

AGENDA

MURFREESBORO CITY BOARD OF EDUCATION
SPECIAL CALLED BOARD MEETING--
POLICY WORK SESSION
Tuesday, September 13, 2011
6:30 p.m.—Central Administration Building

ORDER OF BUSINESS

I. CALL TO ORDER BY BOARD CHAIR

II. BOARD POLICY REVIEW

Passed on First Reading:

- SS 13—Service Animals in District Facilities and Vehicles
- PER 20—Personal and Professional Leave for Licensed Personnel
- PER 21—Assignment/Transfer or Reassignment of Licensed Personnel
- PER 25—Sick Leave for Licensed Personnel
- PER 26—Sick Leave for Full-Time Classified Personnel
- PER 38—FMLA and Tennessee Maternity Act
- PER 40—Suspension/Dismissal of Non-Licensed Employees

For Discussion:

- PER 16—Tenure and Nontenure (*Revision*)
- PER 17—Evaluation of Professional Staff (*Revision*)
- PER 46—Employee Use of Social Electronic Media (*New*)

III. REVIEW OF DRAFT SEPTEMBER 27, 2011 BOARD MEETING
AGENDA

IV. INSTRUCTIONAL UPDATE

V. OTHER BUSINESS

Options for Director of Schools Contract—Kelley Baker

VI. ADJOURNMENT

MISSION STATEMENT

*To assure academic and personal success
for each child.*

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: SERVICE ANIMALS IN DISTRICT FACILITIES AND VEHICLES	Descriptor No: SS 13	Date Adopted:
Reviewed/Revision Adopted:		

1 a) It is the policy of the Murfreesboro City Schools (“MCS”) to comply with provisions of
2 the Americans with Disabilities Act (“ADA”) and its implementing regulations by ensuring that
3 individuals with disabilities are able to participate in and benefit from the district’s programs,
4 activities, and services.

5 b) Title II (Public Services) of the ADA, 42 U.S.C. § 12131 *et seq.*, provides that, subject to
6 the provisions set forth in title II itself, “no qualified individual with a disability shall, by reason
7 of such disability, be excluded from participation in or be denied the benefits of services,
8 programs, or activities of a public entity, or be subjected to discrimination by any such entity.”
9 42 U.S.C. § 12132. To effectuate this policy, the U.S. Department of Justice has promulgated a
10 regulatory requirement that a public entity “generally ... modify its policies, practices, or
11 procedures to permit the use of a service animal by an individual with a disability.” 28 C.F.R. §
12 35.136.

13 c) It is the policy of the Murfreesboro City Schools to permit individuals with disabilities to
14 be accompanied by a “service animal” in MCS buildings, including classrooms, on MCS
15 property, on vehicles owned, leased or controlled by MCS, and at MCS school functions, as
16 required by the ADA and subject to the following requirements and limitations:

17 (1) **Service animal defined:** A service animal is any dog, or miniature horse if deemed
18 appropriate in accordance with section (c)(13) of this policy, that is individually trained to
19 perform specific tasks for the benefit of an individual with a disability, including physical,
20 sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether
21 wild or domestic, trained or untrained, are not service animals for purposes of this policy.

22 The work or tasks include but are not limited to, assisting individuals who are blind or have low
23 vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the
24 presence of people or sounds, providing non-violent protection or rescue work, pulling a
25 wheelchair, assisting an individual during a seizure, alerting individuals to the presence of
26 allergens, retrieving items such as medicine or the telephone, providing physical support and
27 assistance with balance and stability to individuals with mobility disabilities, and helping persons
28 with psychiatric and neurological disabilities by preventing or interrupting impulsive or
29 destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of
30 emotional support, well-being, comfort, or companionship do not constitute work or tasks for the
31 purposes of this definition.

32 (2) *Access:* Subject to the other provisions of this policy, an individual with a disability
33 shall generally be permitted to utilize a service animal that is required because of the individual's
34 disability and that has been individually trained to do work or a task for the individual.
35 Individuals with disabilities can be accompanied by their service animals in all areas of MCS's
36 facilities where members of the public, participants in services, programs, or activities, or
37 invitees, as relevant, are allowed to go.

38 (3) *Inquiry into individual's need for and training of a service animal:* As provided by
39 law, no MCS official or employee shall ask an individual using or wishing to use a service
40 animal about the nature or extent of a person's disability. MCS officials may nevertheless make
41 two inquiries to determine whether an animal qualifies as a service animal: (i) Is the animal
42 required because of a disability; and (ii) what work or task has the animal been trained to
43 perform? MCS shall not require, nor shall any MCS official request that an individual provide,
44 documentation indicating that the animal has been certified, trained, or licensed as a service
45 animal. In addition, MCS officials shall not make these inquiries about a service animal when it
46 is readily apparent that an animal is trained to do work or perform tasks for an individual with a
47 disability (e.g., the dog is observed guiding an individual who is blind or visually impaired).

