

AGENDA

MURFREESBORO CITY BOARD OF EDUCATION
SPECIAL CALLED BOARD MEETING—POLICY REVIEW/
FY'13 BUDGET REVIEW SESSION
Tuesday, April 10, 2012
5:00 p.m.—Central Administration Building

ORDER OF BUSINESS

- I. CALL TO ORDER
- II. APPOINTMENT OF SCHOOL BOARD LIAISON TO CITY SCHOOLS FOUNDATION
- III. CONSENT AGENDA—Policies Passed on First Reading
 - IS 9—Field Trips (*Revised—Complete Rewrite*)
 - SS 9—Child Nutrition Management (*Revised*)
 - IS 20—TCAP Security (*Revised—Complete Rewrite*)
 - PER 5—Equal Opportunity Employment (*Revised*)
 - PER 6—Staff Rights and Responsibilities (*Revised*)
 - PER 8—Credit for Teaching Experience
 - PER 23—Employee Names and Addresses (*Revised*)
 - PER 24—Substitute Teachers (*Revised*)
 - PER 27—Tennessee Consolidated Retirement System (*Revised*)
 - PER 35—Discrimination/Harassment of Employees (*Revised*)
 - PER 41—Non-Renewal of Non-Tenured Employees (*Revised*)

 - For Further Discussion*
 - PER 32—Drug-Free Workplace (*Revised*)
- IV. FY '13 BUDGET REVIEW
- V. BOARD POLICIES -- *For Discussion*
 - PER 39—Suspension/Dismissal of Tenured Teachers
 - STU 5—Assignment of Students to Schools and Class
- VI. REVIEW OF DRAFT APRIL 24, 2012 BOARD MEETING AGENDA
- VII. ADJOURNMENT

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

MURFREESBORO CITY SCHOOL BOARD POLICY

SCHOOL FIELD TRIPS	Descriptor No: IS 9	Date Adopted: 4/79
	Reviewed/Revision Adopted: 4/85; 7/99	

1 **PURPOSE**

2
3 School trips designed to stimulate student interest and inquiry and provide opportunities for
4 social growth and development are considered appropriate extensions of the classroom. To the
5 extent that they provide an effective means for accomplishing general curriculum objectives of
6 the Murfreesboro City Schools through experiential learning, school trips authorized by the
7 principal and approved by the Director of Schools or Director’s designee on the standard system
8 school trip form shall be Murfreesboro City School Board sanctioned school trips.
9

10 **DEFINITIONS**

- 11
12 (a) A *field trip* is defined as travel within the same day and limited to a radius of 150 miles.
13 Same day field trips within a radius of 150 miles and out-of-state (example, Huntsville
14 Space Center or Mammoth Cave) will require the approved Off-Campus Trip Approval
15 Form, but will not be considered an excursion (definition “c”).
16

17 Students shall not be penalized or rewarded for non-participation in field trips.¹ For field
18 trips, it is the responsibility of the school to provide for students who qualify for financial
19 assistance.
20

- 21 (b) *Competitions/Performances* are defined as trips made on a scheduled basis and integral
22 to the ongoing operation of an authorized program. Examples include, but are not limited
23 to: athletic contests, music competitions and performance, quiz bowl, Science Olympiad,
24 and math contests. Competitions/Performances which do not involve overnight stays or
25 travel in excess of 150 miles are not considered field trips and will receive blanket
26 approval of the Director and Board when program guidelines and schedules are approved.
27 A competition/performance which involves an overnight stay becomes an excursion (see
28 definition “c”) and completion of the approved Off Campus Trip Approval Form must be
29 submitted. A notarized Travel Permission and Emergency Medical Release form is
30 required from each student who participates in the competition or performance for trips
31 classified as excursions.
32

33 _____
34 Legal Reference:

35 ¹T.C.A. §49-2-114

36 (c) An *excursion* is defined as travel involving overnight stays and/or in excess of 150 miles.
37 Examples include, but are not limited to, Land Between the Lakes. This may include
38 competitions or performances. The Off Campus Approval Form and a notarized Travel
39 Permission and Emergency Medical Release Form is required from each student who
40 participates in the excursion. Students shall not be penalized for non-participation in an
41 optional excursion.
42

