Maryville City Schools
833 Lawrence Avenue
Maryville, TN 37803

BOARD OF EDUCATION **5:30 PM, DECEMBER 18, 2023**
REGULAR MEETING **CULINARY ARTS BUILDING**

I. CALL TO ORDER **CHAIRMAN BLACK**
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE

II. ELECTION OF OFFICERS

III. UPDATE FROM MARYVILLE ACADEMY Kyle Harris, Administrator

IV. **ADOPT AGENDA**

V. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

VI. CONSENT AGENDA ITEMS

1. Approve Minutes of November 20, 2023, meeting (Attachment)
2. Approve changes to Board Policy section 1.105 (School Board Legislative Involvement),2.400 (Revenues), 2.601 (Fundraising Activities), 2.8051 (Credit Cards/Credit Lines), and 4.603 (Promotion and Retention) Second Reading (Attachment A1)
3. Approve Maryville High School Cheer overnight trip to Orlando, Florida to participate in the National Cheerleading Championship – Funding Source: Cheer Account (Attachment A2)
4. Approve Maryville High School Bowling team overnight trip to Smyrna, Tennessee to participate in the TSSAA Bowling Tournament – Funding Source: students (Attachment A3)

VII. AGENDA

1. Consider appointing Bart Stinnett as a trustee of the Employee Sick Bank with term expiring December 31, 2026.
2. Consider appointing Candy Morgan to serve as the Board's legislative liaison.
3. Consider changes to Board Policy section 5.301 (Emergency and Legal Leave) and 6.3041 (Title IX and Sexual Harassment).First reading (Attachment B1)

VIII. REPORTS FROM DIRECTOR OF SCHOOLS

IX. RECOGNITION OF STAFF AND STUDENTS

X. COMMENTS FROM BOARD MEMBERS

XI. ADJOURN

Upcoming meeting dates:
January 16, 2024, 5:30 p.m., Foothills Elementary School
February 19, 2024, 5:30 p.m., Montgomery Ridge Intermediate School

Maryville City Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Biennially, in August	**School Board Legislative Involvement**	**1.105**	**12/18/23**
		Rescinds:	Issued:

The Board shall work for the passage of new laws designed to improve public education in Tennessee. Likewise, the Board shall work for the repeal or modification of existing laws and for the defeat of proposed laws that impede this cause.

To accomplish this:

1. The Board shall stay informed of pending legislation and actively communicate its concerns and make its position known to their elected representatives at both the state and national level;

2. The Board shall work with other school boards in the state, other local officials, and community groups in creating public awareness and support for legislative priorities;

3. The Board shall annually select one (1) of its members to serve as its legislative liaison;

4. The Board shall work with its legislative liaison, TSBA, and other concerned groups in developing an annual legislative program; and

5. The Board shall include in its budget appropriate resources to cover costs, including travel expenses, necessary to ensure active participation in the legislative process.

Cross References

Board Member Development Opportunities 1.204

.Maryville City Board of Education

Monitoring: **Review: Biennially in September**	Descriptor Term: **Revenues**	Descriptor Code: **2.400**	Issued Date: **12/18/23**
		Rescinds: **2.400**	Issued: **11/05/18**

General

Any money collected by any school shall be documented with a receipt.

The schools may receive funds collected from activities and for events held at or in connection with the school, including contracts with other schools for interschool events. To be included in this accounting are all monies collected from lunchrooms, athletics, entertainments, school clubs, fees, concessions, and all fundraising activities. Each principal shall determine the reconciliation method to be used for all events which require a ticket.[1]

~~The purchase of items intended for resale for profit through the schools shall be subject to sales tax based on the purchase price to the vendor providing the service or item. Resale items not intended to generate a profit shall be determined by the principal.~~[2]

FEES

School fees may be expended only for the purposes for which they were collected. The school shall not require any student to pay a fee to the school for any purpose, except as authorized by the Board. No fees shall be required of any student as a condition to attend the school or use its equipment.[2] School fees shall be waived for students who receive free or reduced-price lunches.[3] No student will be penalized for nonpayment of any school fee.

FINES

A student will be held responsible for the cost of replacing any materials or property which the student loses or damages,[5] including textbooks, library books, equipment, and buildings. All money collected as fines shall be placed in the internal school fund.

