

Board of Education Regular Meeting

August 28, 2018 6:00 PM

City Hall Council Chambers

I. CALL TO ORDER BY BOARD CHAIR Procedural Item	Chair Butch Campbell
A. Pledge of Allegiance Procedural Item The Pledge of Allegiance will be led Torrence Dugger, Mr. Settles' grandson, a 6th grade student at Hobgood Elementary School and Miley Smith and Avery Swayze, 5th grade students at Erma Siegel Elementary.	
B. Moment of Silence Procedural Item	
II. APPROVAL OF AGENDA Action Item	Chair Butch Campbell
III. COMMUNICATIONS Information Item Induction of New Board Members: Amanda Moore, David LaRoche, Becky Goff, and Roseann Barton -Mayor Shane McFarland Recognition of BOB Book Bus Driver, Ms. Teresa Crouch Mitchell Neilson Schools would like to thank George Weeks with ReMax Realty for his generous donation toward the drone racing team and the pastor and congregation of First Baptist Church on Castle Street for extending a warm invitation to the staff and teachers to join them in their services on August 12. They not only prayed over the administrators, teachers, staff, and students, but they are huge donators of needed uniforms and supplies. A huge shout out to Mr. and Mrs. Christopher Taylor from First Baptist for donating to our school personally. Cason Lane Academy would like to thank the following: <ul style="list-style-type: none">• The Hands-On Science Center in Tullahoma, TN, for purchasing the Lego Robotic Club challenge set and for paying registration fees for the team.• Ashton Smith of Caldwell Banker and Blake Prow with Liberty Mutual for providing the Back to School breakfast for faculty and staff.• Lowe's of Murfreesboro for their donation of products to help build a colorecycle recycling bin. Farm to School Presentation	Mrs. Lisa Trail
IV. CONSENT ITEMS Action Item	Chair Butch Campbell
A. Approval of School Fees Action Item	
B. Approval of August 14 Board Meeting Minutes Action Item	
C. Second Reading of Board Policies Action Item	
i. Board Policy 4.404 Copyright Action Item	
ii. Board Policy 5.106 Application and Employment Action Item	
iii. Board Policy 5.118 Background Investigations Action Item	
iv. Board Policy 5.203 Recommendations and File Transfers Action Item	

v. Board Policy 5.305 Family and Medical Leave Act Action Item	
vi. Board Policy 6.200 Attendance Revised Action Item	
V. ACTION ITEMS Action Item	Chair Butch Campbell
A. Approval of Liability Insurance Action Item	Mr. Ralph Ringstaff
B. Approval of 2018-2019 ESP Advisory Board Members Action Item	Mr. Ralph Ringstaff
C. First Reading of Board Policies Action Item	Dr. Linda Gilbert
i. Board Policy 6.309 Zero Tolerance Offenses Action Item	
VI. REPORTS AND INFORMATION Information Item	Chair Butch Campbell
A. Revenue and Expenditure Report Information Item	Mr. Gary Anderson
VII. OTHER BUSINESS Information Item	Chair Butch Campbell
A. Recognition of Outgoing Board Members Procedural Item	Chair Butch Campbell
VIII. ADJOURNMENT Action Item	Chair Butch Campbell

MINUTES

Board of Education Regular Meeting

August 14, 2018 6:00 PM

City Hall Council Chambers

In attendance: Chair Butch Campbell, Collier Smith, David Settles, Wesley Ballard, and Phil King.

Staff: Dr. Linda Gilbert, Gary Anderson, Ralph Ringstaff, Lisa Trail, Joe Marlin, Kristina Maddux, and Gene Loyd

Interim Assistant District Attorney Adam Tucker and City Liaison Bill Shacklett

I. CALL TO ORDER BY BOARD CHAIR Chair Butch Campbell

Procedural Item

1. Pledge of Allegiance

Procedural Item

The Pledge of Allegiance was led by Natalie Murray, a 6th grade student at Northfield Elementary, along with Jasmyn Stevens, a 3rd grade student at Discovery School.

2. Moment of Silence

Procedural Item

II. APPROVAL OF AGENDA Chair Butch Campbell

Action Item

Phil King made the motion to approve the agenda. Collier Smith seconded the motion. All approved by saying aye.

III. COMMUNICATIONS Mrs. Lisa Trail

Information Item

Dale Lynch-TOSS Director-Presentation to Dr. Linda Gilbert for 2019 Mid-Cumberland Superintendent of the Year. Mr. Lynch said that there is not a better accomplishment than to receive a pat on the back from your colleagues and that is what Dr. Gilbert has received. Dr. Gilbert thanked her TOSS colleagues and the entire staff and Board of Murfreesboro City Schools for all that they have done to help her to receive this award. The Board congratulated Dr. Gilbert for receiving this high honor.

Murfreesboro City Schools would like to thank the following sponsors for their financial sponsorships for the Alpha Code Academy which was held June 4-8th.

MTR (Middle TN Reprographics) - \$500

Advance Financial Foundation - \$1,000

Mitchell-Neilson Schools would like to thank:

- Jimmy John’s on Memorial Blvd for providing lunch for our teachers and staff on our in-service day.
- The Noon Rotary Club for their very generous donation of school supplies.
- Third Baptist Church for donating \$150 to the MN uniform fund, the truckload of school supplies, and for hosting their 11th annual Back-To-School lunch for MNS teachers and staff.

Cason Lane Academy thanks Holy Cross Church for their wonderful donation of school supplies and backpacks for our CLA students.

We are pleased to announce that two Bradley teachers have been selected to participate in the Tennessee STEM Innovation Network. Congratulations to Abbey Sanders and Dana Stem, who were among only 40 teachers statewide who were chosen for the Network.

Mr. Campbell thanked Amy Martin from Bedford County School Board, Alicia Barker from Franklin Special School District Board and our own Gary Anderson, Williamson County School Board Chair, for evaluating our Board tonight so that the Board can achieve “Board of Distinction” status.

IV. CONSENT ITEMS

Chair Butch Campbell

Action Item

1. Approval of School Fees Action Item	
2. Approval of June 19, 2018 Board Retreat Minutes Action Item	
3. Approval of June 26, 2018 Board Meeting Minutes Action Item	
4. Approval of Master Plan Action Item	
5. Approval of Revised Head Start Partnership Agreement Action Item	
Wes Ballard made the motion to approve the consent agenda. Phil King seconded the motion. All approved by saying aye.	

V. ACTION ITEMS

Chair Butch Campbell

Action Item

1. Approval of Extension of Audit Contract-Matlock Clements Action Item	Mr. Gary Anderson
Mr. Anderson explained that the State requires us to have an audit done annually on the General Purpose accounts and Federal accounts and each school. The State requires that we have this engaged by September. This letter is an offer by our current auditor, Matlock Clements, to continue to provide the same level of service as they have for the past three years at the same rate.	

Mrs. Smith asked if the rate of \$45000/year is the same rate as in the past. Mr. Anderson said yes.

Mr. Ballard asked if this is on a bid. Mr. Anderson said that it was done by bid originally, but since this is professional services, we are not required to do a bid on that. They did win the bid when it was done originally.

Mrs. Smith asked how many years they have done this service. Mr. Anderson said that this is their fourth year.

David Settles made the motion to approve Matlock Clements as auditor for the next three years. Wes Ballard seconded the motion. All approved by saying aye.

2. Workers Comp and Liability Insurance Approval Action Item

Mr. Ralph Ringstaff

Mr. Ringstaff explained that for the past several years our workers comp costs have risen. The City suggested that we could possibly get a better price through a trust company. We investigated and have chosen the TN Risk Management Trust. The City has given their blessing. Mr. Ringstaff said that they insure 101 school districts in the state of Tennessee. The quote they gave us was satisfactory and more reasonable than what we have been paying on workers comp. The cost will be \$326,000.00 for a 12 month period. If it was from 7-1-2018 to 7-1-2019, it was going to be the total \$326,000.00 but since it won't take effect until 12:01 tonight, the total cost will be \$285,902.00 for the remainder of the fiscal year.

Adam Tucker said that he second the recommendation. He said that he has reviewed the policy and met with Tom Montgomery with TN Risk Management. He would add that the payment would come out of the current budgeted line item for workers compensation. There will have to be a budget amendment to that line item since this is happening mid fiscal year. He said that we will have to determine what workers claims were filed from 7-1-2018 to tonight at midnight and determine how much reserve we would need to keep to cover those costs.

