at least two menu items and allowed to decline a maximum of two menu items. The student must always take the entree. The price of a reimbursable lunch does not change if the student does not take a menu item or requests smaller portions. At the discretion of the school food authority, students below the senior high level may also participate in offer versus serve.

(3) Doing the analysis. Schools using nutrient standard menu planning must conduct the analysis on all menu items and foods offered in a reimbursable lunch. The analysis is conducted over a school week. Unless offered as part of a menu item in a reimbursable lunch, foods of minimal nutritional value (see appendix B to part 210) are not included in the nutrient analysis.

(4) Software elements.

(i) The Child Nutrition Database. The nutrient analysis is based on the Child Nutrition Database.

This database is part of the software used to do a nutrient analysis. Software companies or others developing systems for schools may contact FNS for more information about the database.

(ii) Software evaluation. FNS or an FNS designee evaluates any nutrient analysis software before it may be used in schools. FNS or its designee determines if the software, as submitted, meets the minimum requirements. The approval of software does not mean that FNS or USDA endorses it. The software must be able to do all functions after the basic data is entered.

The required functions include weighted averages and the optional combined analysis of the lunch and breakfast programs.

(5) Nutrient analysis procedures.

(i) Weighted averages. Schools must include all menu items and foods offered in reimbursable lunches in the nutrient analysis. Menu items and foods are included based on the portion sizes and projected serving amounts. They are also weighted based on their proportionate contribution to the lunches offered. This means that menu items or foods more frequently offered are weighted more heavily than those not offered as frequently. Schools calculate weighting as indicated by FNS guidance and by the guidance provided by the software. Through September 30, 2003, schools are not required to conduct a weighted analysis.

(ii) Analyzed nutrients. The analysis includes all menu items and foods offered over a school week. The analysis must determine the levels of: Calories, protein, vitamin A, vitamin C, iron, calcium, total fat, saturated fat, sodium, cholesterol and dietary fiber.

(iii) Combining the analysis of the lunch and breakfast programs. At their option, schools may combine the analysis of lunches offered under this part and breakfasts offered under part 220 of this Chapter. The analysis is done proportionately to the levels of participation in each program based on FNS guidance.

(6) Comparing the results of the nutrient analysis. Once the procedures in paragraph (i)(5) of this section are completed, schools must compare the results of the analysis to the appropriate nutrient and calorie levels, by age/grade groups, in paragraph (c) of this section or those developed under paragraph (i)(1) of this section. This comparison determines the school week's average. Schools must also make comparisons to the nutrition standards in paragraph (b) of this section to determine how well they are meeting the nutrition standards over the school week.

(7) Adjustments to the menus. Once schools know the results of the nutrient analysis based on the procedures in paragraphs (i)(5) and (i)(6) of this section, they must adjust future menu cycles to reflect production and how often the menu items and foods are offered. Schools may need to reanalyze menus when the students' selections change and, consequently, production levels change. Schools may need to change the menu items and foods offered given the students' selections and may need to modify the recipes and other specifications to make sure that the nutrition standards in paragraph (b) and either paragraphs (c) or (i)(1) of this section are met.

(8) Standardized recipes. If a school follows the nutrient standard menu planning approach, it must develop and follow standardized recipes. A standardized recipe is a recipe that was tested to provide an established yield and quantity using the same ingredients for both measurement and preparation methods. Any standardized recipes developed by USDA/FNS are in the Child Nutrition Database. If a school has its own recipes, they must be standardized and analyzed to determine the levels of calories, nutrients, and dietary components listed in paragraph (i)(5)(ii) of this section. Schools must add any local recipes to their

local database as outlined in FNS guidance.

(9) Processed foods. The Child Nutrition Database includes a number of processed foods. Schools may use purchased processed foods and menu items that are not in the Child Nutrition Database. Schools or the State agency must add any locally purchased processed foods and menu items to their local database as outlined in FNS guidance. Schools or the State agency must obtain the levels of calories, nutrients, and dietary components listed in paragraph (i)(5)(ii) of this section.

(10) Menu substitutions. Schools may need to substitute foods or menu items in a menu that was already analyzed. If the substitution(s) occurs more than two weeks before the planned menu is served, the school must reanalyze the revised menu. If the substitution(s) occurs two weeks or less before the planned menu is served, the school does not need to do a reanalysis. However, schools should always try to substitute similar foods.

(11) Meeting the nutrition standards. The school's analysis shows whether their menus are meeting the nutrition standards in paragraph (b) of this section and the appropriate levels of nutrients and calories in paragraph (c) of this section or customized levels developed under paragraph (i)(1) of this section. If the analysis shows that the menu(s) are not meeting these standards, the school needs to take action to make sure that the lunches meet the nutrition standards and the calorie, nutrient, and dietary component levels. Actions may include technical assistance and training and may be taken by the State agency, the school food authority or by the school as needed.

(12) Other Child Nutrition Programs and nutrient standard menu planning. School food authorities that operate the Summer Food Service Program (part 225 of this chapter) and/or the Child and Adult Care Food Program (part 226 of this chapter) may, with State agency approval, prepare lunches for these programs using the nutrient standard menu planning approach for children age two and over. FNS has guidance on the levels of nutrients and calories for adult lunches under the Child and Adult Care Food Program. However, afterschool snacks continue to use the appropriate program's meal pattern.

(j) What are the requirements for lunches under the assisted nutrient standard menu planning approach?

(1) Definition of assisted nutrient standard menu planning. Some school food authorities may not be able to do all of the procedures necessary for nutrient standard menu planning. The assisted nutrient standard menu planning approach provides schools with menu cycles developed and analyzed by other sources. These sources include the State agency, other school food authorities, consultants, or food service management companies.

(2) Elements of assisted nutrient standard menu planning. School food authorities using menu cycles developed under assisted nutrient standard menu planning must follow the procedures in paragraphs (i)(1) through (i)(10) of this section. The menu cycles must also incorporate local food preferences and accommodate local food service operations. The menu cycles must meet the nutrition standards in paragraph (b) of this section and meet the nutrient and calorie levels for nutrient standard menu planning in paragraph (c) or paragraph (i)(1) of this section. The supplier of the assisted nutrient standard menu planning approach must also develop and provide recipes, food product specifications, and preparation techniques. All of these components support the nutrient analysis results of the menu cycles used by the receiving school food authorities.

(3) State agency approval. Prior to its use, the State agency must approve the initial menu cycle, recipes and other specifications of the assisted nutrient standard menu planning approach. The State agency needs to ensure that all the steps required for nutrient analysis were followed. School food authorities may also ask the State agency for assistance with implementation of their assisted nutrient standard menu planning approach.

(4) Required adjustments. After the initial service of the menu cycle developed under the assisted nutrient standard menu planning approach, the nutrient analysis must be reassessed and appropriate adjustments made as discussed in paragraph (i)(7) of this section.