TUITION INCOME

Tuition collected from nonresident students shall be placed in the district general purpose fund.

RENTAL INCOME

All money collected for use of a particular school facility or other school property shall be placed in the internal school fund.

GRANTS

Grants for educational purposes made available by the state and/or federal government may be sought by the school system but only when the conditions of their availability are in harmony with the purposes and policies of the Board and the laws of the state and county. Principals may apply for and receive grants, but funds must be recorded in a separate restricted fund account.[4]

COLLECTION OF FUNDS THROUGH ONLINE PAYMENT[6]

Approved district staff may utilize SchoolCash Online, MySchoolBucks, Square, and GoFan for electronic transactions. The Director of Schools/designee shall determine when this type of transaction may be utilized on a case-by-case basis. At the individual school level, the principal shall oversee the collection of funds and submit a plan that includes the following:

1. *Adequate supporting documentation for the electronic collection method including a plan to provide a total daily receipt summary;*
2. *Methods of providing receipts to payers;*
3. *Information on maintaining and inspecting any voided receipts; and*
4. *How daily electronic collections shall be reconciled with the total daily receipt summary and who will be assigned to complete this task.*

The Director of Schools/designee shall determine whether a processing fee for online transactions will be charged on a case-by-case basis.

The Director of School/designee shall establish adequate internal controls to ensure compliance with the Tennessee Internal School Funds Manual.

Legal References

1. TCA 49-2-110(a); *Tennessee Internal School Uniform Accounting Policy Manual,* Section 5-4
2. TCA 49-6-3001(a); TCA 49-2-110(c)
3. TCA 49-2-114
4. *Tennessee Internal School Uniform Accounting Policy Manual,* Section 4-37
5. TCA 37-10-101, 102
6. *Tennessee Internal School Uniform Accounting Policy Manual,* Section 5-8

Cross References

Fundraising Activities 2.601
Student Activity Funds Management 2.900
Food Service Management 3.500
Textbooks and Instructional Materials 4.400
Compensation Guides & Contracts 5.110
Attendance of Non-Resident Students 6.204
Student Fees and Fines 6.709

Maryville City Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Biennially in September	**Fundraising Activities**	**2.601**	**12/18/23**
		Rescinds: **2.601**	Issued: **02/08/21**

General

The following general guidelines shall be followed:[1]

1. Fundraising activities shall be authorized by the Board and shall be for the purpose of supplementing funds for established school programs and not for replacing funds which are the responsibility of the Board.

2. Fundraising companies and other salespersons shall obtain permission in writing from the Director of Schools' office in order to visit the schools.

3. Any commission payable by companies shall be paid in the form of reduced prices to the students or paid into the activity fund of the school for use by the school. No school employee shall personally benefit from any fundraising activity.

4. The principal must obtain written approval from the Director of Schools or his/her designee for all fundraising activities, including online fundraising activities, that involve the participation of the general student population in the marketing process of the fundraising effort. All other fundraising activities, including online fundraising activities, must have written approval from the principal and comply with all administrative procedures issued by the Director of Schools. The authorization request shall contain the following information:[2]

    a. A list of the proposed fundraising activities;

    b. Purpose of the fundraising activity;

    c. Proposed uses of funds raised;

    d. Expected student involvement in fundraising activity (school-wide, individual class, or club); and

    e. Margin of profit and how it is to be paid to the school.

5. The Director of Schools shall determine whether or not the activity will benefit the school, contribute to the welfare of the student body, and supplement, not replace, funds necessary to fulfill the Board's required contributions.

6. Students shall not be excused from a regular class to participate in a fundraising activity. No grade in a subject or course shall be affected by a student's participation in a fundraising activity.

7. No quotas shall be imposed on students involved, and their efforts shall be voluntary. Students who do not participate in fundraising activities shall not be punished or discriminated against in any way.

This policy shall not be construed as preventing a teacher from using instructional or informational materials even though the materials might include reference to a brand, a product, or a service.

ONLINE FUNDRAISING[1]

Individual schools may establish school-wide online fundraising accounts. The accounts must meet all fundraising requirements established by the Board and the *Tennessee Internal School Uniform Accounting Policy Manual.* The principal or his/her designee of each school shall have access to the established fundraising account to ensure all funds are properly accounted for, and the information is recorded in the school's accounting records by the designated personnel.