Mr. Settles, Mr. King, and Mrs. Smith all discussed the insurance. They were reassured by Mr. Tucker and Mr. Ringstaff that City Schools would be covered up to this point. Mrs. Smith asked Mr. Ringstaff to remind her of how much this line item was previously. He said that it was \$500,000.00, but has been reduced to \$285,902.00. She said that she had rather spend that money elsewhere and thanked Mr. Ringstaff for his work on this.

Collier Smith made the motion to approve TN Risk Management Trust as the Workers Compensation Insurance. Phil King seconded the motion. All approved by saying aye.

Mr. Ballard asked about the quality of service for this company. Mr. Ringstaff assured him that it was good.

Mr. Ringstaff said that we just got the quote yesterday for the liability insurance. He said that he and Adam have some questions for TN Risk Management Trust, and he will get this information back to the Board by the 28th for a vote.

3. First Reading of Board Policies	Chair Butch Campbell
<p>Action Item</p> <p>1. Board Policy 4.404 Copyright</p> <p>Action Item</p> <p>Dr. Gilbert said that this is very similar to IS 21.</p> <p>Mr. Campbell asked about line 6, item 2, Computer Courses. He wanted to know what the computer courses are. Dr. Gilbert explained that this would refer to problems that would be caused by software and how to protect it. Dr. Gilbert asked Lisa Trail if we are contacted about any copyright issues and she said that she is always contacted about copyright issues.</p> <p>Phil King made the motion to approve Board Policy 4.404 on first reading. Wes Ballard seconded the motion. All approved by saying aye.</p>	Dr. Linda Gilbert
<p>2. Board Policy 5.106 Application and Employment</p> <p>Action Item</p> <p>Ralph Ringstaff said that the only difference on this policy is that TSBA has recommended adding lines 20-24 and 38-42. He said that these are things that we must go through to make sure that the employee is not flagged under DCS and/or the Department of Health. He told the Board that we already do these things for all employees. Dr. Gilbert said that this policy is a result of state laws that were passed.</p> <p>Collier Smith said that she wanted to applaud whomever added this to TN Code.</p> <p>David Settles made the motion to approve Board Policy 5.106 on first reading. Wes Ballard seconded the motion. All approved by saying aye.</p>	Dr. Linda Gilbert
<p>3. Board Policy 5.118 Background Investigations</p> <p>Action Item</p> <p>Mr. Ringstaff said that lines 7-12 basically say the same as the previous policy. Lines 13 and 14 are the ones that are different where it states that background checks are now required at least once every five years after the date of hire. Mr. Ringstaff explained that the system will pay for this and we will begin with senior employees first. That would be approximately 300 additional checks per year, and a total of \$10,000.00 extra each</p>	Dr. Linda Gilbert

year. Mr. Settles asked if we contract that out. Mr. Ringstaff said that it was bid out by the State and the company with the lowest bid does TBI/FBI background checks.

Mr. Campbell asked if we pay for that service and Mr. Ringstaff said yes at a cost of \$35.00 each.

Mr. Ballard asked what we will do about employees that may have never had a background check. He asked what we would do if we find out about an employee that has never had a background check and they have something to show up in their past. Mr. Ringstaff said that he looks at the charges on a case by case basis and decides whether or not they should still remain employed.

Collier Smith made the motion to approve Board Policy 5.118 on first reading. Phil King seconded the motion. All approved by saying aye.

4. Board Policy 5.203 Recommendations and File Transfers Action Item Dr. Gilbert explained that the only change on this policy is lines 19-22 that have to do with a series of laws. Districts cannot cover up anything that an employee has been charged with. Phil King made the motion to approve Board Policy 5.203 on first reading. Wes Ballard seconded the motion. All approved by saying aye.	Dr. Linda Gilbert
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5. Board Policy 5.305 Family and Medical Leave Act Action Item Mr. Ringstaff said that the State passed an amendment to the law that changed it in some ways. He said that previously an employee or spouse could only take the days that the physician stated that they were medically not able to work, which was normally six to eight weeks of paid sick leave. This is referring to maternity leave. Now, FMLA allows twelve weeks and TN Maternity law allows four months. The length of time has not changed, but what did change was that teachers can take up to twelve weeks paid leave if they have the sick days. This is for all full time employees, the mother or the father. The same holds true for adoption. Mr. Ringstaff said that where it said “teacher,” we have changed that to “employee.”	Dr. Linda Gilbert
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Mr. Campbell asked why it states full time employees and Mr. Ringstaff explained that only full time employees accrue sick

leave. Mr. Campbell asked about MDA's and whether or not they get sick leave, and Mr. Ringstaff said they do not. He said that full time employees are 30 or more hours a week.

David Settles said that he appreciates the fact that we state "employees" instead of just teachers. He wanted to clarify that they can go on unpaid leave after the twelve weeks if they desire. Mr. Ringstaff said that they can take unpaid leave up to four months, but it is limited to twelve weeks of paid leave. Mr. Tucker said that FMLA establishes the amount of paid or unpaid leave.

Mr. Settles said that this policy is focusing on maternity but what about a sickness. He wanted to know if the twelve week limit pertained to any sickness. Mr. Ringstaff said that we try to work with employees based on the sickness. He said that we have an AD that allows us to extend the sick leave an additional 30 days. Mr. Settles asked if we have a sick leave bank, and Mr. Ringstaff said that we do.

Mr. Campbell asked if husband and wife could take twelve weeks each. Mr. Ringstaff said that we could limit them to a combined total of twelve weeks.

Wes Ballard made the motion to approve Board Policy 5.305 on first reading. David Settles seconded the motion. All approved by saying aye.

6. Board Policy 6.200 Attendance Revised

Dr. Linda Gilbert

Action Item

Mr. Joe Marlin explained that this policy was passed by the Board in October, but there are changes that start on line 34. He said that the law changed to a multi-step process where we will work with families regarding truancy. Mr. Marlin explained the changes and went over the steps/tiers that we will take with families before turning the cases over to juvenile court.

Mr. Tucker suggested that we add a phrase at the end of line 61 regarding parents failing to execute the contract.

Mr. Campbell asked if the absences are five days in succession or cumulative. Mr. Marlin said that the days can be in any order.

Wes Ballard asked who our Attendance Supervisor is. Mr. Marlin said that he would be that person. Each school has a person that works with attendance, but ultimately Mr. Marlin would be the final person. Dr. Gilbert said that there is a technical secretary at each school that deals with attendance.

Mr. Phil King said that it seems that the only major difference between this policy and the old one is that it used to be ten days and now it is five days. Mr. Marlin said that we have always had it set at five days, but now actions start at that point.

Collier Smith said that she appreciates the flexibility of the policy for students with issues such as anxiety.

Phil King made the motion to approve Board Policy 6.200 with changes suggested by Mr. Tucker on first reading. Wes Ballard seconded the motion. All approved by saying aye.

7. Board Policy 6.309 Zero Tolerance Offenses Action Item

Dr. Linda Gilbert

Dr. Gilbert said that this policy is due to a revision in state law. She asked the Board to look at line 31 Revision because of state law line 31. She said that after “aggravated assault” it adds “or commits assault that results in bodily injury.” That is the only difference.

Mr. Campbell asked about line 4 where it states “or in school vehicles” there is a typo. It should say “and/or buses.”

Phil King asked about line 22. He wanted to know if we need to add the word “student?” It seems to just be talking about staff and administrators. He didn’t know if students were covered under another policy perhaps.

Dr. Gilbert said that it will be in the discipline policy that has the levels of infraction, but she will check on that.

Mr. Tucker said that he felt that the assault provision was specifically dealing with assault against a school employee, but he will also look into that.

David Settles said that in line 3, he was stumbling over the word “dangerous” before weapon because he felt that all weapons are dangerous. Dr. Gilbert said that is spelled out in the law. She said that there are specific examples of dangerous weapons. She said that she will get the law. Mr. Tucker said that he will also look at the statute. Mr. Tucker said that possibly it should say “deadly weapon” instead of “dangerous weapon.”

Mr. Campbell suggested that we postpone passage of first reading of this policy until we come back with research at the next meeting.