43 FACTORS FOR SCHOOL TRIP SELECTION

44

45 To be educationally beneficial, a school trip requires thoughtful selection, careful advance
46 preparation of the class, and opportunities for students to summarize the experience during and at
47 the conclusion of the trip. To this end, teachers and principals will be expected to consider the
48 following factors in selection of school trips:
49

- 50 (a) value of the activity to the particular class group or class groups;
- 51 (b) relationship of the school trip activity to a particular aspect of classroom instruction;
- 52 (c) suitability of the activity and distance traveled in terms of the age level,;
- 53 (d) mode and availability of MCS Board approved transportation²; and
- 54 (e) cost.
55

56 ~~Unusual opportunities and~~ Circumstances may ~~should~~ exist when a principal agrees to authorize
57 more than two (2) school trips per class group during a given academic school year.
58

59 In no case will a school trip interfere with the daily pupil transportation program.
60

61 All children shall be permitted to participate in a field trip regardless of handicapping conditions
62 or personal financial limitations.
63

64 GUIDELINES FOR PLANNING & CONDUCTING FIELD TRIPS & EXCURSIONS

65

- 66 (a) Any teacher desiring to take a group of students on an educational field trip must obtain
67 advance approval of the principal.
- 68 (b) The trip must have a definite purpose and reflect careful planning. Students shall be
69 prepared by general class discussion and/or research.
- 70 (c) If bus transportation is required, the principal or principal's designee shall make the
71 necessary arrangements. A fee will be charged to the school when school buses are used.
- 72 (d) Signed parental permission forms must be obtained from every student making any off-
73 campus trip, **regardless of the distance from the school** ~~beyond the immediate vicinity~~
74 ~~of the school~~. The principal shall ensure that these forms are kept on file for the
75 remainder of the school year. The form for parental permission must include: purpose,
76 date, time of departure and return, travel plans, destination, number of chaperones,
77 personal expense involved, rules of conduct and penalties for violation, and other facts
78 necessary for parents to be fully informed. This information is to be completed by the
79 school before the form is signed by the parent.
- 80 (e) Trips taken outside normal school hours must be approved by the Director or Director's
81 designee a minimum of twenty (20) working days prior to the trip. The Director or
82 Director's designee will issue notification of approval. All current required forms must
83 accompany the request.
84

85 Legal Reference:

86 ²T.C.A. §49-6-2109; T.C.A. §49-6-2115

- 87 (f) For all **school sponsored** trips outside of normal school hours, the chaperones must
88 **comply with the Volunteer approval process set forth in Board Policy IS 10 and**
89 **Administrative Directive 158 and** be approved by the principal and the Director or the
90 Director's designee in advance. These groups must be accompanied by at least one
91 regular staff member and others from the school that are appropriate for adequate
92 supervision and shall be responsible for student conduct while away. There must be at
93 least one female and one male chaperone if the trip is for a mixed group.
- 94 (g) Students shall not be penalized for participating in approved school-sponsored trips and
95 activities. Teachers shall permit students to make up class assignments missed because
96 of a trip or activity.
- 97 (h) All accidents that occur on a school-sponsored trip must be reported by the teacher to the
98 principal immediately upon returning to school. Serious accidents involving personal
99 injury must be reported immediately to the Principal and Director or Director's designee.
100 An emergency shall be dealt with promptly by the teacher or other members of the school
101 staff by taking appropriate action, including sending the student to the hospital or
102 summoning medical aid or ambulance. In cases where it is necessary to send the student
103 to the hospital, reasonable effort must be made to notify the parents.
- 104 (i) Any school-sponsored trip not meeting the "educationally beneficial" criteria as defined
105 in this section must have prior approval of the Director or the Director's designee.
- 106 (j) Any school-sponsored trip/excursion which is over-night and/or out-of-state must have
107 prior approval by the Director and Board. All trips/excursions that must be let for bid
108 shall be submitted for approval sixty (60) days prior to the trip. All other trips/excursions
109 that are outside of normal school hours must be approved by the Director or Director's
110 designee a minimum of twenty (20) working days prior to the trip. The Director or
111 Director's designee may make exceptions to this requirement in special circumstances,
112 such as a tournament requiring an over-night stay. Notification of approval will be issued
113 by the Director or Director's designee. A notarized Travel Permission and Emergency
114 Medical Release Form must be obtained from each student on the trip/excursion.