48 (4) *Use of service animals by MCS students and employees:* Students and employees
49 seeking to be accompanied by a service animal on an ongoing basis in MCS buildings and/or
50 vehicles, shall make a written request to the Director of Schools at 2552 South Church Street,
51 Murfreesboro, TN 37127. This written request must be delivered to the Director at least ten (10)
52 business days before the student or employee uses the service animal on MCS property, and must
53 include proof of current vaccinations for the service animal as required by section (c)(4) of this
54 policy. In addition, students and employees using a service animal on an ongoing basis must
55 submit to the Director before the beginning of each academic year written proof that the service
56 animal's vaccinations are current and up to date.

57 (5) *Use of service animals by visitors to MCS facilities and events:* Visitors (e.g., parents
58 and other family members of MCS students and employees) need not submit a written request
59 before using a service animal at MCS facilities and events, but are nevertheless required to
60 comply with all other requirements of this policy, copies of which are available at each facilities
61 main office.

62 (6) *Vaccination of service animals:*

63 (a) All dogs used as service animals must have current vaccinations against:
64 DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus,
65 Coronavirus), Bordetella, and Rabies.

66 (b) All miniature horses used as service animals must have current vaccinations
67 against: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus,
68 Encephalomyelitis, Rhinoneumonitis, Influenza, and Strangles.

69 (7) *Hygiene:* All service animals must be:

70 (a) Treated for, and kept free of, fleas and ticks; and

71 (b) Kept clean and groomed to avoid shedding and dander.

72 (8) *Spaying/neutering of service dogs:* All service dogs must be spayed or neutered.

73 (9) *Housebroken:* All service animals must be housebroken.

74 (10) *Service animal under handler's control:* A service animal shall remain under the
75 control of its handler. In addition, a service animal must have a harness, leash, or other tether,
76 unless either the handler is unable because of a disability to use a harness, leash, or other tether,
77 or the use of a harness, leash, or other tether would interfere with the service animal's safe,
78 effective performance of work or tasks, in which case the service animal must be otherwise
79 under the handler's control (e.g., voice control, signals, or other effective means). When on
80 vehicles owned, leased, or controlled by MCS, service animals must be kept near the individual
81 they are accompanying and out of any aisle, and must not disturb other passengers.

82 (11) *Care and supervision of service animal:* MCS is not responsible for the care or
83 supervision of a service animal, including walking the animal or responding to the animal's need
84 to relieve itself.

85 (a) MCS is not responsible for providing a staff member to walk a service animal
86 or to provide any other care or assistance to the animal.

87 (b) Students with service animals are expected to care and supervise their animal.
88 In the case of a young child or a student with disabilities who is unable to care
89 for or supervise his service animal, the student's parents are responsible for
90 providing care and supervision of the animal. Issues related to the care and
91 supervision of service animals will be addressed on a case-by-case basis in the
92 discretion of the facility's administrator.

93 (12) *Liability of owners:* Owners of service animals are liable for any harm or injury caused
94 by an animal to students, staff, visitors, and/or property.

95 (13) *Miniature Horses:* Requests to permit a miniature horse to accompany a student or
96 adult with a disability in school buildings, in classroom, or at school functions, will be handled
97 on a case-by-case basis, considering:

98 (a) The type, size, and weight of the miniature horse and whether the facility can
99 accommodate these features;

100 (b) Whether the handler has sufficient control of the miniature horse;

101 (c) Whether the miniature horse is housebroken; and

102 (d) Whether the miniature horse's presence in a specific facility compromises
103 legitimate safety requirements that are necessary for safe operation.

104 All other provisions of this policy, with the exception of sections (6)(a) and (8), apply to
105 miniature horses.

106 (14) *Removal of a Service Animal:* A school principal or other MCS administrator may ask
107 an individual with a disability or a student's parent to remove a service animal from a school
108 building, a classroom, or from a school function if any one of the following circumstances
109 occurs:

110 (a) The animal is out of control and the animal's handler does not take effective
111 action to control it;

112 (b) The animal poses a significant risk to the health or safety of others (e.g.,
113 allergic or asthmatic reactions triggered by an individual's proximity to

114 animal) that cannot be eliminated by modification of policies, practices, or
115 procedures, or by the provision of auxiliary aids or services;

116 (c) The animal is not housebroken; and/or

117 (d) The animal’s presence would “fundamentally alter” the nature of the service,
118 program, or activity.

119 An individual whose service animal has been properly excluded in accordance with this policy
120 shall be given the opportunity to participate without the animal in the service, program, or
121 activity from which the animal was excluded.

122 (15) *Conflicting disabilities:* It is MCS policy to consider the safety, health and well being
123 of each and every student and employee when making decisions regarding the introduction of
124 animals to the classroom. Individuals with conflicting disabilities or health conditions (e.g.,
125 asthma and/or other allergies to dogs and/or horses), or their parent or guardian, should inform
126 the school’s principal in writing of any such conflict. The principal shall be responsible for
127 resolving the matter in consultation with the affected parties, the school nurse, and other
128 individuals as the administration deems appropriate. Use of a service animal in a classroom
129 setting will be disallowed due to another individual’s conflicting disability only where the
130 conflict cannot be eliminated by modification of policies, practices, or procedures, or by the
131 provision of auxiliary aids or services.