VI. REPORTS AND INFORMATION	Chair Butch Campbell
Information Item	

1. Personnel Report and 2018-2019 Assignment List Information Item

Mr. Ralph Ringstaff

Mr. Ringstaff said that this personnel report is rather large and lists all staff hired for 2018-2019 school year. He said that we have 59 newly hired certified staff, interim personnel are also listed, 62 certified resignations, retirements and terminations, and classified staff. There is also a transfer list and an assignment list for each school in the Board packet.

Mr. Campbell would like to see a report of resignations, retirements, and terminations for last year. Dr. Gilbert said that she will get that to him.

Phil King congratulated Mr. Ringstaff on Signing Day. He said that he hoped that we would continue with that. He said that he enjoyed it so much and the new teachers seemed to as well. He felt that it was a great event.

Mr. Ringstaff said that he hired the last teacher for this school year.

David Settles said that he had received calls on the embedded program and wanted a little more information about it. Mr. Ringstaff explained that with the Job Embedded Program, if someone has already completed a BS degree and goes back to get a Masters, in lieu of student teaching, they can go into the Job Embedded Program where they could be hired, and this will count toward their student teaching.

Dr. Gilbert explained that typically you would have that situation if you cannot find a qualified person for a position.

2. Revenue and Expenditure Report Information Item	Mr. Gary Anderson
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Mr. Anderson explained that our net income was a little over one million dollars. Mr. Anderson went over the report with the Board. He said that we ended the year in good shape!

Mr. Anderson also handed out an Enrollment Report. He said that we are at 8918 students as of today which is 63 above what we finished the year with. He said that our special ed student numbers are increasing.

Collier Smith asked if we are having a hard time staffing for sped children. Mr. Marlin said that we may have to put some students in other schools, but no problems at this time.

VII. OTHER BUSINESS

Chair Butch Campbell

Information Item

Mr. Ballard had a request regarding the new school building. He wanted to make sure that we have visibility on how we are progressing with the new school. Mr. Anderson said that he could provide a chart of where we are supposed to be at each meeting. He said that we are ahead of schedule at this time. Mr. Campbell said that one report a month would be sufficient.

Collier Smith said that she had a 5th grader to tell her that she was disappointed that there was a change in Social Studies curriculum. Dr. Gilbert explained that there is a scope and sequence on our website. She said that the old standards go from the explorers up to the Civil War, but they don't do the Civil War. The new standards start at Reconstruction, so basically if we don't do something to prepare the students this year, they will miss the entire Civil War. Teachers are looking at the scope and sequence and making sure there are no gaps.

Adam Tucker said that the City Legal Department has hired Elizabeth Taylor to be the new Assistant City Attorney. She will be at the August 28th meeting and her first day will be September 4 at the Administrative Office of Murfreesboro City Schools.

Dr. Gilbert said that she appreciates Mr. Tucker's and the city's help in that hiring process.

VIII. ADJOURNMENT

Chair Butch Campbell

Action Item

The meeting adjourned at 7:12 p.m.

David Settles made the motion to adjourn. Collier Smith seconded the motion.

Director of Schools

Murfreesboro City School Board

Monitoring: Review: Annually, in November	Descriptor Term: Use of Copyrighted Materials	Descriptor Code: 4.404	Issued Date:
		Rescinds: IS 21	Issued: 04/01/01

1 In order to define the fair and reasonable use of copyrighted work for educational purposes without the
2 permission of the copyright owner and to reduce the risk of copyright infringement, the Board shall
3 require the following:

- 4 1. All employees shall adhere to the provisions of the United States Code regarding the copying
5 and/or the use of copyrighted materials;¹
- 6 2. In the case of computer software, the ethical and practical problems caused by computer
7 software piracy shall be taught in all computer courses;
- 8 3. The Director of Schools shall establish specific regulations regarding the copying, distribution
9 and use of copyrighted materials for instructional purposes; and
- 10 4. The principal of each school shall establish practices which will enforce this policy at the
11 school level and which will include an annual reminder of copyright laws, the potential for
12 infringement, and the Board's position on use of copyright materials.

Legal References

1. 17 USCS § 106, 107, 110

Cross References

- Web Pages 4.407
Use of Multimedia 4.408

Murfreesboro City School Board

Monitoring: Review: Annually, in January	Descriptor Term: Application and Employment	Descriptor Code: 5.106	Issued Date:
		Rescinds: PER 8, PER 11, PER 14	Issued: 09/12/17

1 APPLICATION

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

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

11 The Board shall pay any costs incurred to perform these background checks and fingerprinting.

12 *Professional Employees*

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

18 No person shall be employed:

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

33 *Support Employees*

34 No person shall be employed:

- 35 1. Without the appropriate qualifications listed in the job description and/or stated in law.
- 36 2. Who has any contagious or communicable disease in such form that might endanger the health
37 of the children;⁸
- 38 3. Who has been identified by the Department of Children's Services as a perpetrator of child
39 abuse, severe child abuse, child sexual abuse, or child neglect, or who poses an immediate
40 threat to the health, safety, or welfare of children;⁷
- 41 4. Who is listed on the state's abuse of vulnerable persons registry maintained by the Department
42 of Health;⁷
- 43 5. Who has not complied with the Immigration Reform and Control Act of 1986;¹¹
- 44 6. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from
45 employment for cause; or
- 46 7. Who does not receive a satisfactory background check.¹⁰

47 **EMPLOYMENT**

48 *Professional Employees*

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

51 *Initial Employment*

52 Upon initial employment, the Director of Schools shall notify such person, in writing, of the offer and
53 conditions of employment. Upon receipt of employment notification, such person shall have fourteen
54 (14) days to accept or reject, in writing, the offered employment.¹ From the date of the written
55 acceptance, such person is considered to be under employment with the system and is subject to all
56 rights, privileges, and duties.

57 *Support Employees*

58 After checking references and receiving written recommendations from principals and/or supervisors,
59 the Director of Schools shall hire and assign qualified applicants. The Employment at Will Agreement
60 of each support employee shall contain a statement regarding the required ninety (90) day probationary
61 period.

62 *Anticipation of Advanced Degree or Academic Credentials*

63 The teacher shall be responsible for securing a license, or certificate, verifying its accuracy, and is
64 responsible for maintaining its validity and registering it with the Murfreesboro City Schools Human
65 Resources Department and meeting the requirements of T.C.A. 49-5-101. Initial salary shall reflect the
66 established degree shown on the Tennessee Department of Education certificate presented at the time
67 of employment.

68 For budgetary purposes, all licensed employees who anticipate receiving an advanced degree or
69 additional graduate hours to meet the MA+30 requirement shall report this to the Director of Schools
70 no later than March 1.

71 The licensed employee shall be responsible for filing the necessary application papers and the
72 supporting college transcripts with the state certification office once the required course work has been
73 completed or degrees have been awarded. The licensed employee shall be responsible for submitting
74 an official transcript to the Murfreesboro City Schools Resource Department showing credits earned
75 for the new degree and/or hours beyond the degree with an accredited university/college by December
76 1st in order to have retroactive pay at the first of the school year. If the official transcripts are submitted
77 after December 1st, the new pay rate will be effective at the time the official transcripts are submitted.

Legal References

1. TCA 49-5-406
2. State Board of Education Policy 5.501
3. TCA 49-5-406 (a)(2)(A)
4. TCA 49-5-413(c)
5. Public Acts of 2018, Chapter No. 938
6. TCA 49-5-403; TCA 49-5-101
7. TCA 49-5-413(e)
8. TCA 49-5-404; TRR/MS 0520-01-03-.08(2)(f)
9. TCA 49-5-405
10. Public Acts of 2018, Chapter No. 1006
11. Immigration Reform and Control Act of 1986; Pub. L. No. 99-603, 100 Stat. 3359

Cross References

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

Murfreesboro City School Board

Monitoring: Review: Annually, in January	Descriptor Term: Background Investigations	Descriptor Code: 5.118	Issued Date:
		Rescinds:	Issued: 09/12/17

1 *General*

2 **Background checks shall be required for applicants, employees, contract workers, and volunteers.¹**

3 **The Director of Schools/designee shall develop any necessary corresponding procedures.**

4 **APPLICANTS AND EMPLOYEES**

5 To ensure the safety and welfare of students and staff, the district shall require criminal history
6 background checks and fingerprinting of applicants for teaching positions and any other positions that
7 require proximity to children. **Further, applicants who (1) have been identified by the Department of**
8 **Children's Services as perpetrators of child abuse, severe child abuse, child sexual abuse, or child**
9 **neglect, or who pose an immediate threat to the health, safety, or welfare of children; or (2) who are**
10 **listed on the state's abuse of vulnerable persons registry maintained by the Department of Health shall**
11 **not be employed.² The Board shall pay any costs incurred to perform these background checks and**
12 **fingerprinting.³**

13 Background checks shall be required of these employees at least once every five (5) years after the date
14 of hire.¹

15 **USE AND DISSEMINATION**

16 Fingerprints or other approved forms of positive identification shall be submitted with all requests for
17 criminal history record checks for non-criminal justice purposes.⁴ The Director of Schools shall ensure
18 the Originating Agency Identifier number is on file at all times.