115 116 **OVERNIGHT OR OUT-OF-STATE FIELD TRIPS**

117
118 By September 15 of each year, each school shall submit to the Director a listing of proposed
119 overnight or out-of-state field trips (including the annual sixth grade environmental trip). Such
120 listing shall include sufficient information to demonstrate that the trips are educationally
121 beneficial and necessary. The Director or Director's designee will review the proposed trips and
122 will indicate concurrence or non-concurrence as soon as possible after receipt of the listing.
123 Should unplanned circumstances/opportunities arise during the year for such trips, the Director
124 shall be notified immediately so that approval can be granted before substantial planning takes
125 place. The Director will develop appropriate reporting forms to be distributed for these purposes.

126 127 **AFTER-SCHOOL HOURS TRIPS**

128
129 Trips planned by parents or teachers for students during after-school hours which have not
130 received the approval of the principal and the Director shall not be Murfreesboro City School
131 Board approved field trips, even if information concerning the trip refers to a school by name or
132 is made available in a school. No employee shall state or imply that a trip is an authorized field
133 trip if it has not been approved in accordance with this policy. The Murfreesboro City School
134 Board shall have no responsibility or liability for any trip which is not an authorized field trip.

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Legal References:

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141 T.C.A §49-6-2109, T.C.A. §49-6-2115

142 T.C.A.§49-2-114

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145

Cross Reference:

146 Board Policy SS 12—Student Fees and Fines

147 Board Policy IS 10—School Volunteers

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: CHILD NUTRITION MANAGEMENT	Descriptor No: SS 9	Date Adopted: 4/79
	Reviewed/Revision Adopted: 3/01; 1/06; 6/11	

1 The school system shall operate a nutrition program in each school which shall be under the
2 direction of the **Supervisor of Child Nutrition** ~~school principal~~. The Supervisor of Child
3 Nutrition shall coordinate the school nutrition program systemwide and provide expertise and
4 leadership in the provision of lunch and breakfast programs that meet the federal dietary
5 guidelines.

6
7 The school nutrition program shall include lunch and breakfast through participation in the
8 National School Lunch and Breakfast Program.

9
10 As required for participation in the National School Lunch and Breakfast Programs, the Board
11 agrees to the following regulations:

- 12
- 13 1. That nutritious lunch and breakfast meals which meet the federal dietary guidelines be
14 made available to students.
 - 15 2. That free and reduced price lunch and breakfast meals be provided to those students who
16 cannot afford to pay the price of the lunch or breakfast.
 - 17 3. Charges made to a student for the school lunch/breakfast program cannot exceed three
18 days.

19
20 Students shall also be permitted to bring their lunches from home.

21
22 All monies from students for the NSLP/NSBP must be collected daily. These monies are to be
23 collected and logged in by the teacher in each classroom. The monies and log are then to be sent
24 to the cafeterias prior to serving lunch to avoid student charges.

25
26 Sale of competitive foods is disallowed within the school. Machines and other devices used for
27 food sales shall not be allowed, except in employee lounges for employee use only.

28
29 School food service will be operated on a nonprofit basis and will comply with all rules and
30 regulations pertaining to health, sanitation, and internal accounting procedures. Service of foods
31 will meet all state and federal requirements necessary for participation.

32
33 The system's Supervisor of Child Nutrition ~~and principal~~ will oversee the program and its
34 employees. All products and services necessary for the operation of the food service department
35 shall be procured under the direction of the Supervisor of Child Nutrition.