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Reference:

ADA Regulations, 28 CFR Part 35 (as amended, 2010)

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: PERSONAL AND PROFESSIONAL LEAVE FOR LICENSED PERSONNEL	Descriptor No: PER 20	Date Adopted: 4/79
	Reviewed/Revision Adopted: 8/01	

1 Up to three days of leave (one professional, one personal, and the third elective) may be taken
2 over and above all vacation and holidays. These three days, which are to be paid for by the
3 system, may be taken in the following ways:

- 4 1. *Personal* leave day: A day for business of a personal nature which requires absence from
5 school.
- 6 2. *Professional* leave day: Professional service to another school system or further devel-
7 opment of professional competence.

8 **The approval of the Director of Schools or the Director’s designee shall be required under**
9 **the following conditions:**

- 10 • **If more than ten percent (10%) of the teachers in any given school request its use on**
11 **the same day.**
- 12 • **If personal leave is requested during any prior established student examination**
13 **period.**
- 14 • **If personal leave is requested on the day immediately preceding or following a**
15 **holiday or vacation period.**
- 16 • **If personal leave is requested for days scheduled for professional development or**
17 **inservice training, according to a school calendar which has been adopted by the**
18 **Murfreesboro City Schools Board of Education before the school year begins.**
- 19 • **If personal leave is requested for days scheduled for parent-teacher conferences,**
20 **according to a school calendar which has been adopted by the Murfreesboro City**
21 **Schools Board of Education before the school year begins.**

22 **A professional employee, including a professional employee on pre-approved leave or other**
23 **type of leave, shall not be charged with a day of leave for any day on which the professional**
24 **employee’s school or the school district is closed due to natural disaster, inclement weather,**
25 **serious outbreak of contagious illness, or other unexpected event.**

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33 **Legal Reference:**

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35 **T.C.A. 49-5-711**

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term:	Descriptor No:	Date Adopted:
ASSIGNMENT/TRANSFER OR REASSIGNMENT OF LICENSED PERSONNEL	PER 21	4/79
Reviewed/Revision Adopted:		
9/01		

1 *ASSIGNMENT*

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3 The Director of Schools shall ~~assign~~ **develop a tentative assignment list of licensed** personnel
4 to the various schools or departments by **June 15** ~~May 15~~ for licensed personnel and by ~~June 15~~
5 ~~for non-licensed personnel~~ preceding the school year for which such persons are **to be** employed.
6 ~~while allowing~~ Each principal **and** ~~or~~ **department head** ~~immediate supervisor to~~ **shall** assign
7 **the licensed personnel assigned to the principal's or department head's respective school or**
8 **department** more specific responsibilities within each school **or department**.

9

10 Assignment of employees will be made by the Director of Schools based on the recommendation
11 of the appropriate program director and/or school principal. The assignment will be determined
12 by the applicant's training, experience, and ability to perform the duties of the position and in the
13 best interest of the schools ~~and shall be consistent with the MEA Contract.~~

14

15 Extra assignments for which supplements are provided and upon which initial employment was
16 based may not be relinquished in part by the employee without the approval of the person
17 making the assignment. Other assignments for which supplemental salary is provided shall be
18 made on an annual contract basis.

19

20 *TRANSFER* (to move from one school or administrative unit to another)

21

22 The Director of Schools shall transfer employees as necessary for efficient operation of the
23 schools. The Director of Schools is responsible for developing and disseminating procedures
24 for transfer.

25

26 All employees transferred shall receive written notification of the transfer.

27

28 Transfers made in accordance with board policy **and** state law, ~~and any negotiated contract~~ are
29 final.

30

31 *REASSIGNMENT* (to move from one grade or position to another within the same school)

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33 Employees shall be reassigned as necessary for the efficient operation of the schools or
34 department.

35 Reassignments shall be made by the employee's immediate supervisor with approval by the
36 Director of Schools.

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75 Legal References:

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- 77 T.C.A. 49-2-301**(b)(1)(L)**
- 78 T.C.A. 49-5-401
- 79 T.C.A. 49-2-301**(b)(1)(EE)**
- 80 T.C.A. 49-5-510
- 81 OP Tenn. Atty. Gen. 98-164 (August 24, 1998)
- 82 T.C.A. 49-2-303

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: SICK LEAVE FOR LICENSED PERSONNEL	Descriptor No: PER 25	Date Adopted: 4/79
Reviewed/Revision Adopted: 8/01		

1 Sick leave shall mean leave of absence because of illness of the professional employee from
 2 natural causes or accident of the illness or death of the professional employee’s spouse, parent,
 3 grandparent, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-
 4 law, son-in-law, brother-in-law, sister-in-law, step-relatives as listed above, or other family
 5 member with approval of the Director of Schools, which necessitates the absence of the
 6 professional employee.

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 8 The time allowed for sick leave with pay shall be one day for each month of employment. Sick
 9 leave shall be cumulative for all earned days not used. At retirement, the unused accumulated
 10 sick leave may be used as retirement credits.