19 Tennessee and FBI Criminal History Record Information ("CHRI") obtained by the district shall be
20 solely used to verify criminal violation(s) and shall not be disseminated. Results shall be considered
21 confidential and only accessible to district personnel identified by the Director of Schools. CHRI shall
22 only be accessed by authorized personnel in the performance of their duties and shall never be released
23 to the public.

24 All persons directly associated with the accessing, maintaining, processing, dissemination, or
25 destruction of CHRI shall sign an awareness statement and shall indicate that they have been specially
26 trained on the subject. The training shall provide those with access to CHRI with a working knowledge
27 of federal and state regulations and laws governing the security and processing of criminal history
28 information. The Director of Schools is responsible for ensuring that authorized personnel receive such
29 training within sixty (60) days of employment or job assignment and every three (3) years.

30 **RETENTION AND SECURITY**

31 The Director of Schools shall develop procedures to ensure CHRI is stored in a secure location. Areas
32 in which CHRI is processed and handled shall be restricted to authorized personnel identified by the
33 Director of Schools. The area shall be out of the view of the public and unauthorized personnel. The
34 Director of Schools shall maintain a list of all employees who have access to, can process, disseminate,
35 and/or destroy CHRI.

36 **DISPOSAL OF CHRI**

37 When CHRI is no longer needed, it shall be destroyed by burning, shredding, or other methods
38 rendering the information unreadable. Record destruction shall be conducted under the supervision of
39 the Director of Schools.

40 **MISUSE**

41 Employees who misuse CHRI or violate this policy shall be subject to disciplinary action up to and
42 including termination. Any employee with knowledge of misuse shall immediately report a violation to
43 the Director of Schools.
44

Legal References

1. Public Acts of 2018, Chapter No. 1006
2. TCA 49-5-406(a)(1); TCA 49-5-403;
TCA 49-5-413(a)(2), (e)
3. TCA 49-5-413(c)
4. 34 USCA § 40316

Cross References

Application and Employment 5.106

Murfreesboro City School Board

Monitoring: Review: Annually, in January	Descriptor Term: Recommendations and File Transfers	Descriptor Code: 5.203	Issued Date:
		Rescinds:	Issued: 10/24/17

1 Other than the routine transmission of administrative and personnel files, district employees are
2 prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual
3 knows, or has probable cause to believe, that the person seeking a job change engaged in sexual
4 misconduct regarding a minor or student in violation of the law.¹

5 These requirements shall not apply if:

6 1. The information giving rise to probable cause has been properly reported to the appropriate law
7 enforcement agency; and

8
9 2. The matter has been officially closed in one of the following ways:

10
11 a. The prosecutor or police have investigated the allegations and notified school officials
12 that there is insufficient information to establish probable cause;

13
14 b. The employee, contractor, or agent has been charged and either acquitted or exonerated;
15 or

16
17 c. The case remains open, and there have been no charges or indictment filed within four
18 (4) years of the date the information was reported to the law enforcement agency.

19 Neither the district nor the Board shall enter into, or require a current or former employee to enter into,
20 a non-disclosure agreement during a settlement for any act of sexual misconduct.¹

21 The Director of Schools shall develop administrative procedures to enforce this policy and comply
22 with federal and state law.

Legal References

1. 20 USCA § 7926; Public Acts of 2018, Chapter No.
938

Cross References

Application and Employment 5.106
Separation Practices for Tenured Teachers 5.200
Separation Practices for Non-Tenured Teachers 5.201
Separation Practices for Non-Certified Employees 5.202
Child Abuse and Neglect 6.409

Murfreesboro City School Board

Monitoring: Review: Annually, in January	Descriptor Term: Family and Medical Leave	Descriptor Code: 5.305	Issued Date:
		Rescinds:	Issued:

1 ELIGIBILITY

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

6 GENERAL PRINCIPLES

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

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

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

26 MATERNITY/PATERNITY LEAVE

- 27 1. *Relationship between FMLA leave and Tennessee Maternity Leave Act-* FMLA leave shall run
28 concurrently with leave provided under the Tennessee Maternity Act, which affords eligible
29 employees leave for a period not to exceed four (4) months for the adoption, pregnancy,
30 childbirth, and nursing of a newborn child.³

31

- 32 2. *Employee's Leave*- Any employee who goes on maternity/paternity leave shall be allowed to use
 33 all or a portion of the employee's accumulated sick or annual leave for maternity/paternity leave
 34 purposes. In order to be eligible to use sick leave, written request of the employee accompanied
 35 by a statement from the employee's physician verifying pregnancy shall be submitted. Upon
 36 verification by a written statement from an adoption agency or other entity handling an adoption,
 37 an employee may also be allowed to use accumulated leave for adoption of a child. If both
 38 adoptive parents are employees employed by the district, however, only one (1) parent is entitled
 39 to use such leave.⁴

40
 41 Spouses who are both eligible employees of the school district are limited to a combined total of
 42 twelve (12) workweeks of FMLA leave in a single twelve (12) month period if the leave is taken
 43 for the birth and care of a newborn child, for the placement of a child for adoption or foster care,
 44 or to care for a parent who has a serious health condition. Under certain circumstances, spouses
 45 who share leave for the birth or adoption of a child may be eligible for limited amounts of
 46 additional leave for other qualifying FMLA reasons.⁵

47 **LEAVE FOR A SERIOUS HEALTH CONDITION⁶**

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

55 **LEAVE FOR MILITARY FAMILY MEMBERS**

- 56 1. *Qualifying Exigency Leave⁷* - Eligible employees are entitled to up to twelve (12) workweeks
 57 of leave because of any "qualifying exigency" arising out of the fact that the spouse, son,
 58 daughter, or parent of the employee, as defined under the FMLA, is on active duty, or has been
 59 notified of an impending call to active duty, or has been notified of an impended call to active
 60 duty status in the Armed Forces. Qualifying exigencies may include:
 61
 62 a. Issues arising from the service member's short notice deployment;
 63 b. Military events and related activities (e.g. official ceremonies, support programs);
 64 c. Making or updating financial and legal arrangements;
 65 d. Attending counseling;
 66 e. Taking up to fifteen (15) days leave to spend time with a covered service member who
 67 is on short-term rest and recuperation leave during deployment; or
 68 f. Attending post-deployment activities.
- 69
 70 2. *Military Caregiver Leave⁸*- An eligible employee who is the spouse, son, daughter, parent, or
 71 next of kin of a covered service member or covered veteran with a serious injury or illness is
 72 entitled to up to twenty-six (26) workweeks of leave in a "single twelve (12) month period." A
 73 covered service member is a current member of the Armed Forces, including a member of the
 74 National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is

75 otherwise in out-patient status, or is otherwise on the temporary disability retired list for a serious
76 injury or illness.

77

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

82

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

91 **INTERMITTENT LEAVE**⁹

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

101 **RESTRICTIONS**

102 1. Notice Requirements

103

104 a. *Employee Notice*¹⁰- For foreseeable leave, the employee shall provide the Director of
105 Schools with at least thirty (30) days written notice before the beginning of the anticipated
106 leave.