(5) Final responsibility for meeting the nutrition standards. The school food authority using the assisted nutrient standard menu planning approach retains responsibility for meeting the nutrition standards in paragraph (b) of this section and the calorie and nutrient levels in paragraph (c) or paragraph (i)(1) of this section.

(6) Adjustments to the menus. If the nutrient analysis shows that the lunches offered are not meeting the nutrition standards in paragraph (b) of this section and the calorie and nutrient levels in paragraph (c) or paragraph (i)(1) of this section, the State agency, school food authority or school must take action to make sure the lunches offered meet these requirements. Actions needed include technical assistance and training.

(7) Other Child Nutrition Programs and assisted nutrient standard menu planning. School food authorities that operate the Summer Food Service Program (part 225 of this chapter) and/or the Child and AdultCare Food Program (part 226 of this chapter) may, with State agency approval, prepare lunches for these programs using the assisted nutrient standard menu planning approach for children age two and over. FNS has guidance on the levels of nutrients and calories for adult lunches under the Child and Adult Care Food Program. However, afterschool snacks continue to use the appropriate program's meal pattern.

(k) What are the requirements for lunches under the food-based menu planning approaches? There are two menu planning approaches based on meal patterns, not nutrient analysis. These approaches are the traditional food-based menu planning approach and the enhanced food-based menu planning approach. Schools using one of these approaches offer food components in at least the minimum quantities required for the various grade groups.

(1) Quantities for the traditional food-based menu planning approach--(i) Minimum quantities. At a minimum, schools must offer five food items in the quantities required.

(ii) Use of Group IV quantities. Schools that are able to provide quantities of food to children solely on the basis of their ages or grade level should do so. Schools that cannot serve children on the basis of age or grade level must provide all school age children Group IV portions as specified in the table in paragraph (k)(1)(i) of this section. Schools serving children on the basis of age or grade level must plan and produce sufficient quantities of food to provide Groups I-IV no less than the amounts specified for those children in the table in paragraph (k)(1)(i) of this section, and sufficient quantities of food to provide Group V no less than the specified amounts for Group IV. FNS recommends that schools plan and produce sufficient quantities of food to provide Group V children the larger amounts specified in the table in paragraph (k)(1)(i) of this section. Schools that provide increased portion sizes for Group V may comply with children's requests for smaller portion sizes of the food items; however, schools must plan and produce sufficient quantities of food to at least provide the serving sizes required for Group IV. Schools must ensure that lunches are served with the objective of providing the per lunch minimums for each age and grade level as specified in the table in paragraph (k)(1)(i) of this section.

(2) Quantities for the enhanced food-based menu planning approach. Schools must at least offer

five food items in the quantities in the following table:

(3) Requirements for the meat/meat alternate component. The quantity of the meat/meat alternate component must be the edible portion as served. If the portion size of a food item for this component is excessive, the school must reduce that portion and supplement it with another meat/meat alternate to meet the full requirement. This component must be served in a main dish or in a main dish and only one other food item. Schools without daily choices in this component should not serve any one meat alternate or form of meat (for example, ground, diced, pieces) more than three times in the same week.

(i) Enriched macaroni. Enriched macaroni with fortified protein as defined in appendix A to this part may be used to meet part of the meat/meat alternate requirement when used as specified in appendix A to this part. An enriched macaroni product with fortified protein as defined in appendix A to this part may be used to meet part of the meat/meat alternate component or the grains/breads component but not as both food components in the same lunch.

(ii) Nuts and seeds. Nuts and seeds and their butters are allowed as meat alternates in accordance with program guidance. Acorns, chestnuts, and coconuts must not be used because of their low protein and iron content. Nut and seed meals or flours may be used only as allowed under appendix A to this part. Nuts or seeds may be used to meet no more than one-half of the meat/meat alternate component with another meat/meat alternate to meet the full requirement.

(iii) Yogurt. Yogurt may be used to meet all or part of the meat/meat alternate requirement. Yogurt may be either plain or flavored, unsweetened or sweetened. Noncommercial and/or nonstandardized yogurt products, such as frozen yogurt, homemade yogurt, yogurt flavored products, yogurt bars, yogurt covered fruit and/or nuts or similar products are not creditable. Four ounces (weight) or $\frac{1}{2}$ cup (volume) of yogurt equals one ounce of the meat/meat alternate requirement.

(4) Requirements for the vegetable/fruit component.

(i) General. Full strength vegetable or fruit juice may be used to meet no more than one-half of the vegetable/fruit requirement. Cooked dry beans or peas may be counted as either a vegetable or as a meat alternate but not as both in the same meal.

(ii) Minimum quantities for the enhanced food-based menu planning. Under the enhanced food-based menu planning approach, children in kindergarten through grade six are offered vegetables/fruits in minimum daily servings plus an additional one-half cup in any combination over a five day period.

(5) Requirements for the grains/breads component.

(i) Enriched or whole grains. All grains/breads must be enriched or whole grain or made with enriched or whole grain meal or flour.

(ii) Daily and weekly servings. The requirement for the grain/bread component is based on minimum daily servings plus total servings over a five day period. Schools serving lunch 6 or 7 days per week should increase the weekly quantity by approximately 20 percent ($\frac{1}{5}$ th) for each additional day. When schools operate less than 5 days per week, they may decrease the weekly quantity by approximately 20 percent ($\frac{1}{5}$ th) for each day less than five. The servings for biscuits, rolls, muffins, and other grain/bread varieties are specified in the Food Buying Guide for Child Nutrition Programs (PA 1331), an FNS publication.

(iii) Minimums under the traditional food-based menu planning approach. Schools must offer at least one-half serving of the grain/bread component to children in Group I and at least one serving to children in Groups II-V daily. Schools which serve lunch at least 5 days a week shall serve a total of at least five servings of grains/breads to children in Group I

and eight servings per week to children in Groups II-V.

(iv) Desserts under the enhanced food-based menu planning approach. Under the enhanced food-based menu planning approach, schools may count up to one grain-based dessert per day for children in grades K-12 towards meeting the grains/breads component.

7 CFR 210.11—Competitive food services.

(a) Definitions. For the purpose of this section:

(1) Competitive foods means any foods sold in competition with the Program to children in food service areas during the lunch periods.

(2) Food of minimal nutritional value means: (i) In the case of artificially sweetened foods, a food which provides less than five percent of the Reference Daily Intakes (RDI) for each of eight specified nutrients per serving; and (ii) in the case of all other foods, a food which provides less than five percent of the RDI for each of eight specified nutrients per 100 calories and less than five percent of the RDI for each of eight specified nutrients per serving. The eight nutrients to be assessed for this purpose are--protein, vitamin A, vitamin C, niacin, riboflavin, thiamine, calcium, and iron. All categories of food of minimal nutritional value and petitioning requirements for changing the categories are listed in appendix B of this part.