Employees shall not engage in online fundraising in their official capacity as district employees nor make any reference to non-school sponsored fundraisers, online or otherwise, that would lead another to believe such activity is an approved school fundraiser. Online fundraising shall not be used on behalf and for the benefit of an outside party.

FUNDRAISING FOR NONEDUCATIONAL PURPOSES[3]

On approval of the principal, an employee may be authorized to raise and use funds for the following noneducational purposes:

1. Bereavement support;
2. Award recognition;
3. Employee morale;
4. Banquets; or
5. Other situations at the principal's discretion.

These funds shall be derived from vending machine revenue, donations, or other revenue sources approved by the Director of Schools.

The Director of Schools shall develop administrative procedures regarding the receipt, disbursement, accounting, and auditing of these noneducational funds. The Director of Schools shall ensure that the procedures are consistent with board policy and state law and disseminate them to all employees.

RECORDKEEPING[1]

The Director of Schools/designee shall ensure that the appropriate records are maintained for each fundraising activity and shall be responsible for collecting and maintaining the appropriate documents that show the approving, tracking, and monitoring of each fundraising activity from beginning to end.

Legal References

1. *Tennessee Internal School Uniform Accounting Policy Manual*, Section 4-30, 4-31
2. *Tennessee Internal School Uniform Accounting Policy Manual*, Section 4-32
3. TCA 49-2-134

Cross References

School Support Organization 2.404
Student Activity Funds Management 2.900
Staff Gifts and Solicitations 5.605

Maryville City Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Biennially in September	**Credit Cards/Credit Lines**	**2.8051**	**12/18/23**
		Rescinds: **2.8051**	Issued: **11/05/18**

District credit cards shall be maintained by the Director of Schools/designee through procedures developed and maintained in the district office for the purchase of appropriate goods and services for district or school related purposes only.[1] The credit cards will be kept in a secure location, and the account number will remain confidential.

The Director of Schools/designee shall review and approve card transactions. Purchases which are not approved by the Director of Schools or the Director of Finance will be reimbursed to the district within ten (10) days of notification.

AUTHORIZED USE

Card users shall be held accountable for appropriate use of credit cards/credit lines. Unauthorized use of a credit card/credit line shall be grounds for disciplinary action, including termination of employment. Cash advances using district credit cards are prohibited.

Any school employee that purchases items with the credit card or any approved credit line must follow the procedures outlined below:

- Original receipts for each purchase must be turned into bookkeeper within three (3) working days of purchase;
- If the credit card is used to pay for a conference or training, a copy of the registration form must be turned in;
- The bookkeeper or a separate employee must check off on purchases and the physical inventory that is purchased;
- All purchases must be district or school related purchases; and
- Under no circumstances will the credit card/credit line be used to make personal purchases.

Legal References

1. *Tennessee Internal School Uniform Accounting Procedure Manual*, Section 4-8; Section 4-11 through 4-13

Cross References

Executive Committee 1.301
Purchasing 2.805
Purchase Orders and Contracts 2.808

Maryville City Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Biennially, in August	**Promotion and Retention**	**4.603**	**12/18/23**
		Rescinds: **4.603**	Issued: **10/17/22**

General

All promotion and retention decisions shall be made on a case-by-case basis and comply with state and federal law. All decisions shall be made in consultation with a student's IEP and/or 504 team, if applicable.[1]

Students who have difficulty in achieving the requirements for promotion may be considered for retention. Schools shall identify these students by February 1st. Factors used to identify students for retention shall include:[2]

1. Ability to perform at the current grade level;
2. Results of local assessments, screening, or monitoring tools;
3. State assessments, as applicable;
4. Home Literacy Reports;[3]
5. Overall academic achievement of the student;
6. Likelihood of success with more difficult material if promoted to the next grade;
7. Attendance record; and
8. The student's maturity.

Students may be identified for retention after the February 1st deadline if the delay in identifying a student is due to:

1. Lack of instructional availability; or
2. Additional information acquired after results of local assessment, screening, or monitoring are released.