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The principal shall correlate the food service program with areas of instruction. The principal will be responsible for maintenance of discipline in the lunchroom.

MEAL SERVICE PROCEDURES

Student meals will be served under the USDA School Nutrition Guidelines for “Offer Versus Serve, Traditional Food-Based Menu Planning Option” for grades K-6. **Lunch service on half days and field trips will not follow the “Offer versus Serve” option for grades K-6.**

- During lunch, students will be offered a minimum of five items from four food component groups and students must take a minimum of three items but may take up to five with no price adjustment.
- During breakfast, students will be offered a minimum of four items from three or four food component groups and they must take a minimum of three items but may take all four with no price adjustments.

Preschool will not be on the “Offer Versus Serve” provision. They will be served the appropriate portions and food components, the choice of items served will be determined by the Supervisor of Nutrition and/or the Cafeteria Manager.

According to State/Federal guidelines, meal substitutions will only be made to children with special needs requiring an IEP or 504.

FREE OR REDUCED PRICE MEALS

The criteria and procedures for determining a student's need and steps in securing for students no-cost or reduced-cost lunches as established at the state/federal level will be outlined and made known by the principal/Supervisor of Child Nutrition.

Students who participate in no-cost or reduced-cost meals will not be distinguished in any way from students who pay the regular price. Their names will not be made known to any person except such staff member(s) as needed to make the special arrangements for them.

COMPETITIVE FOODS/VENDING MACHINES

Any sale of food and beverages (other than competitive foods) to students during school hours will be under the supervision of the school food service department and the revenue will be deposited to the food service account. Individual components of the reimbursable meals will be sold as separate items during the meal service period. Money received from these sales will accrue to the school food service fund.

Vending machines in the schools will be controlled so that they will not offer competition to the school lunch program or encourage poor eating habits.

Students will be permitted to bring their lunches from home and to purchase beverages and other food items at school.

88 SANITATION

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90 The Supervisor of Child Nutrition shall be responsible for implementing regulations from the
91 Department of Health and seeing that school cafeterias meet acceptable standards of cleanliness
92 at all times.

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Legal Reference:

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136 Child Nutrition & Food Distribution 210.11 Competitive Food Services (1994)

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: TCAP SECURITY	Descriptor No: IS 20	Date Adopted: 4/93
	Reviewed/Revision Adopted: 4/01	

1 Pursuant to T.C.A 49-1-607:

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3 Any person found to have not followed security guidelines for administration of the TCAP
4 test or any successor test, including making or distributing unauthorized copies of the test,
5 altering a grade or answer sheet, providing copies of answers or test questions or otherwise
6 compromising the integrity of the testing process shall be placed on immediate suspension,
7 and such actions will be grounds for dismissal, including tenured employees. Such actions
8 shall be grounds for revocation of state license.

9
10 The Director of Schools or designee will appoint a testing specialist as the System Testing
11 Coordinator who shall be responsible for administering, monitoring and maintaining
12 security of all standardized tests to be administered within the school system. The
13 principal of each school shall serve as or designate a Building Test Coordinator who shall
14 be responsible for administering, monitoring and maintaining security of all tests given in
15 his/her school.

16
17 The Director of Schools shall establish a Testing Code of Ethics for test administration.
18 Building Test Coordinators, test administrators and proctors shall be required to sign a
19 statement that the security measures, testing procedures, and testing Code of Ethics were
20 followed. Any breach of test security, to include all MCS standardized assessments,
21 including benchmark assessments, shall be reported to the System Testing Coordinator for
22 investigation.

23
24 The System Testing Coordinator shall report within 24 hours a breach of TCAP security to
25 the Director of Schools and the State Department of Education.

26
27 In any class, grade, and/or school where a security breach is suspected, central office staff
28 may be present during subsequent administration of tests for a period of two years.