11
 12 Professional employees may elect to participate in the **Murfreesboro City Schools’s Sick Leave**
 13 **Bank, established by the Board pursuant the Teachers’ Sick Leave Bank Act, T.C.A. 49-5-**
 14 **801 et. Seq., to facilitate the voluntary pooling and irrevocable donation of accumulated**
 15 **personal sick leave for the purpose of providing sick leave to members of the program who**
 16 **have suffered an unplanned personal illness, injury, disability or quarantine and whose**
 17 **personal sick leave is exhausted.**

18
 19 A professional employee in need of sick leave shall be allowed to use unearned sick leave up to
 20 the number of days which such professional employee may accumulate during the remainder of
 21 the year in which he is employed.

22
 23 Upon termination of the employment of such professional employee before such days are earned,
 24 or at the end of the school year, there shall be deducted from the final salary of such professional
 25 employee an amount based on **the employee’s** daily rate of pay sufficient to cover any excess
 26 sick leave days used by **the employee**. If such final salary is insufficient for this purpose, the
 27 professional employee shall be liable for reimbursement of any amount in excess of **the**
 28 **employee’s** final salary.

29
 30 When a professional employee **will be absent from work and unable to attend his or her**
 31 **assigned** classes, **the employee** shall notify the principal or **the principal’s** designee as soon as
 32 possible before school opens. The professional employee shall notify the principal or **the**
 33 **principals’s** designee a reasonable length of time before he intends to return to the classroom
 34 and not later than one (1) hour before school opens that morning, so that the principal or **the**
 35 **principal’s** designee may be able to notify the substitute.

36 **A professional employee, including a professional employee on pre-approved leave or other**
37 **type of leave, shall not be charged with a day of leave for any day on which the professional**
38 **employee's school or the school district is closed due to natural disaster, inclement weather,**
39 **serious outbreak of contagious illness, or other unexpected event.**

40
41 A physician's statement shall be filed with the Principal/Supervisor for each period of illness of
42 five or more consecutive work days. **The physician's statement should include the date of**
43 **commencement of the illness/injury and an expected date of return to work.** The Director of
44 Schools may require a physician's statement for any sick leave claim. In the event of the
45 absence of a professional employee in excess of the sick leave days available to the professional
46 employee, the Director of Schools may require an examination by a physician certifying the
47 previous absences. The Board would pay for the second opinion.

48
49 If a professional employee fails to provide appropriate notice or certification for sick leave,
50 forfeiture of the paid leave will result, with the exception of those cases deemed an emergency
51 by the Principal/Supervisor.

52
53 The Human Resources Department shall keep a record of the accumulated sick leave for each
54 eligible professional employee in the Board's employ and shall provide a verified copy to the
55 professional employee upon request.

56
57 A professional employee, upon employment, may transfer **any** accumulated sick leave from
58 another Tennessee school system, provided that the director of the system in which **any such**
59 leave was **accumulated** provides notarized verification.

60
61 ~~Sick leave for maternity purposes may be taken during the period of physical disability only. A~~
62 ~~professional employee may use up to thirty (30) days of accumulated sick leave for the adoption~~
63 ~~of a child. If both adoptive parents are employees of Murfreesboro City Schools, only one parent~~
64 ~~may request leave. Written verification from the adoption agency or other entity handling the~~
65 ~~adoption shall be required before the leave is granted.~~

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MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: SICK LEAVE FOR FULL-TIME CLASSIFIED PERSONNEL	Descriptor No: PER 26	Date Adopted: 4/79
Reviewed/Revision Adopted: 10/89; 8/01		

1 Sick leave shall mean leave of absence because of illness of the classified employee from natural
 2 causes or accident or the illness or death of the classified employee’s spouse, parent,
 3 grandparent, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-
 4 law, brother-in-law, sister-in-law, step-relatives as listed above, or other family member with
 5 approval of the Director of Schools, which necessitates the absence of the classified employee.
 6

7 Full-time classified employees earn sick leave at the rate of one day per month for each full
 8 calendar month worked after ninety (90) days from the hire date. Sick leave shall be cumulative
 9 for all earned days not used and may be applied to retirement under TCRS. Any personal leave
 10 remaining unused at the end of a fiscal year (maximum of two days) shall be credited to the
 11 employee as sick leave.
 12

13 Full time, non-licensed personnel may elect to participate in the **Murfreesboro City School’s**
 14 **Sick Leave Bank for Non-licensed Personnel, established by the Board pursuant the**
 15 **Tennessee Teachers’ Sick Leave Bank Act, T.C.A. 49-5-01 et seq., to facilitate the voluntary**
 16 **pooling and irrevocable donation of accumulated personal sick leave for the purpose of**
 17 **providing sick leave to members of the program who have suffered an unplanned personal**
 18 **illness, injury, disability or quarantine and whose personal sick leave is exhausted.**
 19

20 When a classified employee is unable to perform his/her duties, he/she shall notify the
 21 principal/supervisor or **principal’s/supervisor’s** designee as soon as possible before work
 22 begins.
 23

24 **A classified employee, including a classified employee on a pre-approved leave or other**
 25 **type of leave, shall not be charged with a day of leave for any day on which the classified**
 26 **employee’s school or the school district is closed due to natural disaster, inclement weather,**
 27 **serious outbreak of contagious illness, or other unexpected event.**
 28

29 ~~Maternity leave should be requested as far in advance as is practicable generally at least three (3)~~
 30 ~~months prior to expected delivery.~~
 31

32 A physician’s statement shall be filed with the employee’s supervisor for each period of illness
 33 of five or more consecutive work days. The physician’s statement should include the date of
 34 commencement of the illness/injury and an expected date of return to work. The Director of
 35 Schools may require a physician’s statement for any sick leave claim. In the event of an absence

36 of a classified employee in excess of the sick leave days available to the classified employee, the
37 Director of Schools may require an examination by a physician other than the physician
38 certifying the previous absences. The Board would pay for the second opinion.