PROMOTION PLANS[5]

When a student is considered for retention, the student's parent/guardian shall be notified within fifteen (15) days, and an individualized promotion plan shall be developed to help the student avoid retention. The plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parent(s)/guardian(s), school counselor, or other appropriate school personnel.

Promotion plans shall incorporate evidence-based strategies, including expectations and measurements that will verify whether a student has made sufficient progress to be promoted to the next grade level, and be tailored to the student's learning needs. Promotion plans for students in third grade will include additional requirements for promoting students in this grade. A copy of the plan will be provided to the student's parent(s)/guardian(s), and the school shall offer the opportunity for a parent-teacher conference to discuss the plan. If a student is not making progress on the promotion plan, then the strategies shall be modified. Parent(s)/guardian(s) shall be provided with any changes to the promotion plan.

A student who demonstrates sufficient academic progress according to his/her promotion plan shall be promoted to the next grade level unless retention is required per additional requirements for students in third grade.[6]

If a student has not demonstrated sufficient academic progress according to his/her promotion plan by the end of the school year, the student shall be eligible to enroll in a summer reading or learning program, if available. Parent(s)/guardian(s) shall be notified of a decision for retention at least ten (10) calendar days prior to the start of the next school year if the student was enrolled in a summer program. However, if the student wasn't enrolled in a summer program, the parent(s)/guardian(s) shall be notified of a decision for retention at least thirty (30) calendar days prior to the start of the next school year.[7]

RETENTION[6]

A student may be retained when such retention is in the best interest of the student or when retention is required per additional requirements for students in third *and fourth* grades. However, a student shall not be retained more than once in any grade.

Decision of Retention – General[8]

If a student is retained, the Director of Schools/designee shall develop an individualized academic remediation plan within thirty (30) calendar days after the beginning of the next school year. A copy of the plan shall be provided to the student's parent(s)/guardian(s) within ten (10) calendar days of its development. The plan shall include at least one of the following strategies:

1. Adjustment to the current instructional strategies or materials;

2. Additional instructional time;

3. Individual tutoring;

4. Modification to the student's classroom assignment to ensure the student receives instruction from a highly effective teacher; or

5. Attendance or truancy interventions.

Decision of Retention – Third Grade[9]

Third grade students shall not be promoted to the next grade unless they are determined to be proficient (i.e., receive a performance level rating of "met expectations" or "exceeded expectations") in English language arts (ELA) based on the student's most recent TCAP test.

Students who are not proficient in ELA may still be promoted if the following conditions are met:

1. A student in third grade receiving a performance level rating of "approaching expectations" on the ELA portion of the student's most recent TCAP test may be promoted if:

    a. The student is an English language learner and has received less than two (2) full years of ELA instruction;
    b. The student was previously retained in grades K-3;
    c. The student is retested before the next school year and scores proficient in ELA;
    d. The student attends a learning loss bridge camp before the next school year, maintains a ninety percent (90%) attendance rate, and demonstrates adequate growth on the post-test at the end of the camp; or
    e. The student receives tutoring for the entirety of the next school year in accordance with state law.
    f. Beginning with the 2023-2024 school year, the student demonstrates proficiency in ELA standards by scoring within the fiftieth percentile on the most recently administered state-provided benchmark assessment and the district provides tutoring services to the student during the entire fourth grade school year and notifies the student's parent/guardian, in writing, of the benefits of enrolling the student in summer programming.

2. A student in third grade receiving a performance level rating of "below expectations" on the ELA portion of the student's most recent TCAP test may be promoted if:

    a. The student is an English language learner and has received less than two (2) full years of ELA instruction;
    b. The student was previously retained in grades K-3;
    c. The student is retested before the next school year and scores proficient in ELA; or
    d. The student attends a learning loss bridge camp before the next school year, maintains a ninety percent (90%) attendance rate, and receives tutoring for the entirety of the next school year in accordance with state law.

Decision of Retention – Fourth Grade[9]

A student required to receive tutoring for the entirety of the next school year in accordance with state law shall be required to show adequate growth on the fourth grade ELA portion of TCAP before the student may be promoted to fifth grade.

A student shall not be retained more than once in fourth grade.