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31 **Legal References:**

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33 T.C.A. §49-1-607
34 TRR/MS 0520-1-3-.0319)

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: EQUAL OPPORTUNITY EMPLOYMENT	Descriptor No: PER 5	Date Adopted: 4/79
	Reviewed/Revision Adopted: 8/01	

1 The Murfreesboro City Schools shall be staffed by the best persons available. The best qualified
2 applicants shall be selected for each position without regard to race, color, religion, national
3 origin, age, sex, marital status, disability, veteran status, **or any other class protected by law.**
4

5 This policy fully embraces equality of opportunity for all employees with respect to all
6 employment matters; i.e., training, hiring, transfer, assignments, promotion, benefits, or
7 discharge.
8

9 The Human Resources Director is designated to coordinate the day-to-day operations of the
10 equal employment opportunity affirmative action plan with regard to all employees.
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12 All Title IX requirements shall be implemented.
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25 **Legal References:**

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- 27 U.S. Constitution, Amendment XIV
- 28 Title VII, Civil Rights Act of 1964
- 29 Title VI, Civil Rights Act of 1964
- 30 Title IX, Education Amendments of 1972
- 31 Age Discrimination Act of 1967
- 32 Section 504 of the Rehabilitation Act of 1973
- 33 Public Law 101-336; 42 USC 12101

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: STAFF RIGHTS AND RESPONSIBILITIES	Descriptor No: PER 6	Date Adopted: 4/79
	Reviewed/Revision Adopted:	

1 Each employee serves as a representative of the school system. The system is judged by its
2 employees. All employees should strive to maintain standards of ethical behavior which will not
3 detract from the educational process.

4
5 Employees are expected to have the ability to abide by the following minimum standards of
6 ethical behavior:

- 7
- 8 1. To maintain a two-way communication with pupils, parents, staff members, and
9 community.
- 10 2. To solve problems which arise in a just and equitable manner.
- 11 3. To grow in skill and understanding in the job assigned.
- 12 4. To interpret the system's goals and operations to the public.
- 13 5. To refrain from any activities or dealings which would personally enhance the
14 employee to the detriment of the system.
- 15 6. To abide by established procedures for airing complaints and grievances.
- 16

17 In fulfilling any citizenship rights and responsibilities, employees shall give proper consideration
18 to the educational welfare of the students to ensure that no conflict exists with their actual duties.

19
20 Each staff member has the right to:

- 21
- 22 1. A work environment free from ~~sexual, racial, ethnic and religious~~
23 discrimination/harassment **in violation of federal or state laws of any form.**
- 24 2. Academic freedom within the confines of state law and board policy in order to create
25 an atmosphere of freedom in the classroom.
- 26

27 Each staff member has the responsibility to:

- 28
- 29 1. Make themselves familiar with and abide by the laws of the state as these affect their
30 work, the policies of the Board, and the procedures designed to implement them.
- 31 2. To adhere to the Code of Ethics of the Tennessee Education Association.
- 32 3. Exercise good judgment in selecting issues for discussion and balance the
33 relative maturity of his/her students and the students' rights to know.
- 34 4. Be courteous and helpful in interacting and responding to parents, visitors and
35 members of the public.

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- 38
5. Keep all records and prepare and submit promptly all reports that may be required by state law, state board regulations, board policy and administrative procedures.
 6. Wear appropriate dress for work according to board guidelines and local school rules.

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: CREDIT FOR TEACHING EXPERIENCE OUTSIDE OF CITY	Descriptor No: PER 8	Date Adopted: 5/79
	Reviewed/Revision Adopted: 4/92; 8/01	

- 1 **Murfreesboro City Schools will grant credit for the number of years' teaching experience**
- 2 **gained in other systems which can be verified upon hire to a new teacher when determining**
- 3 **the starting salary.**

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: EMPLOYEE NAMES AND ADDRESSES	Descriptor No: PER 23	Date Adopted:
Reviewed/Revision Adopted: 6/00; 8/01		

1 A list of employee names and **the county and city of residence** addresses will be provided to
2 Tennessee citizens making a ~~written request in person (no mailings will be provided)~~ upon
3 payment **for such records for the list** and in accordance with applicable state law.