(b) General. State agencies and school food authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with lunches served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value, as listed in appendix B of this part, in the food service areas during the lunch periods. The sale of other competitive foods may, at the discretion of the State agency and school food authority, be allowed in the food service area during the lunch period only if all income from the sale of such foods accrues to the benefit of the nonprofit school food service or the school or student organizations approved by the school. State agencies and school food authorities may impose additional restrictions on the sale of and income from all foods sold at any time throughout schools participating in the Program.

7 CFR 210.12— Student, parent and community involvement.

(a) General. School food authorities shall promote activities to involve students and parents in the Program. Such activities may include menu planning, enhancement of the eating environment, Program promotion, and related student-community support activities. School food authorities are encouraged to use the school food service program to teach students about good nutrition practices and to involve the school faculty and the general community in activities to enhance the Program.

(b) Food service management companies. School food authorities contracting with a food service management company shall comply with the provisions of Sec. 210.16(a) regarding the establishment of an advisory board of parents, teachers and students.

(c) Residential child care institutions. Residential child care institutions shall comply with the provisions of this section, to the extent possible.

7 CFR 210.13— Facilities management.

(a) Health standards. The school food authority shall ensure that food storage, preparation and service is in accordance with the sanitation and health standards established under State and local law and regulations.

(b) Food safety inspections. - - (1) In general. Except as provided in paragraph (b)(2) of this section, schools shall at least once during each school year, obtain a food safety inspection conducted by a State or local governmental agency responsible for food safety inspections.

(2) Exception. Paragraph (b)(1) of this section shall not apply to a school if a food safety inspection of the school is required by a State or local governmental agency responsible for food safety inspections.

(c) Storage. The school food authority shall ensure that the necessary facilities for storage, preparation and service of food are maintained. Facilities for the handling, storage and distribution of purchased and donated foods shall be such as to properly safeguard against theft, spoilage and other loss.

AGO. 92-54 (Sept. 24, 1992) Vending Machine Proceeds In Schools

QUESTION: Are proceeds from vending machines which have been placed in individual schools properly maintained in the individual school's account?

ANALYSIS: In Op. Tenn. Atty. Gen. U89-134 (Nov. 28, 1989) this Office opined that, in the absence of a specific statutory or charter provision explicitly providing for the status and disposition of vending machine proceeds, revenues derived from such operations are public funds and revenues of the local governmental entity which owns and operates the building in which the operations are conducted. We stated that "[s]uch revenues should be handled in the same manner as other revenues of the local governmental entity." Id., p. 1. We also noted, however, that local government entities are governed by a wide variety of different statutes and that a final answer with regard to a particular entity could only be made after an examination of the relevant statutes which govern the particular governmental entity.

In the situation under consideration, a specific statute governs funds received for student activities. T.C.A. Sec. 49-2-110(a) provides:

The several schools may, if authorized by the particular board of education having jurisdiction over such school or schools, receive funds for student activities as hereinafter provided, and for events held at or in connection with the school, including contracts with other schools for interschool events and funds derived from such sources shall be the property of the respective schools; ...

In 1976, T.C.A. Sec. 49-2-110 was amended to provide that the State Department of Education shall prepare a uniform accounting policy manual for local school systems. The amendment further provided that each local school system is required to adopt the manual and issue and maintain all activity fund books and records in accordance with the requirements of the manual. Tenn.Pub.Acts, ch. 709 (1976).

A review of the Tennessee Internal School Financial Management Manual, the manual prepared by the Department of Education as required by T.C.A. Sec. 49-2-110(e), reveals that Section 5, Title 2, concerning operating procedures and receiving funds provides that "[f]unds within an individual school may be derived from many sources including athletics, concessions, paid entertainment, publications, stores, gifts, vending machines, and the like." (Emphasis added) This provision of the Internal School Financial Management Manual amounts to an administrative interpretation of TCA Sec. 49-2-110. Such an interpretation is entitled to considerable weight in determining the meaning of the statute. *Nashville Mobilephone Co., Inc. v. Atkins*, 536 S.W.2d 335, 340 (Tenn.1976).

The interpretation of the State Department of Education is that vending machine proceeds from machines located in individual schools are to be maintained in their individual school's accounts as student activity funds. It is the opinion of this office that this interpretation is correct and that such proceeds are properly maintained as student activity funds pursuant to T.C.A. Sec. 49-2-110.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Insurance Management	Descriptor Code: 3.600	Issued Date:
		Rescinds:	Issued:

1 The insurance program will provide coverages in a minimum of the following broad categories:

- 2
- 3 1. Property: Buildings and contents against fire, extended coverage, vandalism and malicious mis-
4 chief, boiler and machinery explosion; and vehicles;
 - 5
 - 6 2. Liability: Board members, director of schools and employees resulting from discharging their
7 duties;
 - 8
 - 9 3. Worker's compensation; and
 - 10
 - 11 4. Fidelity: Blanket bond and fiscal agent's bond as required by statute.
 - 12

13 The director of schools will continually review the insurance program to ensure that adequate protection
14 is being provided at a reasonable price.

15 **GROUP HEALTH**

16 The Board shall provide group health insurance for all full-time employees.¹

17
18 Board approval of group insurance for which the Board makes partial payment shall be given on recom-
19 mendation of a committee comprised of at least one (1) Board-appointed representative and one certified
20 and one non-certified representative.

21
22 The Board shall select the carrier of any insurance for which the Board makes full payment.

23 **ANNUITIES²**

24 Board-approved companies for tax-sheltered annuities shall include all companies presently having
25 contracts with employees.

- 26
- 27 1. The addition of a company to the list of Board-approved companies shall be considered on writ-
28 ten request of agents of the company; and
 - 29
 - 30 2. Written request for a change in annuity deductions shall be reported to the payroll office on or
31 before the first day of the month in which such change is to be effective.
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RETIREES³

Payment of individual hospitalization insurance coverage shall be available for any retiring employee at the same cost as for other employees until the employee reaches age sixty-five (65), provided that:

1. The employee is eligible for retirement under the eligibility standards as set by Tennessee Retirement System; and
2. The employee was enrolled in the Board-sponsored insurance plan for one (1) full year prior to retirement.

Retired employees will be permitted to pay the difference in an individual plan and a family plan on a monthly basis and continue coverage if they so desire.

Legal References:

1. TCA 49-2-209
2. TCA 49-2-208
3. TCA 49-5-906

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.600	<i>District Sources Consulted:</i>
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Policy Recommendations:	<i>Editor's Comments:</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="padding: 5px;">Developed Sample</td> </tr> <tr> <td></td> <td style="padding: 5px;">District policy used</td> </tr> <tr> <td></td> <td style="padding: 5px;">Customize as indicated</td> </tr> <tr> <td></td> <td style="padding: 5px;">MANDATED BY LAW</td> </tr> </table>		Developed Sample		District policy used		Customize as indicated		MANDATED BY LAW	This is a new policy for the system.
	Developed Sample								
	District policy used								
	Customize as indicated								
	MANDATED BY LAW								

LEGAL REFERENCE:

TCA 49-2-209. Insurance. —(a) Notwithstanding any other provision to the contrary, local boards of education are authorized to provide group life, hospitalization, disability or medical insurance for teachers, principals and other employees.