Decision of Retention – Students with Disabilities[10]

Retention and promotion decisions shall be made on a case-by-case basis and in consultation with the student's IEP and/or 504 team to determine whether the student's performance on the ELA portion of TCAP was due to the student's disability. The school district shall not retain a student with a disability or a suspected disability that impacts their ability to read.

PROMOTION AND RETENTION – GRADES 9-12

Each student is a member of a cohort group determined by the year they entered 9th grade. Students will progress through grades 9-12 with their cohort group. Those not meeting graduation requirements at the end of the eighth term will be retained as a 12th grader.

APPEALS[7,11]

For students where retention is required per the additional requirements for students in third and fourth grades, parent(s)/guardian(s) may appeal this decision in accordance with state law.[12]

For all other grade levels, when a student is identified for retention, the parent(s)/guardian(s) shall be notified about the decision to retain the student and provided with information on the right to appeal the decision. Appeals shall be made to a committee appointed by the principal within five (5) days. The student and his/her parent(s)/guardian(s) shall be provided written or actual notice of the appeal hearing and shall be given the opportunity to address the committee. The committee shall conduct a hearing within ten (10) business days to determine if the student will be promoted.

Upon notification of the committee decision, the principal shall send written notification to the Director of Schools/designee and the parent(s)/guardian(s). The notification shall advise parent(s)/guardian(s) of their right to appeal such action within five (5) days to the Director of Schools/designee. The appeal shall be heard no later than ten (10) business days after the request for appeal is received.

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

Legal References

1. 20 USCA § 1400 *et seq.*; 29 U.S.C. § 794 (Section 504); TRR/MS 0520-01-03-.16; TCA 49-6-3115
2. TRR/MS 0520-01-03-.16(5)
3. TCA 49-1-905(e)
4. TRR/MS 0520-01-03-.16(4)
5. TRR/MS 0520-01-03-.16(6)
6. TRR/MS 0520-01-03-.16(6)(f)
7. TRR/MS 0520-01-03-.16(6)(e)
8. TRR/MS 0520-01-03-.16(6)(g)
9. TRR/MS 0520-01-03-.16(7)
10. 29 U.S.C. § 794 (Section 504); 20 USCA § 1400 *et seq.*; TRR/MS 0520-01-03-.16(7)(e)
11. TRR/MS 0520-01-03-.16(3); TRR/MS 0520-01-02-.17(7); TCA 49-6-3102(e)(1)
12. TRR/MS 0520-01-03-.16(7)(f)

Cross References

Credit Recovery 4.210
Grading System 4.600
Reporting Student Progress 4.601
Attendance 6.200
Student Assignments 6.205
Homeless Students 6.503
Student Records 6.600

Request to Release Students for School-Related Events

Teacher: Samantha Harding Course/Team/Organization: MHS Cheer

Event: National Cheerleading Championship

Location: Orlando, Florida

Dates of Trip (Include Departure/Return Time):

Departure Date: 2/8/24 Departure Time: 6:00 AM

Return Date: 2/12/24 Return Time: 11:59 PM

Check all that apply:

In-County: ☐ Out-of-County: ☐ *Overnight: ☒ *Out of State: ☒

*(Requires Board Approval)

Transportation: Walk: ☐ Parents Provide: ☐ Bus: ☐ Number of Busses: _____.

Cost for each student: $1,700.00

Means of funding trip: Cheer Account

FLIGHT & Travel By Rental from Airport

Educational Purpose:

MHS Cheer team earned a bid to participate at the National Cheerleading Championship.

Teacher Signature: [signature] Date: 11/20/23

Request Approved: _____ Date: _____

Principal's Signature: Heather Luther Date: 11/20/23

Superintendent Signature: [signature] Date: 11/27/23

*School Board Approved: _____ Date: _____

IMPORTANT REQUIREMENT

Please give classroom teachers a minimum of two weeks' notice of the event.
To help Administration, teachers, and the Attendance Office, please return list of students alphabetically and indicate their grade level.