39
40 If a classified employee fails to provide appropriate notice or certification for sick leave,
41 forfeiture of the paid leave will result, with the exception of those cases deemed an emergency
42 by the Principal/Supervisor.

43
44 Upon termination of employment, if more days have been used than earned, an amount to cover
45 the excess sick leave days shall be deducted from the final salary. If such salary is insufficient,
46 the employee shall be liable for this balance.

47
48 The Human Resources Department shall keep a record of the accumulated sick leave for each
49 eligible classified employee in the Board's employ and shall provide a verified copy to the
50 classified employee upon request.

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: FMLA AND TENNESSEE MATERNITY ACT	Descriptor No: PER 38	Date Adopted: 4/00
	Reviewed/Revision Adopted: 9/01	

1 **PURPOSE**

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

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6

7 **ELIGIBILITY**

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9 Anyone who has been employed for at least twelve (12) months by the school system and who
10 has at least 1,250 hours of service during the previous twelve-month period.

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13 **GENERAL PRINCIPLES**

14

15 **1. Any employee shall be granted, upon request, up to twelve (12) weeks unpaid leave**
16 **for the following reasons:**

17

- 18 • **To care for a spouse, son, daughter, or parent with a serious health**
19 **condition;**
- 20
- 21 • **To take medical leave when the employee is unable to work because of a**
22 **serious health condition; or**
- 23
- 24 • **For qualifying circumstances arising out of the fact that the employee's**
25 **spouse, son, daughter, or parent is on active duty or call to active duty status**
26 **as a member of the National Guard or Reserves in support of a contingency**
27 **operation.**
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30 **2. Any employee shall be granted, upon request, up to four (4) months of unpaid leave**
31 **for the birth and care of a newborn child of the employee, and the placement with**
32 **the employee of a son or daughter for adoption in accordance with the Tennessee**
33 **Maternity Leave Statue. Any employee on maternity leave shall be permitted to use**
34 **accumulated sick leave during the period of actual physical disability only.**
35 **Otherwise, the maternity leave shall be unpaid leave. An employee may use up to**
 thirty (30) days of accumulated sick leave for the adoption of a child. If both

36 parents are employees of Murfreesboro City Schools, they are eligible for a
37 combined four (4) months.

- 38 3. Any eligible employee shall be granted, upon request, up to twenty six (26) weeks of
39 unpaid leave during a single 12 month period to care for a spouse, son, daughter,
40 parent or next of kin of a current member of the Armed Forces with a serious injury
41 or illness.
42
- 43 4. A physician's statement will be required by the Director of Schools when
44 determining the period of actual physical disability.
45
- 46 5. Request for leaves and extension of leaves shall conform with federal and state laws
47 governing leaves of absences.
48

49 RESTRICTIONS

- 50
- 51 1. For foreseeable leave, the employees shall provide the Director of Schools with at least
52 thirty (30) days' written notice before beginning of the anticipated leave.
53
- 54 2. The Director ~~may~~ **will** require that a request for leave be supported by certification issued
55 by a health care provider with the following information:
56
- 57 a. the date on which the serious health condition commenced;
 - 58 b. the probable duration of the condition;
 - 59 c. the appropriate medical facts within the knowledge of the health care provider
60 regarding the condition; and
 - 61 d. a statement that the eligible employee is needed to care for the son, daughter,
62 spouse or parent and the estimate of the time that such employee is needed.
63
- 64 3. If there is any reason to doubt the validity of the certification provided, the Director may
65 require, at the expense of the school system, an opinion of a second health care provider.
66
- 67 4. Any employee requesting leave under the Family and Medical Leave Act shall include in
68 the leave any applicable accumulated sick leave.
69
- 70 5. Intermittent Leave -- When a licensed employee requests foreseeable leave for planned
71 medical treatment and the employee would be on leave for greater than 20% of the total
72 number of working days in the period during which the leave would extend, the school
73 may require that such employee elect either to take the leave for periods of a particular
74 duration, not to exceed the duration of the planned medical treatment, or to transfer
75 temporarily to an unavailable alternative position offered by the school system for which
76 the employee is qualified, and that has equivalent pay and benefits and better
77 accommodates recurring periods of leave.
78
- 79 6. Period Near the End of an Academic Term (Professional employees) -- If leave is taken
80 more than five (5) weeks prior to the end of the term, the Director of Schools may require
81 the employee to continue taking leave until the end of the term if the leave is at least three
82 (3) weeks of duration and the return of employment would occur during the three (3)
83 week period before the end of the term.
84

85 If the leave is taken five (5) weeks or less prior to the end of the term, the Director of Schools
86 may require the employee to continue taking leave until the end of the term if the leave is greater

87 than two (2) weeks duration and the return to employment would occur during the two (2) week
88 period before the end of the term.