- (b) For the purposed of financing such insurance programs, the employees who choose to participate may be required to bear a percentage of the expense of such coverages by having deducted such amounts from their salary.
- (c) The budget of the local board of education shall include an amount sufficient to pay the board's portion of such insurance premium.
- (d) The funds provided by the board of education and the amounts, if any, deducted from the employees' salaries shall be accounted for by creating a special account within the regular school fund.
- (e) The director of schools or a delegated committee of the board may prepare and present to the board for approval a contract or contracts with one (1) or more insurance companies or other cooperation which may exist under the provisions of title 56, chapters 27-29, authorized to do business in this state or to one (1) or more insurance trusts which have contracted with an insurance company or companies or corporations as set out above authorized to do business in this state for a policy or policies of group life, hospitalization, disability or medical expenses for designated school board employees.
- (f) Such approval shall be by majority vote of the board of education and shall be executed in the name of the board of education.
- (g) Such contracts may from time to time be amended, modified or changed by majority vote of the board.
- (h) The policy or policies shall conform to the standard provisions of group insurance policies as set forth in this code.

TCA 49-2-208. Tax-sheltered annuities. —(a) A local board of education is authorized to enter into written agreements with any of its employees to pay, at the request of its employees, a part of the incomes of such employees for the purchase of annuity or other contracts which meet the requirements of the Internal Revenue Code, § 403(b). The amount of the reduction may not exceed the amount excludable from income under §403(b), 415, or 402(g) of the Internal Revenue Code and shall be

considered a part of the employee's salary for all purposes other than federal income tax. Such annuity or other contracts shall only be purchased from:

- (1) An insurance or annuity company authorized to do business in this state; or
- (2) Any broker dealer licensed to sell shares of regulated investment companies to be held in custodial accounts as authorized by the Internal Revenue Code, § 403(b)(7).

(b) A local board of education which elects to provide a 403(b) plan pursuant to the provisions of this section must extend membership eligibility in the plan to all of its teachers, or to all of its full-time non-teachers or both. If the board extends membership eligibility in the plan to any teacher, then all of its teachers must be given the option of participating in the plan under the same terms and conditions. The board may further extend membership eligibility in the plan to its part-time non-teachers, provided that all of its part-time non-teachers are given the option of participating under the same terms and conditions. For purposes of this subsection, "teacher" means those persons included within the definition in § 8-34-101(46) and who are participating members of the Tennessee consolidated retirement system. In addition, "same terms and conditions" includes but is not limited to, any employer matching contributions made by the local board of education pursuant to subdivision (f)(1).

(c) Any agreement entered into between a local board of education and an employee pursuant to this section shall specify the amount and the effective date of the reduction, be legally binding and irrevocable with respect to the amounts earned while the agreement is in effect, and state that the agreement shall impose no liability nor responsibility whatsoever on the board except to show that payments have been remitted for the purposes for which deducted.

(d) Upon entering into such agreement, the board shall thereafter pay the deductions while such annuity or other investment contract is in force and while the employee is actively employed by the board. Upon advance written notice duly given to the board by the employee, the board shall make any changes in the manner or amount of deductions required under the terms of the agreement and shall stop such deductions when so notified in advance by the employee.

(e) Notwithstanding any other provision of law to the contrary, any compensation deferred under this section shall be considered part of an employee's compensation for purposes of any other employee retirement, pension or benefit program. No deferral of income under this section shall effect a reduction of any retirement, pension, or other benefit program provided by law.

(f)(1) Each local board of education that administers the purchase of annuity or other contracts under this section may elect to provide for employer matching of contributions made by employees hereunder; provided that such employer matching is included in the board's budget and is ratified by the local board of education and appropriate legislative body. Before making such contributions, the board shall select, through competitive bidding and contracts, one (1) or more insurance companies or mutual fund managers from which contracts are to be purchased for the purpose of depositing and investing employer contributions. In evaluating such bids, the board shall consider:

- (A) The financial condition and operating performance of the entity;
- (B) The long term performance of the investment products offered by the entity; and
- (C) The fund expense ratios, administrative fees, and any other charges or penalties affecting investment return.

(2) Any entity selected to receive and administer employer contributions must meet the following minimum qualifications and standards:

- (A) The entity must offer a range of investment choices, including, at a minimum, a money market fund, a bond fund and a stock fund;
- (B) The entity shall not apply sales loads, deferred sales charges, surrender fees or early withdrawal penalties. Further, the combined total of any mortality and expense

risk fees and separate account charges imposed by the entity prior to annuitization of the account balance shall not exceed one percent (1%) of assets on an annualized basis;

(C) The entity shall not impose minimum contribution requirements on employees or the board; and

(D) The entity must have been in business for at least five (5) years and have a minimum of one billion dollars (\$1,000,000,000) in assets. If the entity is an insurance company, the entity must also be rated by two (2) or more nationally recognized rating services as being within the three (3) highest rating categories for financial condition and operating performance.

(3) Employer contributions made under this subsection shall not be considered part of an employee's compensation for purposes of any other employee retirement, pension, or benefit program.

(g) Any annuity or other contract entered into under the authority of this section shall conform to all applicable laws, rules and regulations of the internal revenue service which will qualify such contracts for income tax benefits provided for under the Internal Revenue Code of 1986, § 403(b), or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended.

TCA 49-5-906. Eligibility for benefits. — Every teacher who has annually contributed to the fund, in accordance with the provisions of this part, for at least five (5) years, and has taught in the public schools not less than twenty-five (25) years, fifteen (15) years of which have been in the public schools of a city, town, county or district, may be retired by the board of education, and shall have the right to voluntarily retire from such service and become the beneficiary of this part. Every such teacher so retiring or retired shall be entitled to an annuity for the remainder of such teacher's life, to be paid out of such fund, an amount as provided by § 49-5-904.

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Student Insurance Program	Descriptor Code: 3.601	Issued Date:
		Rescinds:	Issued:

1 Student accident insurance will be made available for purchase on an optional basis. The policy shall be
2 reviewed annually and approved by the Board upon recommendation of the director of schools. Applica-
3 tions and information brochures will be sent home with the students during the first week of school.
4

5 Files will be maintained in the principal's office listing students subscribing to the plan.
6

7 The principal shall ensure that each student, before participating in interscholastic athletics, either
8 purchases the insurance policy offered or presents a statement signed by the parent(s) which assures
9 the school that the parent(s) has personal insurance or is willing to accept all financial responsibilities
10 related to participation and travel. Forms for such permission and agreements will be furnished by the
11 principal and will be kept on file in the principal's office.
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31 _____
32 Cross References:

33 Interscholastic Athletics 4.301
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**Blount County Board of Education
Policy Development Summary**

Policy Code: 3.601

District Sources Consulted: 6.712

Policy Recommendations:

Editor's Comments:

This is a new policy for the system.