Please return to Stacey Travis

FIELD TRIP REQUEST FORM

Maryville City Schools

School: MHS Grade/Course/Team/Organization: Bowling team

Coordinating Teacher(s): Chris Hollander

Trip Date: 1/16 - 1/17 Destination: Smyrna, TN

Cost Per Student: $ 20.00 Cost Per Adult: N/A

Number of Attending Students: 1 Number of Attending Adults: 1

Departure Time: 12:00 pm 1/16 Return Time: 6:00 pm 1/17

Is this an overnight trip? (Yes) No *overnight trips require board approval.

Funding Source: 601.100 *for trips requiring board approval.

Is a school nurse required to attend? Yes ☐ ☑

Transportation: ☐ Walk ☑ Cars ☐ Bus ☐ SPED Bus Number of Buses _____

Bus Service Provider: N/A

Trip Justification: TSSAA Bowling Tournament

Trip Coordinator's Signature: _____

Principal's Signature: Heather Hatch 12/14/23

Director of Schools Signature: _____ Date: 12/14/23

School Board Approval, as applicable: _____ Date: _____

To Be Completed After Approval: PO#: _____ Please Initial Below:

Cafe Manager: _____ Clinic (Meds): _____ Office (Perm. Slip): _____ Website/Calendar: _____

CUT AND RETURN TOP PORTION TO OFFICE FOR APPROVAL

COMPLETE BOTTOM HALF & RETURN TO BOOKKEEPER AFTER TRIP

Grade: _____ Department/Team: _____

Coordinating Teacher(s): _____

Field Trip Destination: _____

Final Count of Students Paying: _____

Final Count of Students Waived: _____

Final Count of Adults Paying: _____ Signature of Person Verifying: _____

FOR BOOKKEEPER TO COMPLETE:

Amount Donated: _____

Total Paid by Students: _____

Total Paid by Adults: _____

Maryville City Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Biennially, in September	**Emergency and Legal Leave**	**5.301**	**01/16/24**
		Rescinds: **5.301**	Issued: **02/11/19**

EMERGENCY LEAVE/LEAVE DURING THE WORKDAY

An employee must have permission from his/her immediate supervisor in order to leave the worksite during the workday. The employee is required to sign out and sign back in upon returning. Teachers are encouraged to utilize their planning time to reduce impact on students. If the time away exceeds 90 minutes, then the employee must take a half day sick or personal leave.

The immediate supervisor shall keep a tally of the amount of time individual employees are released under this policy. If the amount becomes excessive, then the employee may be charged with one (1) day of applicable leave.

JURY DUTY

If an employee is summoned for jury duty, he/she shall present written evidence that he/she has been summoned to serve on a jury. The employee shall be entitled to the usual compensation~~, less the amount paid by the court.~~[2]

COURT APPEARANCES

If an employee appears in court as a plaintiff, defendant, witness,[3] or voluntarily appears on behalf of family or friends, personal leave or leave without pay shall be granted.

Legal References

1. TCA 49-5-711(c)
2. TCA 22-4-106(b)
3. TCA 16-15-708; Public Acts of 2018, Chapter No. 747

Cross References

Short Term Leaves of Absence 5.300

Maryville City Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Biennially, in October	**Title IX & Sexual Harassment**	**6.3041**	**01/16/24**
		Rescinds: **6.3041**	Issued: **08/10/20**

General

In order to maintain a safe, civil, and supportive learning environment, all forms of sexual harassment and discrimination on the basis of sex are prohibited.[1] This policy shall cover employees, employees' behaviors, students, and students' behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop in accordance with federal law. This policy shall be disseminated annually to all school staff, students, and parent(s)/guardian(s).[2] The Title IX Coordinator as well as any personnel chosen to facilitate the grievance process shall not have a conflict of interest against any party of the complaint.[3] These individuals shall receive training as to how to promptly and equitably resolve student and employee complaints.[3]

All employees shall receive training on complying with this policy and federal law.[4]

TITLE IX COORDINATOR[5]

The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of sexual harassment. He/she shall be kept informed by school-level personnel of all investigations and shall provide input on an ongoing basis as appropriate.

Any individual may contact the Title IX Coordinator at any time using the information below:

Title: Melissa Stowers, Safety Coordinator

Mailing address: 833 Lawrence Avenue, Maryville, TN 37803

Phone number: 865-982-7121

Email: melissa.stowers@maryville-schools.org

DEFINITONS[4]

"Complainant" is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Respondent" is an individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.