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91 **REQUIREMENTS OF THE BOARD**

- 92
93 1. The employee shall be restored to the same position of employment or an equivalent
94 position with no loss of benefits, pay, or other terms of employment.
95
96 2. The employee shall be kept under any group health plan for the duration of the leave.
97
98 3. The Board may recover premium paid under the following conditions:
99
100 a. the employee fails to return from leave after the period of leave has expired.
101 b. the employee fails to return to work for a reason other than the continuation,
102 recurrence, or onset of a serious health condition or other circumstances beyond
103 the control of the employee.
104

105 **An employee, including an employee on pre-approved leave or other type of leave, shall not**
106 **be charged with a day of leave for any day on which the employee's school or the school**
107 **district is closed due to natural disaster, inclement weather, serious outbreak of contagious**
108 **illness, or other unexpected event.**

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Legal References:

128
129 **Federal Family and Medical Leave**
130 **Act of 1993**
131 **T.C.A. 49-5-702**
132 **T.C.A. 4-21-408**
133 **T.C.A. 49-5-710**
134 **T.C.A. 49-5-704**
135 **OP Tenn. Atty Gen 94-006**
136 **(January 13, 1994)**
137

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: DISCIPLINE OF NON-LICENSED EMPLOYEES	Descriptor No: PER 40	Date Adopted: 9/01
	Reviewed/Revision Adopted:	

1 Pursuant to T.C.A. §49-2-301(b)(1)(FF), all persons employed in a position for which no
2 teaching license is required shall be hired at the will of the Director.

3
4 The Director of Schools may impose any level of discipline, up to and including termination, of
5 any non-licensed employee at any time when deemed necessary.

6
7 The Director of Schools shall establish a procedure for discipline, up to and including
8 termination, of a non-licensed employee.

9
10 The Director of Schools shall provide written notification of the Director’s decision to the
11 employee.

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33 Legal Reference:

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35 T.C.A. §49-2-301(b)(1)(FF)

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: TENURE AND NONTENURE	Descriptor No: PER 16	Date Adopted: 4/79
	Reviewed/Revision Adopted: 8/01; 1/05	

1 As of July 1, 2011, there are two, parallel, systems of tenure operating in Murfreesboro City
 2 Schools. The first system applies to any employee who works in a position which requires a
 3 teacher license (hereafter referred to as a “certified employee”) and who obtained tenure prior to
 4 July 1, 2011. Tenure was granted to these employees based upon three (3) criteria.

- 5
- 6 1. Successful completion of a probationary period of three (3) school years.
- 7 2. Recommendation by the Director of Schools for granting tenure.
- 8 3. A majority vote of the Murfreesboro City School Board for granting tenure.
- 9

10 If the certified employee failed to meet any of these criteria, then the certified employee could
 11 not be re-employed for a fourth year.

12
 13 The second system applies to any certified employee who becomes eligible for tenure after July
 14 1, 2011. Tenure will be granted to these employees based on the following criteria:

- 15
- 16 1. A degree from an approved four-year college or any career and technical teacher who has
 17 the equivalent amount of training established and licensed by the Tennessee State Board
 18 of Education;
- 19 2. A valid teacher license, issued by the State Board of Education, based on training
 20 covering the subjects or grades taught;
- 21 3. Completion of a probationary period of five (5) school years or not less than forty-five
 22 (45) months within the last seven year period, the last two (2) years being employed in a
 23 regular teaching position rather than an interim teaching position;
- 24 4. Evaluations demonstrating an overall performance effectiveness level of “above
 25 expectations” or “significantly above expectations” during the last two (2) years of the
 26 probationary period as provided in the evaluation guidelines adopted by the State Board
 27 of Education pursuant to TCA 49-1-302;
- 28 5. Recommendation by the Director of Schools for granting tenure; and
- 29 6. A majority vote of Murfreesboro City School Board for granting tenure.
- 30

31 Tenure is granted only upon the recommendation of the Director of Schools and by approval of
 32 the Murfreesboro City School Board and is obtained in the system, not in a specific location or
 33 position.

35 A certified employee who does not meet the evaluation requirements set forth by the State Board
36 of Education may continue to remain employed in a position which requires a teacher license on
37 a year-to-year contract as a probationary employee until the employee is eligible for tenure.
38

39 **Certified Employee Returning to Murfreesboro City Schools**
40

41 A certified employee who had attained tenure status in Murfreesboro City Schools and later
42 resigns from the system shall serve a two-year probationary period upon re-employment by the
43 system, unless the probationary period is waived by the Murfreesboro City School Board upon
44 the request of the Director of Schools.
45