Developed Sample

District policy used

Customize as indicated

MANDATED BY LAW

Morgan County Board of Education

Monitoring: Review: Annually, in October	Descriptor Term: Workers' Compensation	Descriptor Code: 3.602	Issued Date: 06/06/1994
		Rescinds: EGAA	Issued: 06/06/1994

1 The Board shall maintain adequate workers' compensation coverage according to state statutes and shall
2 post and maintain in a conspicuous place on the business premises a printed notice regarding worker's
3 compensation as prescribed by the commissioner of labor and workforce development.¹
4

5 The Board shall establish a medical panel consisting of at least three (3) or more reputable physicians or
6 surgeons, not associated together in practice, if available.
7

8 The names of the physicians or surgeons shall be posted in conspicuous places throughout the mainte-
9 nance, transportation, clerical, and professional areas of participating schools. Any claimant may select an
10 operating surgeon or attending physician listed on the medical panel for treatment of on-the-job injuries.
11 Any specialized treatment of injuries must be administered by practitioners or specialists upon referral by
12 the medical panel.¹
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Legal References:

- 31 1. TCA 50-6-407
- 32 2. TCA 50-6-204(4)(A)(B)

33 _____
Cross References:

- 34 Risk Management 3.204
- 35 Sick Leave 5.302
- 36 Physical Assault Leave 5.307

**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 3.602

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

Please note that school systems are not required to carry workers' compensation insurance.

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

LEGAL REFERENCE:

TCA 50-6-108. Right to compensation exclusive. — (a) The rights and remedies herein granted to an employee subject to the Workers' Compensation Law on account of personal injury or death by accident, including a minor whether lawfully or unlawfully employed, shall exclude all other rights and remedies of such employee, such employee's personal representative, dependents or next of kin, at common law or otherwise, on account of such injury or death.

(b) This section shall not be construed to preclude third party indemnity actions against an employer who has expressly contracted to indemnify such third party.

TCA 50-6-204. Medical attendance and hospitalization—Reports—Physical examinations. — (4) (A) The injured employee shall accept the medical benefits afforded hereunder; provided, that except as provided in subdivision (B), the employer shall designate a group of three (3) or more reputable physicians or surgeons not associated together in practice, if available in that community, from which the injured employee shall have the privilege of selecting the operating surgeon or the attending physician; and provided further, that the liability of the employer for such services rendered the employee shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides.

TCA 50-6-407. Certificate of compliance with insurance provisions. — Every individual, firm, association, or corporation using the services of one (1) or more persons for pay shall post and maintain in a conspicuous place on the business premises a printed notice regarding workers' compensation as prescribed by the commissioner of labor and workforce development. The notice shall include, at a minimum, a general description of the duties and obligations of both the employer and the employee under such law; the name, address and telephone number of the individual to notify in the event of a work-related injury; a toll-free number and address for the Department of Labor and Workforce Development at which employers or employees may obtain additional information; and the name, address, and telephone number of a representative of the employer who can confirm whether such individual, firm, association, or corporation is subject to the Tennessee Workers' Compensation Law; and such other information as may be required through rules promulgated by the commissioner of labor and workforce development.

October 21, 2010

Dear Dr. Diden:

Attached is Section 3 of the manual. The revision adds a number of policies to the section on facilities management. A number of policies have been moved to other sections, namely EBHA (which was moved to section 4) and EBHAC (Which was added to section 2). Policies EH and EHE were removed as redundant because the TLN representative is now covered in Section 1 under the election of officers. Finally, I recommend that Policies EBHAB and EI be removed from the policy manual. These policies should be handled as administrative procedures instead. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Joel H. Moseley, Jr.
Director of Policy & Staff Attorney

Tennessee School Boards Association
Phone: (800) 448-6465 Ext. 3906
Facsimile: (615) 815-3911

2nd Reading

Morgan County Board of Education

Descriptor Term:

Organization Charts

Descriptor Code:

CC

Issued Date:

06/06/94

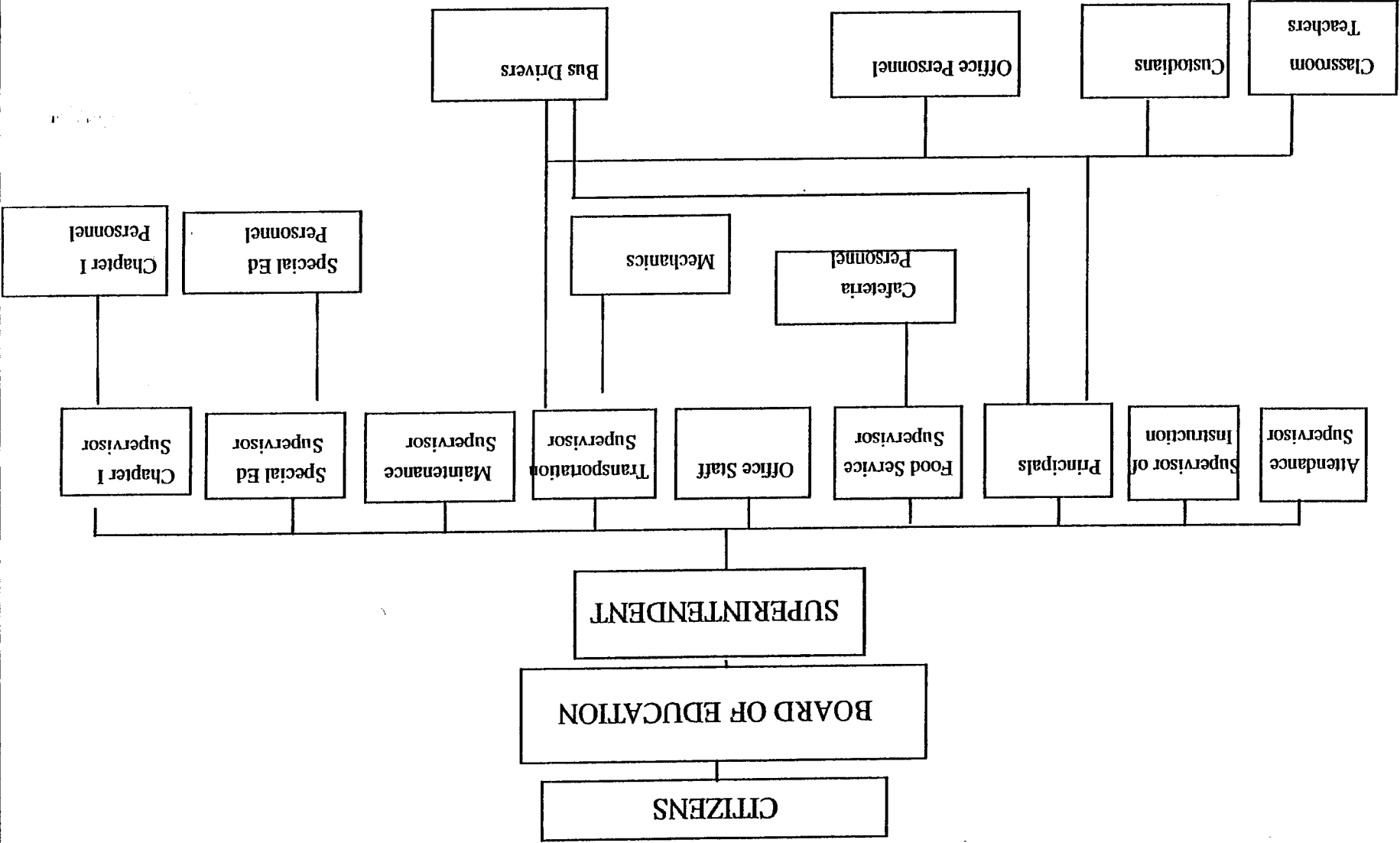
Rescinds:

Issued:

Charts depicting the administrative organization or the school system shall be developed, maintained, and revised periodically by the superintendent as approved by the Board.

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MORGAN COUNTY SCHOOL PERSONNEL



MORGAN COUNTY BOARD OF EDUCATION

Positive Behavior Support	Descriptor Code:	Issued Date:
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The Board is committed to the task of providing a positive climate that is conducive to learning for all students and maximizes school safety. The Board recognizes the role of Positive Behavior Support as an important approach in its mission to create positive learning environments for all students, staff members and visitors. Through the District-Wide Positive Behavior Support Leadership Team guidance will be provided to support the following goals:

- Improve the behavioral competence of children in Morgan County Schools
- Improve the academic competence of children in Morgan County Schools
- Improve the safety for all within Morgan County Schools

School-Wide Positive Behavior Support will be utilized in each of Morgan County's schools guided by the following principles:

1. Social and behavioral competence and character are learned in the home, school and community.
2. Prevention is more effective than reaction.
3. Investment in building a culture of social responsibility and competence supports safe schools and learning environments.
4. Teaching positive behavior is more effective than punishing negative behavior.
5. Effective instruction incorporates research-validated methods that are designed with a high degree of fidelity over time and across settings.
6. Systemic change produces long-term sustainability and is best undertaken at the local level by members of the school and community.

Morgan County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School Attendance Areas	Descriptor Code: 1.703	Issued Date:
		Rescinds:	Issued:

1 The Board shall establish school attendance areas and periodically review boundary adjustments. The
2 director of schools shall enforce these areas as established by the Board.¹
3

4 The primary considerations governing the establishment of a school attendance area are:
5

- 6 1. The educational opportunity afforded students;
- 7
- 8 2. The capacity of each school; and
- 9
- 10 3. The geographic location of each school in relationship to the surrounding student population.
11

12 Students who use the school bus service must attend the school in the zone in which they reside. Stu-
13 dents who use transportation other than the school bus service shall be permitted to attend any school
14 which is appropriate for their level.
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33 Legal Reference:

- 34 1. TCA 49-6-403(c)
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**Tennessee School Boards Association
Policy Development Summary**

Policy Code: 1.703

District Sources Consulted:

Policy Recommendations:

Editor's Comments:

X	Developed Sample
	District policy used
	Customize as indicated
	MANDATED BY LAW

49-6-403. Attendance and length of term. —

(c) Local boards of education shall designate the schools which the pupils shall attend.

MORGAN COUNTY BOARD OF EDUCATION

SUPPORT PERSONNEL LONGEVITY PAY

Descriptor Code:
GCRI

Issued Date:
4/5/99

All support personnel shall receive longevity pay as specified below:

- All support personnel shall receive fifty (\$50.00) per year of service, up to ten (10) years.
- Employees must have worked six (6) months in a school year or fiscal year to accumulate one (1) year of service for longevity pay purposes.
- A school year is defined as that time period beginning with the opening of school to the last day of school as approved in the Morgan County School Calendar for that year.
- A fiscal year is defined as that period beginning July 1st through June 30th of each year.
- Longevity pay or years of experience pay is paid for one (1) support personnel position only.
- If an employee transfers from one position to another position, longevity experience transfers.
- All support personnel shall receive a check for the full amount due once each year.
- Longevity pay is normally paid the week prior to Thanksgiving vacation.
- Longevity pay is based on experience accumulated as per the previous year.
- If any support personnel quits or resigns their position, they have one year (365 days) to return to employment and retain their accumulated longevity experience. After, one year (365 days) they shall lose all longevity experience.
- If any support personnel is terminated from employment, they shall immediately lose all accumulated longevity experience.