"Sexual harassment" is conduct on the basis of sex that satisfies one or more of the following:[3]

1. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or

3. Sexual assault,[6] dating violence,[7]domestic violence,[8] or stalking[9] as defined in state and federal law.

Behaviors that constitute sexual harassment may include, but are not limited to:

1. Sexually suggestive remarks;

2. Verbal harassment or abuse;

3. Sexually suggestive pictures;

4. Sexually suggestive gesturing;

5. Harassing or sexually suggestive or offensive messages that are written or electronic;

6. Subtle or direct propositions for sexual favors; and

7. Touching of a sexual nature.

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

"Supportive measures" are non-disciplinary, non-punitive, individualized services and shall be offered to the complainant and the respondent, as appropriate. These measures may include, but are not limited to, the following:

1. Counseling;

2. Course modifications;

3. Schedule changes; and

4. Increased monitoring or supervision.

The measures offered to the complainant and the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the school district to provide the supportive measures.

GRIEVANCE PROCESS

Upon learning of an instance of alleged sexual harassment, even if no formal complaint is filed, the Title IX Coordinator shall:

1. Promptly contact the complainant to discuss the availability of supportive measures;
2. Consider the complainant's wishes with respect to supportive measures;
3. Inform the complainant of the availability of supportive measures; and
4. Explain the process for filing a formal complaint.[10]

While the school district will respect the confidentiality of the complainant and the respondent as much as possible, some information may need to be disclosed to appropriate individuals. All disclosures shall be consistent with the school district's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action.

Disciplinary consequences or sanctions shall not be initiated against the respondent until the grievance process has been completed. Unless there is an immediate threat to the physical health or safety of any student arising from the allegation of sexual harassment that justifies removal, the respondent's placement shall not be changed.[11] If the respondent is an employee, he/she may be placed on administrative leave during the pendency of the grievance process.[12] The Title IX Coordinator shall keep the Director of Schools informed of any employee respondents so that he/she can make any necessary reports to the State Board of Education in compliance with state law.[13]

Complaints

Any individual who has knowledge of behaviors that may constitute a violation of this policy shall immediately report such information to the Title IX Coordinator, however, nothing in this policy requires a complainant to either report or file a formal complaint within a certain timeframe. If the complaint involves the Title IX Coordinator, the complaint shall be filed with the Director of Schools.

If a complaint involves allegations of child abuse, including child abuse on school grounds, appropriate notification shall be made per the board policy on reporting child abuse.

Upon receipt of a formal complaint, the Title IX Coordinator shall promptly:[14]

1. Provide written notice of the allegations, and the grievance process to all known parties to give the respondent time to prepare a response before an initial interview;
2. Inform the parties of the prohibition against making false statement or knowingly submitting false information;
3. Inform the parties that they may have an advisor present during any subsequent meetings; and
4. Offer supportive measures in an equitable manner to both parties.

If the Title IX Coordinator dismisses a complaint, written notice, including the reasons for dismissal, shall be provided to both parties simultaneously.[15]

Investigations[16]

The Title IX Coordinator shall serve as the investigator and be responsible for investigating complaints in an equitable manner that involves an objective evaluation of all relevant evidence. The burden for obtaining evidence sufficient to reach a determination regarding responsibility rests on the school district and not the complainant or respondent.

Once a complaint is received, the Investigator shall initiate an investigation within forty-eight (48) hours of receipt of the complaint. If an investigation is not initiated within forty-eight (48) hours, the investigator shall provide the Assistant Director of Schools with appropriate documentation detailing the reasons why the investigation was not initiated within the required timeframe.

All investigations shall be completed within twenty (20) calendar days from the receipt of the initial complaint. If the investigation is not complete within twenty (20) calendar days, the investigator shall provide the Assistant Director of Schools with appropriate documentation detailing the reasons why the investigation has not been completed.

All investigations shall:

1. Provide an equal opportunity for the parties to present witnesses and evidence;

2. Not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence;

3. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that seek disclosure of information protected under a legally recognized privilege unless such privilege has been waived;[17]

4. Provide the parties with the same opportunities to have others present during any grievance proceeding;

5. Provide to parties whose participation is requested written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

6. Provide both parties an equal opportunity to inspect and review any evidence directly related to the allegations in the formal complaint; and

7. Result in the creation of an investigative report that fairly summarizes relevant evidence.

    a. Prior to the completion of the investigative report, the investigator shall send to each party the evidence subject to inspection and review. All parties shall have at least ten (10) days to submit a written response which shall be taken into consideration in creating the final report.