4
5 **Pursuant to T.C.A. §10-7-504(f)**, members of the public may not obtain **the following:**

- 6
- 7 **1.** an employee's home ~~unpublished~~ telephone **and personal cell phone** numbers;
- 8 **2.** bank account **and individual health savings account, retirement account and pension**
- 9 **account information provided financial records of a MCS employee that show the**
- 10 **amounts and sources of contributions to the accounts or the amount of pension or**
- 11 **retirement benefit provided to the employee or former employee by MCS are not**
- 12 **confidential;**
- 13 **3.** residential street address;
- 14 **4.** social security number; or
- 15 **5.** driver license information except where driving or operating a vehicle is ~~considered to be~~
- 16 **a part of the employee's job description or job duties or incidental to the performance**
- 17 **of the employee's job**

18
19 unless release of **any of the** information **set forth above** is expressly authorized by the
20 employee.

21
22 **The cost for copies of documents shall be in accordance with the “Schedule of Reasonable**
23 **Charges for Copies of Public Records” developed by the Tennessee Office of Open Records**
24 **Counsel.**

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31 Legal References:

- 32 T.C.A. 10-7-504
- 33 **Tennessee Office of Open Records Counsel Schedule of Reasonable Charges for Copies of**
- 34 **Public Records**

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36 **Instructions for Records Custodians Regarding the**
37 **Schedule of Reasonable Charges for Copies of Public Records**
38

39
40 The Office of Open Records Counsel (“OORC”) released its schedule of reasonable charges
41 (“schedule”) for copies of public records, available for download at
42 www.comptroller.state.tn.us/openrecords. Public Chapter 1179, Acts of 2008, required the
43 OORC to establish the schedule which a records custodian may use as a guideline to charge a
44 citizen requesting copies of public records pursuant to the Tennessee Public Records Act,
45 T.C.A. Sections 10-7-501 et seq.
46

47 T.C.A. Section 10-7-503(a) as amended by Public Chapter 1179, Acts of 2008, effective July 1,
48 2008, specifically states in (7)(A) that a records custodian may not charge for inspection of
49 public records unless otherwise required by law. Until the schedule was developed, Section 10-
50 7-503(a)(2)(C) allowed a records custodian to charge a requestor the actual costs incurred in
51 producing a copy or duplicate, which could include any labor incurred after five (5) hours spent
52 producing the requested material. With the development of the schedule, a records custodian is
53 now authorized by TCA Section 10- 7-503(a)(7)(C)(1) to charge reasonable costs assessed in a
54 manner consistent with the schedule. The schedule has a development date of October 1, 2008.
55

56 All governmental entities must comply with T.C.A. Section 10-7-506(a) in order to charge for
57 copies or duplication of public records requested pursuant to the Tennessee Public Records
58 Act. Any governmental entity desiring to charge for copies or duplication in accordance with the
59 schedule developed by the OORC should consult with legal counsel in order to ensure
60 compliance with T.C.A. Section 10-7-506(a). Additionally, any governmental entity that desires
61 to assess charges higher than those in the schedule for paper copies or duplication of public
62 records or to charge for copies or duplication using a medium other than 8 1/2 x11 or 8 1/2 x14
63 paper is permitted to do so as long as the entity can verify the charges represent its actual cost
64 in producing the request and the charges are assessed in a manner consistent with OORC’s
65 schedule. Charges established under separate legal authority are not governed by this
66 schedule, and are not to be added to or combined with charges authorized under this schedule.
67

68 The schedule sets as reasonable charges fifteen (\$0.15) cents for black and white photocopies
69 on 8 1/2 x11 or 8 1/2 x14 paper and fifty cents (\$0.50) for color photocopies on 8 1/2 x11 or 8 1/2
70 x14 paper. No standard fee is established for copies produced on medium other than that
71 mentioned above, although guidance is given as to the components to be considered in
72 establishing such copying or duplication charges. The schedule provides that a charge for labor
73 may be assessed after one (1) hour is incurred producing the requested material and is in
74 addition to the per page or medium charge.
75

76 For questions about the schedule or to find out more about the Office of Open Records
77 Counsel, please visit www.comptroller.state.tn.us/openrecords or call (615) 401-7891 or 1-866-
78 831-3750.
79