MORGAN COUNTY SCHOOLS

EXPENDITURE REPORT

For Month Ended December 31, 2010

	MONTH OF DECEMBER			DECEMBER YEAR-TO-DATE		
	Activity	Bdgt (1/12th)	Prct	Activity	Budget	Prct
141 - G.P. SCHOOLS						
71100 - REGULAR INSTRUCTION	776,719	889,575	87%	3,896,596	10,674,897	37%
71100 - REGULAR INSTR (MOE)	0	0		0	0	
71100 - REGULAR INSTR (ARRA)	0	0		0	0	
71200 - SPECIAL EDUC PROG	134,781	127,098	106%	623,732	1,525,176	41%
71300 - VOCATIONAL EDUC PROG	68,301	80,219	85%	357,817	962,627	37%
72110 - ATTENDANCE	12,926	14,718	88%	126,004	176,616	71%
72120 - HEALTH SERVICES	20,598	22,282	92%	95,908	267,378	36%
72310 - OTHER STUDENT SUPP	41,293	44,428	93%	182,901	533,139	34%
72210 - REGULAR INSTR PROG	63,710	81,104	79%	383,451	973,244	39%
72220 - SPECIAL EDUC PROG	11,043	12,872	86%	70,480	154,462	46%
72230 - VOCATIONAL EDUC PROG	6,619	6,698	99%	38,890	80,380	48%
72310 - BOARD OF EDUCATION	10,534	46,771	23%	326,095	561,248	58%
72320 - OFFICE SUPERINTENDENT	24,189	23,888	101%	149,829	286,651	52%
72410 - OFFICE OF PRINCIPAL	100,837	104,826	96%	592,887	1,257,909	47%
72610 - OPERATION OF PLANT	126,539	133,494	95%	779,736	1,601,930	49%
72620 - MAINT. OF PLANT	42,080	49,769	85%	224,564	597,225	38%
72710 - TRANSPORTATION	64,292	80,966	79%	458,705	971,598	47%
73100 - FOOD SERVICE	0	2,583	0%	0	31,000	0%
73400 - EARLY CHILDHOOD EDUC	0	0		0	0	
76100 - CAPITAL OUTLAY	0	5,417	0%	6,300	65,000	10%
82000 - DEBT SERVICE	0	64,902	0%	75,986	778,823	10%
99100 - OTHER USES	0	0		0	0	
Grants						
0004 - CO-ORDINATED SCH HLTH	8,974	10,167	88%	58,452	122,000	48%
0042 - CAREER IN MIND (TrACHE)	0	1,238	0%	0	14,852	0%
0054 - SAVE-THE-CHILDREN	11,785	10,417	113%	40,052	125,000	32%
0061 - E4TN PROGRAM	-500	0		0	0	
0320 - FAMILY RESOURCE	619	4,950	13%	4,383	59,400	7%
0502 - DISTANCE LEARNING	0	372	0%	0	4,459	0%
7010 - PRE K	32,489	70,951	46%	167,105	851,410	20%
7017 - 21st CENTURY LEARNING	42,012	10,164	413%	45,115	121,966	37%
ETH- JOBS FOR TENNESSEE	10,889	3,500	311%	22,578	42,000	54%
SNAP- ECON. DISADV. CHILDREN	0	755	0%	9,054	9,055	100%
SPED - SPECIAL ED	2,041	4,070	50%	8,484	48,839	17%
HSW - HIGH SCHOOL WORK	0	500	0%	5,129	6,000	85%
TOTAL G.P.Schools:	1,612,769	1,908,690	84%	8,750,232	22,904,283	38%
142 - FEDERAL SCHOOLS						
011 - TITLE I & II ADMIN	9,962	13,642	73%	63,693	163,702	39%
101 - TITLE I	65,060	84,366	77%	447,656	1,012,395	44%
10S - TITLE I ARRA	26,333	25,692	102%	158,957	308,302	52%
201 - TITLE 2A	19,471	23,426	83%	140,531	281,108	50%
TITLE II PART D, COMPETITIVE, ARRA	500	1,667	30%	500	20,000	3%
231 - TITLE 2D	0	254	0%	0	3,043	0%
23S - TITLE 2D ARRA	0	0		0	0	
401 - TITLE 4	0	0		0	0	
551 - ARRA BONUS APPROPRIATION	75,686	78,280	97%	353,933	939,356	38%
581 - RACE TO THE TOP	11,338	17,908	63%	54,685	214,893	25%
601 - TITLE 6	93	7,009	1%	15,548	84,102	18%
801 - CARL PERKINS	11,348	4,831	235%	35,491	57,972	61%
901 - IDEA	73,454	59,710	123%	396,132	716,521	55%
911 - IDEA PreSCHOOL	3,110	2,654	117%	16,592	31,851	52%
90S - IDEA ARRA	11,073	2,813	394%	16,427	33,750	49%
91S - IDEA PreSCH ARRA	2,932	244	1200%	2,932	2,932	100%
TOTAL Federal School Project:	310,360	322,494	96%	1,703,075	3,869,926	44%
143 - CENTRAL CAFETERIA						
73100 - FOOD SERVICE	168,309	146,198	115%	762,041	1,754,372	43%
73300 - COMMUNITY SERVICES	0	7,592	0%	37,467	91,100	41%
TOTAL Cafeteria:	168,309	153,789	109%	799,509	1,845,472	43%

MORGAN COUNTY SCHOOLS

EXPENDITURE REPORT

For Month Ended December 31, 2010

	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	Y-T-D TOTAL	BUDGET	PRCT
141 - G.P. SCHOOLS															
71100 - REGULAR INSTRUCTION	29,476	415,567	926,302	832,610	915,922	776,719							3,896,596	10,674,897	36.5%
71100 - REGULAR INSTR (MOE)	0	0	0	0	0	0							0	0	
71100 - REGULAR INSTR (ARRA)	0	0	0	0	0	0							0	0	
71200 - SPECIAL EDUC PROG	27,660	68,936	136,457	122,150	133,748	134,781							623,732	1,525,176	40.9%
71300 - VOCATIONAL EDUC PROG	10,339	42,880	75,597	75,966	84,734	68,301							357,817	962,627	37.2%
72110 - ATTENDANCE	14,485	76,805	16,689	-2,303	7,401	12,926							126,004	176,616	71.3%
72120 - HEALTH SERVICES	93	11,060	20,704	23,439	20,014	20,598							95,908	267,378	35.9%
72310 - OTHER STUDENT SUPP	0	27,975	36,208	38,649	38,776	41,293							182,901	533,139	34.3%
72210 - REGULAR INSTR PROG	39,358	58,521	70,060	79,653	72,148	63,710							383,451	973,244	39.4%
72220 - SPECIAL EDUC PROG	6,672	12,108	13,088	12,502	15,067	11,043							70,480	154,462	45.6%
72230 - VOCATIONAL EDUC PROG	6,069	6,344	6,619	6,619	6,619	6,619							38,890	80,380	48.4%
72310 - BOARD OF EDUCATION	273,442	9,656	12,398	8,715	11,350	10,534							326,095	561,248	58.1%
72320 - OFFICE SUPERINTENDENT	22,281	22,505	25,373	32,006	23,476	24,189							149,829	286,651	52.3%
72410 - OFFICE OF PRINCIPAL	93,112	72,006	115,064	100,497	111,371	100,837							592,887	1,257,909	47.1%
72610 - OPERATION OF PLANT	104,616	119,155	96,676	159,032	173,717	126,539							779,736	1,601,930	48.7%
72620 - MAINT. OF PLANT	30,601	31,116	37,867	39,399	43,501	42,080							224,564	597,225	37.6%
72710 - TRANSPORTATION	9,471	101,884	82,419	89,983	110,656	64,292							458,705	971,598	47.2%
73100 - FOOD SERVICE	0	0	0	0	0	0							0	31,000	0.0%
73400 - EARLY CHILDHOOD EDUC	0	0	0	0	0	0							0	0	
76100 - CAPITAL OUTLAY	0	0	0	6,300	0	0							6,300	65,000	9.7%
82000 - DEBT SERVICE	75,986	0	0	0	0	0							75,986	778,823	9.8%
99100 - OTHER USES	0	0	0	0	0	0							0	0	
Grants															
0004 - CO-ORDINATED SCH HLTH	8,325	9,473	11,266	9,077	11,338	8,974							58,452	122,000	47.9%
0042 - CAREER IN MIND (TrACHE)	0	0	0	0	0	0							0	14,852	0.0%
0054 - SAVE-THE-CHILDREN	0	2,976	5,678	9,927	9,686	11,785							40,052	125,000	32.0%
0061 - E4TN PROGRAM	500	0	0	0	0	-500							0	0	
0320 - FAMILY RESOURCE	65	1,600	299	81	1,718	619							4,383	59,400	7.4%
0502 - DISTANCE LEARNING	0	0	0	0	0	0							0	4,459	0.0%
7010 - PRE K	398	17,584	39,454	35,900	41,279	32,489							167,105	851,410	19.6%
7017 - 21st CENTURY LEARNING	2,215	125	654	93	16	42,012							45,115	121,966	37.0%
ETH- JOBS FOR TENNESSEE	0	0	1,425	6,144	4,119	10,889							22,578		
SNAP- ECON. DISADV. CHILDREN	0	0	0	9,054	0	0							9,054		
SPED - SPECIAL ED	0	1,146	2,118	2,119	1,060	2,041							8,484	48,839	17.4%
HSW - HIGH SCHOOL WORK	0	2,370	2,610	0	149	0							5,129	6,000	85.5%
TOTAL G.P.Schools:	755,165	1,111,793	1,735,027	1,697,614	1,837,865	1,612,769							8,750,232	22,853,228	
	3.3%	4.9%	7.6%	7.4%	8.0%	7.1%							38.3%		
142 - FEDERAL SCHOOLS															
011 - TITLE I & II ADMIN	12,571	9,333	9,509	10,651	11,668	9,962							63,693	163,702	38.9%
101 - TITLE I	13,241	45,274	178,752	72,207	73,123	65,060							447,656	1,012,395	44.2%
10S - TITLE I ARRA	26,228	24,858	29,507	31,948	20,083	26,333							158,957	308,302	51.6%
201 - TITLE 2A	32,951	23,606	49,854	5,210	9,440	19,471							140,531	281,108	50.0%
TITLE II PART D, COMPETITIVE, ARRA	0	0	0	0	0	500							500	20,000	2.5%
231 - TITLE 2D	0	0	0	0	0	0							0	3,043	0.0%
23S - TITLE 2D ARRA	0	0	0	0	0	0							0	0	
401 - TITLE 4	0	0	0	0	0	0							0	0	
551 - ARRA BONUS APPROPRIATION	0	0	0	0	278,246	75,686							353,933	939,356	37.7%
581 - RACE TO THE TOP	0	7,507	10,097	9,836	15,906	11,338							54,685	214,893	25.4%
601 - TITLE 6	0	3,551	2,000	0	9,905	93							15,548	84,102	18.5%
801 - CARL PERKINS	1,875	6,006	2,351	7,778	6,133	11,348							35,491	57,972	61.2%
901 - IDEA	0	34,166	77,397	114,630	96,485	73,454							396,132	716,521	55.3%
911 - IDEA PreSCHOOL	0	1,140	5,830	3,243	3,269	3,110							16,592	31,851	52.1%
90S - IDEA ARRA	1,030	70	0	0	4,254	11,073							16,427	33,750	48.7%
91S - IDEA PreSCH ARRA	0	0	0	0	0	2,932							2,932	2,932	100.0%
TOTAL Federal School Project:	87,896	155,509	365,296	255,502	528,511	310,360							1,703,075	3,869,926	
	2.3%	4.0%	9.4%	6.6%	13.7%	8.0%							44.0%		
143 - CENTRAL CAFETERIA															
73100 - FOOD SERVICE	13,334	34,368	176,850	208,948	160,232	168,309							762,041	1,754,372	43.4%
73300 - COMMUNITY SERVICES	25,221	12,247	0	0	0	0							37,467	91,100	41.1%
TOTAL Cafeteria:	38,555	46,614	176,850	208,948	160,232	168,309							799,509	1,845,472	
	2.1%	2.5%	9.6%	11.3%	8.7%	9.1%							43.3%		