Within the parameters of the federal Family Educational Rights and Privacy Act,[18] the Title IX Coordinator shall keep the complainant and the respondent informed of the status of the investigation process. At the close of the investigation, a written final report on the investigation will be delivered to the parent(s)/guardian(s) of the complainant, parent(s)/guardian(s) of the respondent, and to the Director of Schools.

Determination of Responsibility[19]

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.[20] The clear and convincing evidence standard shall be used in making this determination.[21]

The Assistant Director of Schools shall act as the decision-maker. He/she shall receive the final report of the investigation and allow each party the opportunity to submit written questions that he/she wants asked of any party or witness prior to the determining responsibility.

The decision-maker shall make a determination regarding responsibility and provide the written determination to the parties simultaneously along with information about how to file an appeal.

A substantiated charge against a student may result in corrective or disciplinary action up to and including expulsion. A substantiated charge against an employee shall result in disciplinary action up to and including termination.

After a determination of responsibility is made, the Title IX Coordinator shall work with the complainant to determine if further supportive measures are necessary. The Title IX Coordinator shall also determine whether any other actions are necessary to prevent reoccurrence of the harassment.

APPEALS[22]

Either party may appeal from a determination of responsibility based on a procedural irregularity that affected the outcome, new evidence that was not reasonably available at the time of the determination that could affect the outcome, or an alleged conflict of interest on the part of the Title IX Coordinator or any personnel chosen to facilitate the grievance process. Appeals shall be submitted to the Title IX Coordinator within ten (10) days of a determination of responsibility.

Upon receipt of an appeal, the Title IX Coordinator shall:

1. Assign an impartial hearing officer within five (5) days of receipt of the appeal; and

2. Notify the parties in writing.

During the appeal process, the parties shall have a reasonable, equal opportunity to submit written statements. Within ten (10) calendar days, the hearing officer shall issue a written decision describing the result of the appeal and the rationale for the result. The written decision shall be provided simultaneously to both parties.

RETALIATION[23]

Retaliation against any person who makes a report or complaint or assists, participates, or refuses to participate in any investigation of an act alleged in this policy is prohibited.

Legal References

1. 34 CFR § 106.1
2. 34 CFR § 106.8(b),(c)
3. 34 CFR § 106.45(b)(1)(iii); 34 CFR § 106.45(b)(10)(D)
4. 34 CFR § 106.30(a)
5. 34 CFR § 106.8(a)
6. 20 USCA 1092(f)(6)(A)(v); TCA 36-3-601(10); TCA 71-6-302
7. 34 USCA 12291(a)(10)
8. 34 USCA 12291(a)(8); TCA 40-14-109
9. 34 USCA 12291(a)(30); TCA 39-17-315; TCA 36-3-601(11)
10. 34 CFR § 106.44(a)
11. 34 CFR § 106.44(c)
12. 34 CFR § 106.44(d)
13. TRR/MS 0520-02-03-.09(2); TCA 49-5-417(c)
14. 34 CFR § 106.45(b)(2)
15. 34 CFR § 106.45(b)(3)
16. 34 CFR § 106.45(b)(5); 34 CFR § 106.45(b)(1)(v)
17. 34 CFR § 106.45(b)(1)(x)
18. 20 USCA § 1232g
19. 34 CFR § 106.45(b)(7)
20. 34 CFR § 106.45(b)(1)(iv)
21. 34 CFR § 106.45(b)(1)(vii)
22. 34 CFR § 106.45(b)(8)
23. 34 CFR § 106.71

Cross References

Section 504 and ADA Grievance Procedures 1.802
Discrimination/Harassment of Employees (Sexual, Racial, Ethnic, Religious) 5.500
Staff-Student Relations 5.610
Code of Conduct 6.300
Student Discrimination, Harassment, Bullying, Cyber-bullying, and Intimidation 6.304
Child Abuse and Neglect 6.409