107

108 b. *District Notice*- Once it has been established that the leave requested qualifies for
109 FMLA, the Director of Schools/designee shall notify the employee within three (3)
110 business days (absent extenuating circumstances) that any leave taken pursuant to state
111 leave statutes (paid vacation leave, personal leave, sick leave, or workers'
112 compensation) shall run concurrently with FMLA leave.¹¹ The notice may be given
113 orally or in writing. If the notice is oral, it shall be confirmed in writing, no later than
114 the following pay day.¹²

115

116 2. Certification Requirement¹³

117

- 118 a. The Director of Schools may require that a request for leave be supported by
119 certification issued by a health care provider with the following information:
120
- 121 i. The date on which the serious health condition commenced;
 - 122 ii. The probable duration of the condition;
 - 123 iii. The appropriate medical facts within the knowledge of the health care provider
124 regarding the condition; and
 - 125 iv. A statement that the eligible employee is needed to care for the son, daughter,
126 spouse, or parent and an estimate of the amount of time that such employee is
127 needed.
- 128
- 129 b. If there is any reason to doubt the validity of the certification provided, the Director of
130 Schools may require, at the expense of the school district, an opinion of a second health
131 care provider.
132

133 3. Period Near the End of an Academic Term (Professional Employees)¹⁴
134

- 135 a. If leave is taken more than five (5) weeks prior to the end of the term, the Director of
136 Schools may require the employee to continue taking leave until the end of the term if
137 the leave is at least three (3) weeks of duration and the return of employment would
138 occur during the three (3) week period before the end of the term.
139
- 140 b. If the leave is taken five (5) weeks prior to the end of the term, the Director of Schools
141 may require the employee to continue taking leave until the end of the term if the leave
142 is greater than two (2) weeks duration and the return to employment would occur during
143 the two (2) week period before the end of the term.

144 **REQUIREMENTS OF THE BOARD**¹⁵

- 145 1. The employee shall be restored to the same position of employment or an equivalent position
146 with no loss of benefits, pay, or other terms of employment.
- 147 2. The employee shall be kept under any group health plan for the duration of the leave.
- 148 3. The Board may recover the premium paid under the following conditions:
149
- 150 a. The employee fails to return from leave after the period of leave has expired; and
 - 151 b. The employee fails to return to work for a reason other than the continuation,
152 recurrence, or onset of a serious health condition or other circumstances beyond the
153 control of the employee.

Legal References

1. *Hinson v. Tecumseh Products Co.*, 2000 U.S. App. LEXIS 26778, at *1—10 (6th Cir. Oct. 17, 2000)
2. Federal Family and Medical Leave Act of 1993, 29 USCA § 2601, 2611—2619
3. TCA 49-5-702; TCA 4-21-408
4. TCA 49-5-710(a)(2); Public Acts of 2018, Chapter No. 907
5. 29 CFR § 825.120(a)(3)
6. 29 CFR § 825.113
7. 29 CFR § 825.126
8. 29 CFR § 825.124; 29 CFR § 825.127
9. 29 CFR § 825.202
10. 29 CFR § 825.302-825.304
11. 29 CFR § 825.207
12. OP Tenn. Atty Gen 94-006 (Jan 13, 1994); *Plant v. Morton International, Inc.*, 212 F. 3d 929, 932 (6th Cir. 2000)
13. 29 CFR § 825.305-825.313
14. 29 CFR § 825.602
15. 29 USCA § 2614

Cross References

Sick Leave 5.302
Long-Term Leaves of Absence 5.304

Murfreesboro City School Board

Monitoring: Review: Annually, in March	Descriptor Term: <h2 style="margin: 0;">Attendance</h2>	Descriptor Code: 6.200	Issued Date:
		Rescinds:	Issued:

1 Attendance is a key factor in student achievement, and therefore, students are expected to be present
 2 each day school is in session. The Director of Schools/designee shall develop appropriate administrative
 3 procedures to implement this policy.

4 The attendance supervisor shall oversee the entire attendance program which shall include:¹

- 5 1. All accounting and reporting procedures and their dissemination;
- 6 2. Alternative program options for students who severely fail to meet minimum attendance
 7 requirements;
- 8 3. Ensuring that all school age children attend school.

9 Student attendance records shall be given the same level of confidentiality as other student records. Only
 10 authorized school officials with legitimate educational purposes may have access to student information
 11 without the consent of the student or parent(s)/guardian(s).²

12 Absences shall be classified as either excused or unexcused as determined by the principal/designee.
 13 Excused absences shall include:

- 14 1. Personal illness/injury;
- 15 2. Illness of immediate family member;
- 16 3. Death in the family;
- 17 4. Extreme weather conditions;
- 18 5. Religious observances;³
- 19 6. School sponsored or school endorsed activities;⁴
- 20 7. Summons, subpoena, or court order; or
- 21
- 22 8. Circumstances which in the judgment of the principal create emergencies over which the
 23 student has no control.

24 The principal shall be responsible for ensuring that:⁵

- 25 1. Attendance is checked and reported daily for each class;
- 26
- 27 2. Daily absentee sheets contain sign in/sign out sheets and indicate students present or absent
- 28 for the majority of the day;
- 29 3. All student absences are verified;
- 30 4. Written excuses are submitted for absences and tardiness; and
- 31 5. System-wide procedures for accounting and reporting are followed.

32 **TRUANCY**

33 *General*

34 Annually, the Director of Schools/designee will provide written notice to parent(s)/guardian(s) that
35 attendance at school is required. Students shall be present at least fifty percent (50%) of the scheduled
36 school day in order to be counted present. Students may attend part-time days, alternating days, or for a
37 specific amount of time as indicated in their Individualized Education Plan or 504 Plan and shall be
38 considered present for school attendance purposes.⁶

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

44 *Progressive Truancy Intervention Plan*⁷

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

47 **Tier I**

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

- 49 1. A conference with the student and the student's parent(s)/guardian(s);
- 50
- 51 2. An attendance contract, based on the conference, signed by the student, the parent(s)/guardian(s),
- 52 and an attendance supervisor or designee. The contract shall include:
- 53
- 54 a. A specific description of the school's attendance expectations for the student;
- 55 b. The period for which the contract is effective; and
- 56 c. Penalties for additional absences and alleged school offenses, including additional
- 57 disciplinary action and potential referral to juvenile court; and
- 58
- 59 3. Regularly scheduled follow-up meetings to discuss the student's progress.

60 Tier II

61 If a student accumulates additional unexcused absences in violation of the attendance contract in Tier I,
62 or if the parent fails to execute the contract, the student will be subject to Tier II.

63 Under this tier, a school employee shall conduct an individualized assessment detailing the reasons the
64 student has been absent from school. This may result in referral to counseling, community-based
65 services, or other services to address the student's attendance problems.

66 Tier III

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

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

71 MILITARY SERVICE OF PARENT/GUARDIAN

72 School principals shall provide students with a one-day excused absence prior to the deployment of and
73 a one-day excused absence upon the return of a parent or custodian serving active military service.

74 Principals shall also allow up to ten (10) excused cumulative absences per year for students to visit a
75 parent/guardian during a deployment cycle. The student shall provide documentation to the school as
76 proof of his/her parent's/guardian's deployment. Students shall be permitted to make up schoolwork
77 missed during these absences.⁸

78 ATTENDANCE HEARING⁹

79 Students with excessive (more than five (5)) unexcused absences or those in danger of credit/promotion
80 denial shall have the opportunity to appeal to an attendance hearing committee appointed by the
81 principal. If the student chooses to appeal, the student or his/her parent(s)/guardian(s) shall be provided
82 written or actual notice of the appeal hearing and shall be given the opportunity to address the committee.
83 The committee will conduct a hearing to determine if any extenuating circumstances exist to excuse an
84 absence(s) or to determine if the student has met attendance requirements that will allow him/her to pass
85 the course or be promoted. Upon notification of the attendance committee decision, the principal shall
86 send written notification to the Director of Schools/designee and the parent(s)/guardian(s) of the student
87 of any action taken regarding the excessive unexcused absences. The notification shall advise
88 parent(s)/guardian(s) of their right to appeal such action within two (2) school days to the Director of
89 Schools/designee.

90 The appeal shall be heard no later than ten (10) school days after the request for appeal is received.

91 Within five (5) school days of the Director of Schools/designee rendering a decision, the student's
92 parent(s)/guardian(s) may request a hearing by the Board, and the Board shall review the record.
93 Following the review, the Board may affirm or overturn the decision of the Director of Schools/designee.
94 The action of the Board shall be final.

- 95 The Director of Schools/designee shall ensure that this policy is posted in each school building and
96 disseminated to all students, parents, teachers, and administrative staff.