46 **Tenure**
47

48 “Tenure” is the employment status other than probation that a certified employee may be under
49 while employed in the public schools. A certified employee has no property right in the tenure
50 status and must sustain a specified performance effectiveness level required on evaluations to
51 achieve and maintain tenure status. If a certified employee acquires tenure, the teacher shall
52 remain under that status until such time as the certified employee resigns, retires, is dismissed or
53 the certified employee is returned to probationary status. Any certified employee who, after
54 acquiring tenure status, receives two (2) consecutive years of evaluations demonstrating an
55 overall performance effectiveness level of “below expectations” or “significantly below
56 expectations,” as provided by the evaluation guidelines adopted by the State Board of Education
57 pursuant to TCA 49-1-302, shall be returned to probationary status by the Director of Schools
58 until the certified employee has received two (2) consecutive years of evaluations demonstrating
59 an overall performance effectiveness level of “above expectations” or “significantly above
60 expectations.”
61

62 Once a certified employee is eligible for tenure, the Director of Schools shall recommend the
63 certified employee for tenure or non-renewal; provided, however, that the certified employee
64 cannot be continued in employment if tenure is not granted by the Murfreesboro City School
65 Board.
66

67 An employee who is non-renewed by the Director of Schools or is not granted tenure by the
68 Murfreesboro City School Board shall be provided notice by June 15th.

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: EVALUATION OF PROFESSIONAL STAFF	Descriptor No: PER 17	Date Adopted: 4/79
	Reviewed/Revision Adopted: 1/89; 8/01	

1 In order to assure high quality performance of teachers and the administrators and to advance the
2 instructional program of the Murfreesboro City Schools, a continuous evaluation program for
3 teachers and administrators will be established.

4
5 Principals or their designees shall evaluate teachers and all other employees in their schools.
6 Supervisors or department heads shall evaluate personnel not directly assigned to the principal.
7 The Director of Schools shall evaluate all principals, management personnel, and any employee
8 who answers directly to the Director of Schools.

9
10 Murfreesboro City Schools shall follow the guidelines of a State and Board approved model for
11 local evaluation.

12
13

14 **APRENTICE/TRANSITIONAL LICENSED TEACHERS**

15
16 Apprentice/Transitional licensed teachers shall be evaluated each year with the annual evaluation
17 to be completed by May 1st. These teachers shall be observed six (6) times, and at least three (3)
18 observations shall be formal observations. Three (3) observations must be performed by the
19 principal, and three (3) observations must be performed by the principal designee, as follows:

20
21 The principal shall observe each apprentice/transitional licensed teacher at least three (3) times
22 per year, with two (2) being formal observations and one (1) being an informal observation. In
23 addition to the above three (3) observations, the principal or designee shall observe each
24 apprentice/transitional licensed teacher at least three (3) other times, with one (1) of those being
25 a formal observation and two (2) being an informal.

26
27 If any observer who is a principal's designee notes a deficiency during any observation, they
28 shall immediately provide a copy of the observation to the principal.

29
30 **PROFESSIONAL LICENSED TEACHERS**

31
32 Professional licensed teachers shall be evaluated each year with the annual evaluation to be
33 completed May 1st. These teachers shall be observed four (4) times, or as often as the principal
34 deems necessary to determine and ensure current competence and effective performance, and
35 with no fewer than two (2) formal observations and two (2) informal observations. Two (2)

36 observations must be performed by the principal and two (2) observations must be performed by
37 the principal or a designee, as follows:

38
39 The principal shall observe each professional licensed teacher at least two (2) times per year,
40 with one (1) being a formal observation and one (1) being an informal observation, In addition
41 to the above two (2) observations, the principal or a designee shall observe each professional
42 licensed teacher two (2) times, with one (1) being a formal observation and one (1) being
43 informal.

44
45 If any observer who is a principal's designee notes a deficiency during any observation, they
46 shall immediately provide a copy of the observation to the principal.

47
48

49 **EVALUATION RECORDS**

50
51 Personnel evaluations will be kept in the professional employees personnel file at the Central
52 Office. The evaluation file shall include all yearly, written service evaluations of professional
53 employees.

54
55 Additional evaluative materials such as complaints, suggestions for improvement, observation
56 reports by consultants, and commendations may be placed in the employee's file under the
57 following conditions:

- 58
- 59 a) The comment is signed by the author,
 - 60 b) The employee is notified by the Director of Schools that such comment is available in the
61 Director of School's office prior to the placement in the teacher's file, and
 - 62 c) The employee shall have an opportunity to read and initial the material and to offer a
63 written denial or explanation and have it placed with the comment.

64
65 Materials may be removed from a teacher's personnel file by mutual agreement of the teacher
66 and the Director of Schools. No removed records shall be destroyed except in compliance with
67 state and federal law.

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75 Legal References:

76 TCA 49-5-5202, 5203 5204, 5205

77 TCA 49-5-5206(b), and 5206(c)

78 TRR/MS 0520-2-1-.02

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: EMPLOYEE USE OF SOCIAL ELECTRONIC MEDIA	Descriptor No: PER 46	Date Adopted:
	Reviewed/Revision Adopted:	

1 **Electronic Media**

2 Murfreesboro City Schools realizes the use of electronic media has become increasingly popular.
3 The school system also understands guidelines and procedures must be established and followed
4 in order to ensure the use of such forms of communication is used appropriately.

5
6 Electronic media includes all forms of social media, such as text messaging, instant messaging,
7 electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing Web
8 sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g.,
9 Facebook, MySpace, Twitter, LinkedIn). Electronic media also includes all forms of
10 telecommunication such as landlines, cell phones, and Web-based applications.