MEMORANDUM

TO: Directors of Schools and Board Secretaries
FROM: Lee Harrell, TSBA Director of Government & Labor Relations
SUBJECT: School Board Appreciation Week in Tennessee
DATE: December 21, 2010

Each year, Tennessee celebrates "School Board Appreciation Week" to honor school board members who govern our schools and make a difference in the lives of our children and communities. For 2011, "School Board Appreciation Week" in Tennessee is Jan. 23-29. Public education is everyone's business, and it holds the key to the success of every community.

As you know, school board members donate their time and efforts to ensure that our students receive a first-class education and an opportunity for future success in life. School Board Week is a chance for the community to thank these individuals for their commitment to education, and the Tennessee School Boards Association asks for your cooperation in promoting this special week.

Enclosed you will find a number of items to help you and your community celebrate School Board Week, including the 2011 proclamation from Governor Phil Bredesen establishing Jan. 23-29 as School Board Appreciation Week; a sample proclamation for your mayor/county executive; a press release; a School Board Week tip sheet; a school board fact sheet, and a School Board Week flyer. We ask you to share these items with parents, community groups, and businesses and to encourage them to celebrate the week with you.

Also, our regional television stations will be airing a Public Service Announcement recognizing our school board members and school board appreciation week.

School Board Week in Tennessee is part of National School Board Recognition Month, which highlights school board members across the nation throughout the month of January.

Thank you in advance for your efforts. For more information about School Board Appreciation Week, please feel free to contact me at 800/448-6465 ext. 3903 or e-mail lharrell@tsba.net.

Lee Harrell
Director of Government & Labor Relations
Tennessee School Boards Association

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Nashville, Tennessee 37207
615-815-3903
www.tsba.net

AGENDA

SHERATON NASHVILLE DOWNTOWN

TUESDAY, FEBRUARY 22
Capitol Ballroom

- 7:00 a.m. Breakfast
- 7:30 a.m. Welcome
- 8:10 a.m. Legislative Program
- 9:00 a.m. Adjourn

HOTEL INFORMATION

For reservations, call the Sheraton Downtown at **800-447-9825**. Room rates are \$135/single & \$155/double. Reservation deadline is Jan. 22, 2011

When making reservations, please indicate you are with TSBA, Day on the Hill.

Sheraton Nashville Downtown is a non-smoking hotel.

TSBA DAY ON THE HILL

February 22, 2011

PROGRAM INFORMATION

When you vote in elections for the state legislature or hear election results on the news, do you ever find yourself saying, "I hope they do something to help our public schools?" Later, when you hear of a particular vote by your senator or representative, do you sometimes think to yourself, "What are those legislators doing? Someone should tell them how their votes affect our schools?" Well, school board members, that someone is you, and the place to do it is TSBA's "Day on the Hill."

The annual "Day on the Hill" event provides a unique opportunity for the education community, bringing school board members, superintendents and state legislators together for breakfast, fellowship and a discussion about pending legislation and public education.

Many of us have become cynical of politics and the legislative process; however, if you take the time to come to Nashville during "Day on the Hill" you will most likely find legislators that sincerely care about what you have to say and are committed to helping our schools and our children. They just need some direction, which nobody can provide better than you!

Remember, as elected officials, legislators are very much like school board members. They cannot read their constituents' minds. A great line in the Declaration of Independence reads, "Governments derive their just power from the consent of the governed." If you don't voice your disapproval of a piece of legislation or a vote by your legislator, in essence you are giving your consent. Likewise, if your representative supports education and school boards, it is important to let that person know he or she has your approval and support. Legislators are in office to help their districts and to help you, their constituents. If you don't speak up and tell them how to help education in your community, be assured someone else with perhaps different interests will.

So make plans now to attend "Day on the Hill." You won't regret it!

It is extremely important for you & your board to personally invite your legislators to the breakfast if your board plans to attend.