Legal References

1. TRR/MS 0520-01-03-.08(1)(a); TCA 49-6-3006
2. TCA 10-7-504; 20 USCS § 1232g
3. TRR/MS 0520-01-03-.03(16); TCA 49-6-2904(b)(5)
4. TN Department of Education, *Student Membership and Attendance Procedures Manual* (2017)
5. TCA 49-6-3007
6. TN Department of Education, *Student Membership and Attendance Procedures Manual* (2017)
7. TCA 49-6-3007; TCA 49-6-3009; Public Acts of 2018, Chapter No. 958
8. TCA 49-6-3019
9. TRR/MS 0520-01-02-.17

Cross References

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

Lisa Van Cleave

From: Tom Montgomery <tmontgomery@sectn.com>
Sent: Tuesday, August 21, 2018 10:43 AM
To: Adam Tucker; Ralph Ringstaff
Cc: Betsey Sullivan
Subject: FW: Murfreesboro City SS P&C Proposal
Attachments: 20180821101501998.pdf

Gentlemen;

Attached please find our revised quote for P/C coverage for Murfreesboro City Schools. I removed the reference to ADA judgements. Please note that the annual premium is prorated for the period 9-1-2018 through 6-30-2019. Also, I have included a retro-date for the claims-made lines; September 1, 2016 for errors and omissions and September 1, 2018 for cyber(all other lines of coverage are occurrence based). I discussed this issue with Ralph this morning-Adam, let me know if that is satisfactory.

Adam, I should thank you for noticing the item indicating Judgements under the ADA are not covered. We inadvertently inserted a very dated proposal piece. This clause has been removed from that 'NOT COVERED' page for some time and technically never should have been in there. I believe the origin of this many years ago was to clarify that any property improvements required under ADA such as adding a ramp or an elevator aren't covered under the TNRTM coverage document. There has never been such an exclusion in the actual coverage document and obviously we provide indemnity and defense for this and other alleged U. S. constitutional violations.

To evidence that we cover ADA cases regularly, below is a summary of two ongoing cases that we are defending:

Stafford v. Henderson County BOE- Defended by Chuck Purcell, Jackson, TN. Alleging violation of ADA where we terminated the plaintiff due to their disability. Defending under ROR due to front pay, back pay, etc. This is a fairly new suit where the Judge ordered us to early mediation. It did not settle. Discovery really just beginning.

Bishop v. Marshall Co BOE- One of the allegations alleged against the BOE was discrimination against the plaintiff due to his alleged disability. They allege violation of the ADA. Being defended by Ortale, Kelley, Nashville. ROR issued due to front pay, back pay and injunctive relief. We are currently finishing up depositions and then will obtain trial date.

I'd be happy to meet to discuss our proposal at your convenience.

Thank you,

Tom

Tom Montgomery, CPCU, AIC
VP-NGU Risk Management/SEC
TNRMT Program Manager and Claims Manager
111 Hazel Path
Hendersonville, TN 37066
615 822-5454 office
615 714-2605 mobile



**TENNESSEE RISK
MANAGEMENT TRUST**

Proposal for:

Murfreesboro City School System

Presented By:



RISK MANAGEMENT

**Program Manager for TNRMT
1-877-822-6161**

July 1, 2018

This packet is issued as a matter of information only and does not amend, extend, or alter the coverage provided by the actual insurance policies and coverage documents.



**COST SUMMARY
TENNESSEE RISK MANAGEMENT TRUST
JULY 1, 2018 - JULY 1, 2019
Murfreesboro City School System**

Property - Contents including: Electronic Data Processing Equipment, Media & Extra Expense, Contractors Equipment & Miscellaneous Equipment, Valuable Papers, and Money & Securities	\$275,344
Employee Blanket Bond	Included
Auto Liability & Physical Damage	Included
General Liability	Included
School Leaders Errors & Omissions	Included
Student and Athletic Accident	Included
Property/Casualty Premium:	\$275,344
ADJUSTED PREMIUM FOR PERIOD 9/1/18-7/1/19	\$228,536

All First Party Claims Subject to \$500 Deductible

Errors & Omissions Deductible - \$2,500

Errors & Omissions Retroactive Date 9/1/2016

Cyber Liability Retroactive Date 9/1/2018

Quote does not include Real Property or Boiler & Machinery

**TENNESSEE RISK MANAGEMENT TRUST
COVERAGE LIMITS
(Inclusive of Pooled Retention)**

Contents	Per Schedule	All Risk Replacement Cost
Inland Marine	Per Schedule	Actual Cash Value
Electronic Data Processing	\$1,000,000	Per occurrence including hardware, media and extra expense
Miscellaneous Equipment	\$500,000	Per occurrence
Extra Expense	\$5,000,000	Per Occurrence
Valuable Papers	\$1,000,000	Per Occurrence
Deductible	\$500	Each occurrence All First Party losses
Employee Fidelity	\$400,000	Each and every loss
Depositors' Forgery	\$400,000	Each and every loss
Money Orders & Counterfeit Papers	\$400,000	Each and every loss
General Liability including all employees as additional insured (Occurrence Form)	\$1,000,000	Combined Single Limit Includes Sexual Harassment, Sexual Misconduct, Corporal Punishment and Teacher's Professional Liability Sexual Abuse Coverage for Accused Perpetrator (Discretionary legal defense available up to \$35,000 for falsely accused perpetrator)
Educators Legal Liability/Errors & Omissions (Claims Made Form)	\$1,000,000	Each occurrence/\$1,000,000 Per System with \$2,500 Retention Includes Non-Monetary Defense Costs \$100,000 Annual Aggregate/\$2,500 Deductible
Employee Benefits Liability (Claims Made Form)	\$1,000,000	Per Occurrence
Defense of Ouster	\$100,000	Per Occurrence/Defense Only
Automobile Liability	\$1,000,000	Combined Single Limit
Auto Physical Damage	Included	Actual Cash Value (Collision & Comprehensive) \$500 Deductible
Auto Uninsured/Underinsured Motorist	\$1,000,000	Per Occurrence
Auto Med Pay	\$5,000/\$100,000	Any one Person/Any one Claim
Athletic Participation Liability	\$1,000,000	Combined Single Limit
Cyber Liability (Claims Made Form)	\$1,000,000	Each and every loss (\$1,000 deductible)

Limits are paid according to the Tennessee Tort Liability Act. These limits are \$300,000 for Bodily Injury to one person in one accident, \$700,000 for two or more persons and \$100,000 Property Damage. Limit is \$1,000,000 combined single limit if immunity defense does not apply.



ATHLETICS & STUDENT ACCIDENT PROGRAM

PROGRAM INCLUDES COVERAGE FOR, BUT NOT LIMITED TO:

- ALL SCHOOL SPORTS
- JOB SHADOW PROGRAMS
- CHEERLEADING
- FIELD TRIPS
- BAND & PE CLASSES
- TRAVEL TO & FROM GAMES

LIMITS AND BENEFITS

The Student Accident coverage provided by TNRMT has **no deductible** and a medical maximum benefit of **\$25,000 per accident**. Specific sublimits apply for covered expenses (**see schedule of benefits**).

All benefits are provided on a **Full Excess** basis for covered expenses. This means that covered expenses will be paid when they are *"in excess of any other plan providing medical expense benefits."* Thus, parents must submit all bills to their primary provider first. The TNRMT policy will consider the unpaid balances for covered expenses up to the limits of the policy. A **PROOF OF LOSS**, (claim form) must be submitted within 90 days. No claim will be considered if **PROOF OF LOSS** is not submitted within 365 days after the accident.

BENEFITS

<i>Maximum Limit</i>	<i>Plans Purchased by School District (Full Excess)</i>	<i>\$25,000 per Accident</i>
Physicians		
	Surgery/fracture care fees	U&C (\$6,000 Max.)
	Non-surgical visits or consultations	\$125 per visit
	Physical therapy	\$50 visit/Max \$1,000
Hospital		
	In-patient room and board	Semi-private room
	In-patient miscellaneous charges	\$6,000 per injury
	Out-patient charges (non-surgical)	\$1,000 per injury
	Out-patient charges (surgical)	\$5,000 per injury
Diagnostic X-rays, MRIs, CAT Scans		\$2,000 per injury
Dental		
	Amount payable for each injured sound, natural tooth	\$1,000 per tooth
Orthopedic Appliances		\$1,500 per injury
Ground Ambulance Service		\$1,000 per injury
Maximum Motor Vehicle Accident Benefit		\$1,000 per injury

Benefits described are provided by Tennessee Risk Management. This is not a contract of insurance.