11
12 As role models for the district’s students, employees are responsible for their public conduct
13 even when they are not acting as district employees. Employees will be held to the same
14 professional standards in their public use of electronic media as they are for any other public
15 conduct. If an employee’s use of electronic media interferes with the employee’s ability to
16 effectively perform his or her job duties, the employee is subject to disciplinary action. If an
17 employee wishes to use a social network site or similar media for personal purposes, the
18 employee is responsible for the content on the employee’s page, including content added by the
19 employee, the employee’s friends, or members of the public who can access the employee’s
20 page, and for Web links on the employee’s page. The employee is also responsible for
21 maintaining privacy settings appropriate to the content.

22
23 An employee who uses electronic media for personal purposes shall observe the following:

- 24 • The employee may not set up or update the employee’s personal social network page(s) using
25 the district’s computers, network, or equipment and/or while performing MCS assigned
26 duties.
- 27 • The employee shall not use the district’s logo or other copyrighted material of the district
28 without express, written consent.
- 29 • The employee continues to be subject to applicable state and federal laws, MCS school board
30 policies, and any administrative regulations, even when communicating regarding personal

31 and private matters, regardless of whether the employee is using private or public equipment,
32 on or off school grounds. These restrictions include:

- 33
- 34 • Confidentiality of student records.
- 35 • Confidentiality of health or personnel information concerning colleagues,
36 unless disclosure serves lawful professional purposes or is required by law.
- 37 • Confidentiality of district records, including educator evaluations and private
38 e-mail addresses.
- 39 • Copyright law
- 40 • Prohibition against harming others by knowingly making false statements
41 about a colleague or the school system.
- 42

43 **Use of Electronic Media with Students**

44 Murfreesboro City Schools is comprised of Pre – K through sixth (6th) grade students. The need
45 for an employee to use electronic media to communicate with elementary students instead of
46 parents is remote. Therefore, employees are highly discouraged to communicate with current
47 MCS students through electronic media. In situations where there is a need to communicate with
48 a current MCS student(s) through electronic media, written permission from the Director of
49 Schools or his/her designee is required. An employee is not subject to these provisions to the
50 extent the employee has a social or family relationship with a student.

51
52 The following definitions apply regarding the use of electronic media with students:

- 53 • *Electronic media* includes all forms of social media, such as text messaging, instant
54 messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-
55 sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social
56 network sites (e.g., Facebook, MySpace, Twitter, LinkedIn). *Electronic media* also includes
57 all forms of telecommunication such as landlines, cell phones, and Web-based applications.
- 58 • *Communicate* means to convey information and includes a one-way communication as well
59 as a dialogue between two or more people. A public communication by an employee that is
60 not targeted at students (e.g., a posting on the employee’s personal social network page or a
61 blog) is not a *communication*: however, the employee may be subject to district regulations
62 on personal electronic communications. Unsolicited contact from a student through
63 electronic means is not a *communication*.

DRAFT AGENDA

MURFREESBORO CITY BOARD OF EDUCATION

Tuesday, September 27, 2011

6:30 p.m.—Council Chambers

ORDER OF BUSINESS

I. CALL TO ORDER BY BOARD CHAIR

- Pledge of Allegiance
- Moment of Silence

II. ACKNOWLEDGEMENT

*Recognition of Dr. Ray Butrum
for his years of service on the School Board, 2006-2011,
and his contribution to the education of MCS students.*

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS

- Introduction of The Discovery School's "Teachers of Critical Languages Program" Chinese teacher, Ms. Ye Cheng.
- TSBA's Leadership Conference and Convention will be held November 12-15 at the Opryland Hotel. Theme: *Expect More—Achieve More*
- All Murfreesboro City Schools participated in Read to Succeed's "Reading in the Schools Day" held on September 23.

V. CONSENT ITEMS (Tab 1)

- Minutes of the August 23, 2011 Regular Board Meeting and September 13, 2011 Special Called Board Meeting/Policy Work Session
- Approval of Certification of Compliance with TCA Section 49-3-310(4)(A)—
Textbooks
- Approval of Textbook Adoption Committee
- Approval of MCS Administrator Extended Learning Plan, 2011-2012
- Approval of the 2011-2012 Extended Learning Programs Proposal

- F. Approval of the ESP Advisory Board
 - G. Approval of School Fees
 - H. Approval of Board Policies—*Second Reading*
(Pending Board Policy Meeting)
- VI. ACTION ITEMS
- A. Approval of Contract with Auditors (Tab 2)
 - B. Approval of Board Policies—*First Reading* (Tab 3)
(Pending Board Policy Meeting)
 - C. Election of Board Chair and Board Vice Chair
- VII. REPORTS/INFORMATION
- A. Update on Instructional Program
 - B. Personnel Update (Tab 4)
 - 1. Retirements, Resignations, Leaves of Absence
 - 2. Other Information*Certified Personnel
 - C. Monthly Revenue and Expenditure Report (Tab 5)
 - D. Attendance Report (Tab 6)
- VIII. OTHER BUSINESS
- IX. ADJOURNMENT

MISSION STATEMENT

*To assure academic and personal success
for each child.*