The student accident covers applies to all students including Pre K and Head Start Programs but does not cover participants in adult education programs beyond K-12.

TENNESSEE RISK MANAGEMENT TRUST CLAIMS-MADE COVERAGE-EDUCATORS LEGAL LIABILITY

The TNRMT Educators Legal Liability Coverage is underwritten on a claims-made basis whereby School Board Legal claims are covered if:

1. Incident giving rise to claim occurred after the retroactive date.
2. Claim is made during the policy period or extended reporting period.

If a claim of this type occurs during a policy period with another program underwritten on a "claims-made" basis and the claim or incident is *not* reported during that previous policy period, but instead reported more than 60 days after the policy's expiration, coverage can be provided only from one of two possible sources:

1. Purchase of extended reporting period on the other programs' expiring insurance policy to extend the allowable reporting period to a minimum of 24 months for claims, which occurred during the actual policy period (coverage would be provided by the expiring policy).
2. Purchase of a retroactive date under the TNRMT program to cover claims, which occurred prior to the inception of the TNRMT coverage, but were not reported or known prior to the new coverage period (coverage would be provided by the TNRMT).

Neither one of these options is automatic and must be specifically requested since it will often require an additional premium charge. These aspects must be carefully considered if a participant should ever contemplate withdrawal from the Tennessee Risk Management Trust.

TENNESSEE RISK MANAGEMENT TRUST
WHAT IS NOT INCLUDED

- Physical damage to personally owned automobiles
- Physical damage for military surplus vehicles or other similar vehicles not originally designed or registered for highway use.
- Property losses of a degenerative nature or from loss by insect or vermin, including mold, wear and tear, and deterioration
- Any loss from flood in flood zone “A” or zones prefixed in “A”
- All Pollution
- Mold or Fungus
- War Risk
- Terrorism (unless Certified Act of Terrorism under TRIA Act)
- Aircraft Liability
- The first \$500 of each property loss (deductible). Deductible also applies to Auto Comprehensive and Collision losses, Crime and Inland Marine.
- Medical Malpractice – Doctors, Clinics or Hospitals (employed school nurses covered)
- Nuclear Liability or Damage
- Sexual Abuse Coverage for accused perpetrator (Discretionary legal defense available up to \$35,000 for falsely accused perpetrator)
- Inverse Condemnation
- Asbestos Bodily Injury & Property Damage
- AIDS Liability
- Loss of or damage to Watercraft over 26 feet
- Purchase, use, maintenance or storage of any form or component of pyrotechnics, explosives or projectiles, fire and/or flame throwing apparatus, arising from a demonstration or celebration involving these or similar items.
- Pension and Welfare Fiduciary Responsibility Insurance

TENNESSEE RISK MANAGEMENT TRUST
CLAIMS ADMINISTRATION, LOSS PREVENTION, AND INFORMATION SERVICES

Claims Handling:

Tennessee Risk Management Trust claims staff will administer claims in workers compensation, property and liability and Student Accident.

The Tennessee Risk Management Trust was designed with school systems in mind. Our claims professionals are dedicated to the special needs and concerns of claims arising from the educational environment. Claims are not merely paid but are aggressively managed in order to attain the most equitable and fair solution for all parties.

Property and Casualty: TNRMT understands that in cases of severe property damage, the main concern is getting the necessary repairs completed with as little disruption in the classrooms as possible. We provide 24 hour emergency response. TNRMT property adjusters have established preferred vendor relationships with the most reputable contractors in order to carry out emergency repairs to mitigate damages.

Workers Compensation: The TNRMT workers compensation claims staff coordinates with the school systems' personnel and medical professionals to provide the best possible care for the injured employees, and see that they are able to return to work and normal life functions as soon as practical. We also work with medical providers to contain the cost of medical care.

Loss Prevention:

The key to controlling cost of an insurance and risk management program is minimizing losses by reducing the frequency of claims as well as the dollars paid.

To assure success, our loss control services focus on active safety education programs. We will help develop and implement procedures designed to protect workers from occupational hazards. In addition to program implementation, our specialist will follow up with regular audits to monitor success and when necessary, conduct additional training.

Programs we offer include:

- Detailed, specific training for all employees;
- Development of a Safety Committee
- Loss analysis for trending
- On site surveys for hazard identification
- Work practice evaluations
- Resources provided upon request for training, including a video library and safety handouts.

Losses are not prevented by luck alone! Proactive management is required and the TNRMT loss control staff is ready to assist in developing an active safety education program designed specifically for you.

TENNESSEE RISK MANAGEMENT TRUST

NAMED INSURED

Tennessee Risk Management Trust (TNRMT) and its participating Board Liability Trust Members, their officers, employees, and agents of the boards including elected officials, appointed boards, commissions, including election commissions, officials, officers, employees, administrators and volunteers, both individually and collectively, when acting within the scope and performance of their duties.

INSURANCE COMPANY SELECTION

A.M. Best's Insurance Reports is a guidebook the insurance industry uses to determine the financial stability of an insurance company.

A copy of the Best's Insurance Reports for each of the insurance companies quoted is available for your review.

While we strive to be certain that your insurance is placed with reputable, highly-rated insurance companies, we have no way of guaranteeing the financial accuracy of the Best's Insurance Reports or the financial stability of any insurance company.

Company Proposed	Best's Assigned Rating
Travelers Indemnity Company	A++XV
Great American Insurance Company	A+XIII
Travelers Property Casualty Company of America	A++XV
Ace American	A++XV

Alphabetical Listing

A+	=	Superior
A	=	Excellent
B+	=	Very Good
B	=	Good
C+	=	Fair
C	=	Marginal

Numerical Listing

Ranges from I to XV
I - Smallest Company
XV - Largest Company

ESP Advisory Board Members 2018-2019

Black Fox

Allison Barmore
Amanda Orona

Bradley

Mary Waobikeze

Cason Lane

Amanda Flowers
Megan Wiseley

Discovery

Felicia Mayfield
Felita Martin

Erma Siegel

Autumn Radtke
Jennie Gerardo

Hobgood

Candice Coman
Natasha Marable

John Pittard

Kimberly Graham
Katie Overall

Mitchell Nielson

Tanya Brown
Angela Boyle

Northfield

Cathy Lively
Joyce Kraner

Overall Creek

Whitney Graves
Alea Whitfield

Reeves Rogers

Micah Wilson
Michelle Lopez

Scales

Missy Hartley
Monica Carpenter

Central Office

Kandy Powers
Cindy Haynes (HG)

Murfreesboro City School Board

Monitoring: Review: Annually, in March	Descriptor Term: Zero-Tolerance Offenses	Descriptor Code: 6.309	Issued Date:
		Rescinds: STU 38	Issued: 06/01/11; 05/08/11

1 In order to ensure a safe and secure learning environment, the offenses set forth in this policy shall
2 constitute zero-tolerance offenses. As provided by state law, any student who commits a zero-tolerance
3 offense shall be expelled for a period of not less than one (1) calendar year, provided, however, the
4 Director of Schools shall have the authority to modify an expulsion on a case-by-case basis.¹

5 **POSSESSION OF FIREARMS²**

6 In accordance with state law, a student who brings or is in unauthorized possession of a firearm on
7 school property commits a zero-tolerance offense.¹

8 **POSSESSION OF DRUGS**

9 In accordance with state law, a student who unlawfully possesses any drug, including any controlled
10 substance, controlled substance analogue, or legend drug on school grounds or at a school-sponsored
11 event, commits a zero-tolerance offense.¹

12 **ASSAULT ON SCHOOL EMPLOYEE OR SCHOOL SAFETY AND EDUCATION OFFICER**

13 In accordance with state law, a student who commits aggravated assault³ or commits an assault that
14 results in bodily injury⁴ upon any school employee or school safety and education officer commits a
15 zero-tolerance offense.¹

16 **ELECTRONIC THREATS**

17 In accordance with state law, a student who transmits by an electronic device any communication
18 containing a credible threat to cause bodily injury or death to another student or school employee and
19 the transmission of such threat creates actual disruptive activity at the school that requires
20 administrative intervention commits a zero-tolerance offense.⁵

21 **DETERMINATION AND NOTIFICATION**

22 The principal or the principal's designee shall be responsible for investigating alleged violations of this
23 policy. If the investigation reveals that a violation of this policy has occurred, the principal shall expel
24 the student for not less than (1) calendar year, subject only to the due process procedures set forth in
25 Board Policy 6.316 and this policy and the authority of the Director of Schools to modify the expulsion
26 requirement on a case-by-case basis.

27 When it is determined that a student has violated this policy, the principal of the school shall notify the
28 student's parent(s)/guardian(s) and the criminal justice or juvenile delinquency system as required by
29 law.⁷

30 **APPEAL**

31 An appeal of a principal's determination that a student has committed a zero-tolerance offense must be
32 filed in accordance with the procedures set forth in Board Policy 6.316

33 The review on appeal, by either the Disciplinary Hearing Authority or the School Board, of a
34 principal's determination that a student committed a zero-tolerance offense shall be limited in scope to
35 the question of whether the evidence supports the principal's determination. If reviewing authority
36 finds that the evidence does not support the principal's determination that the student committed a
37 zero-tolerance offense, then the reviewing authority shall reverse the expulsion. If, however, the
38 reviewing authority finds that the evidence does support the principal's determination, it must affirm
39 the expulsion. In affirming an expulsion, the reviewing authority may recommend a lesser punishment
40 for consideration by the Director of Schools who, under state law, has sole authority to reduce the
41 required one-year expulsion to a lower level of discipline on a case-by-case basis. The Director of
42 Schools may exercise this authority at any stage of the disciplinary or appeals process.

43 **PLACEMENT IN ALTERNATIVE SCHOOL**

44 This policy does not prohibit the assignment of students who are subject to expulsion from school to an
45 alternative school.

46 **PUBLICATION OF POLICY**

47 This policy shall be published in the Code of Conduct as set forth in the *Parent Handbook*, and
48 provided annually to all teachers, administrative staff, and parent.

Legal References

1. TCA 49-6-3401(g)
2. 18 USCA § 921; 20 USCA § 7961(b)(3)
3. TCA 39-13-102
4. TCA 39-13-101(a)(1); Public Acts 2018, Chapter No. 958
5. TCA 49-6-4216(b);
6. TCA 49-6-4209; TCA 39-17-1312

Cross References

- Code of Conduct 6.300
Drug-Free Schools 6.307
Suspension/Expulsion/Remand 6.316

COMPARISON OF BUDGET TOTALS
July 1, 2018 Through July 31, 2018

TOTAL INCOME	7/1/18 - 7/31/18	\$	663,778
TOTAL EXPENSES	7/1/18 - 7/31/18		<u>1,050,152</u>
NET INCOME	7/31/18	\$	<u><u>(386,374)</u></u>

YEAR-TO-DATE EXPENDITURE COMPARISON

JULY 2018

PAGE 1

	2017-18 BUDGET	2017-18 YTD EXP.	2017-18 OVR/(UNDR) BUDGET	2017-18 %	2018-19 BUDGET	2018-19 YTD EXP.	2018-19 OVR/(UNDR) BUDGET	2018-19 %	
1	71100-Reg. Instruction	41,477,278	344,196	\$ (41,133,082)	0.8%	42,911,896	93,757	\$ (42,818,139)	0.2%
2	71200-Sp. Ed. Instr.	7,644,423	9,699	(7,634,724)	0.1%	7,888,139	10,161	(7,877,978)	0.1%
3	71400-Student Body Ed.	38,706	7,556	(31,150)	19.5%	40,000	4,032	(35,968)	10.1%
4	72110-Attendance	152,743	18,647	(134,096)	12.2%	152,854	18,936	(133,918)	12.4%
5	72120-Health Services	730,446	12,723	(717,723)	1.7%	768,990	13,837	(755,153)	1.8%
6	72130-Guidance	1,998,065	12,732	(1,985,333)	0.6%	2,393,876	38,061	(2,355,815)	1.6%
7	72210-Reg. Instr. Spprt.	2,251,653	90,325	(2,161,328)	4.0%	2,026,910	79,549	(1,947,361)	3.9%
8	72220-Sp. Ed. Support	1,625,873	56,387	(1,569,486)	3.5%	1,559,456	42,565	(1,516,891)	2.7%
9	72250-Technology	1,435,989	258,099	(1,177,890)	18.0%	1,620,382	70,375	(1,550,007)	4.3%
10	72310-Bd. Of Educ.	1,109,057	5,371	(1,103,686)	0.5%	1,706,403	5,352	(1,701,051)	0.3%
11	72320-Office of Supt.	324,923	25,142	(299,781)	7.7%	369,519	28,835	(340,684)	7.8%
12	72410-Office of Prin.	4,170,150	175,026	(3,995,124)	4.2%	4,329,922	167,133	(4,162,789)	3.9%
13	72510-Fiscal Services	538,980	69,969	(469,011)	13.0%	555,488	81,770	(473,718)	14.7%
14	72520-Personnel Services	372,495	52,691	(319,804)	14.1%	415,523	56,795	(358,728)	13.7%
15	72610-Oper. Of Plant	5,827,275	94,078	(5,733,197)	1.6%	5,823,596	89,639	(5,733,957)	1.5%
16	72620-Maint. Of Plant	2,254,631	55,770	(2,198,861)	2.5%	2,448,445	65,340	(2,383,105)	2.7%
17	72710-Pupil Transp.	2,865,694	48,831	(2,816,863)	1.7%	2,896,934	31,575	(2,865,359)	1.1%
18	73300-Community Servic	506,730	27,299	(479,431)	5.4%	514,247	28,917	(485,330)	5.6%
19	73400-Early Childhood Educ	89,500	-	(89,500)	0.0%	16,500	-	(16,500)	0.0%
20	76100-Reg. Cap. Outlay	747,824	51,948	(695,876)	6.9%	607,034	91,543	(515,491)	15.1%
21	99100-Operating Transfers	822,909	31,980	(790,929)	5.0%	860,431	31,980	(828,451)	3.7%
	TOTALS	76,985,344	1,448,469	\$ (75,536,875)	1.9%	79,906,545	1,050,152	\$ (78,856,393)	1.3%

YEAR-TO-DATE REVENUE COMPARISON

JULY 2018

PAGE 1

	BUDGET CLASS.	2017-18 BUDGET	2017-18 YTD REV.	2017-18 OVR/(UNDR) BUDGET	2017-18 %	2018-19 BUDGET	2018-19 YTD REV.	2018-19 OVR/(UNDR) BUDGET	2018-19 %
1	40110-Current Prop. Tax	\$13,523,000.00	-	(13,523,000)	0.0%	\$13,972,500.00	-	\$ (13,972,500)	0.0%
2	40210-Local Option Sales Tax	10,968,000	-	(10,968,000)	0.0%	10,980,000	-	(10,980,000)	0.0%
3	40000-41110-Other County Rev	1,773,000	16,300	(1,756,700)	0.9%	1,736,000	16,991	(1,719,009)	1.0%
4	44000-Other Local Revenue	515,750	9,501	(506,249)	1.8%	582,750	98,028	(484,722)	16.8%
5	46511-Basic Educ. Program	40,843,453	-	(40,843,453)	0.0%	44,430,513	-	(44,430,513)	0.0%
6	46512-BEP ARRA	-	-	-	N/A	-	-	-	N/A
7	46530-Energy Efficient Sch	-	-	-	N/A	-	-	-	N/A
8	46615-Ext. Contract-ARRA	-	-	-	N/A	-	-	-	N/A
9	46990-Other State Funds	337,100	-	(337,100)	0.0%	650,190	-	(650,190)	0.0%
10	46592-CONNECT TEN ARRA	-	-	-	N/A	-	-	-	N/A
11	46595-Family Resource ARRA	-	-	-	N/A	-	-	-	N/A
12	46595-SSMS ARRA	-	-	-	N/A	-	-	-	N/A
13	47000- Federal Funds	45,000	-	(45,000)	0.0%	24,325	-	(24,325)	0.0%
14	49810-Approp./City Gen. Fund	5,310,103	442,509	(4,867,594)	8.3%	6,585,103	548,759	(6,036,344)	8.3%
15	49820-Operating Transfers	-	-	-	N/A	-	-	-	N/A
	TOTALS	\$ 73,315,406	\$468,310	\$ (72,847,096)	0.6%	\$ 78,961,381	\$ 663,778	\$ (78,297,603)	0.8%