80 Elisha Hodge, Open Records Counsel, Office of Open Records Counsel
81 (615) 401-7891 open.records@tn.gov
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84 Revised December 7, 2010
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92 **SCHEDULE OF REASONABLE CHARGES FOR COPIES OF PUBLIC RECORDS**
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94 [Section 6 of Public Chapter 1179, Acts of 2008](#) (“Public Chapter 1179”) adds T.C.A. Section 8-
95 4-604(a)(1) which requires the Office of Open Records Counsel (“OORC”) to establish a
96 schedule of reasonable charges (“Schedule of Reasonable Charges”) which may be used as a
97 guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public
98 records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503, et seq.) (“TPRA”).
99 The Schedule of Reasonable Charges has a development date of October 1, 2008. Notification of
100 the development was given to the Tennessee Code Commission on October 31, 2008. This
101 Schedule of Reasonable Charges will be reviewed at least annually by the OORC.
102

103 The TPRA grants Tennessee citizens the right to request a copy of a public record to which
104 access is granted under state law. Public Chapter 1179 adds T.C.A. Section 10-7-503(a)(7)(A)
105 which expressly prohibits a records custodian from charging a fee for inspection under the TPRA
106 unless otherwise required by law. However, the TPRA in T.C.A. Section 10-7-506 does permit
107 records custodians to charge for copies or duplication pursuant to properly adopted reasonable
108 rules.
109

110 This Schedule of Reasonable Charges should not be interpreted as requiring a records custodian
111 to impose charges for copies or duplication of public records. If a records custodian determines
112 to charge for copies or duplication of public records, such determination and schedule of charges
113 must be pursuant to a properly adopted rule and evidenced by a written policy authorized by the
114 governmental entity’s governing authority. Application of an adopted schedule of charges shall
115 not be arbitrary. Additionally, excessive fees and other rules shall not be used to hinder access to
116 non- exempt, public records. A records custodian may reduce or waive, in whole or in part, any
117 charge only in accordance with the governmental entity’s properly adopted written policy.
118 Pursuant to Tennessee case law, a records custodian may also require payment for the requested
119 copies or duplication prior to the production of the copies or duplication.
120

121 **Copy Charges**

- 122 • A records custodian may assess a charge of 15 cents per page for each standard 8 1/2 x11
123 or 8 1/2 x14 black and white copy produced. A records custodian may assess a requestor
124 a charge for a duplex copy that is the equivalent of the charge for two (2) separate copies.
125
- 126 • If a public record is maintained in color, the records custodian shall advise the requestor
127 that the record can be produced in color if the requestor is willing to pay a charge higher
128 than that of a black and white copy. If the requestor then requests a color copy, a records
129 custodian may assess a charge of 50 cents per page for each 8 1/2 x11 or 8 1/2 x14 color
130 copy produced.
131
- 132 • If a records custodian’s actual costs are higher than those reflected above or if the
133 requested records are being produced on a medium other than 8 1/2 x11 or 8 1/2 x14
134 paper, the records custodian may develop its own charges. The records custodian must
135 establish a schedule of charges documenting “actual cost” and state the calculation and
136 reasoning for its charges in a properly adopted policy. A records custodian may charge
137 less than those charges reflected above. Charges greater than 15 cents for black and
138 white, and 50 cents for color, can be assessed or collected only with documented analysis
139 of the fact that the higher charges actually represent such governmental entity’s cost of
140 producing such material; unless there exists another basis in law for such charges.
141
- 142 • The TPRA does not distinguish requests for inspection of records based on intended use,
143 be it for research, personal, or commercial purposes. Likewise, this Schedule of

144 Reasonable Charges does not make a distinction in the charges assessed an individual
145 requesting records under the TPRA for various purposes. Other statutory provisions, such
146 as T.C.A. Section 10-7-506(c), enumerate fees that may be assessed when specific
147 documents are requested for a specific use. Any distinctions made, or waiver of charges
148 permitted, must be expressly permitted in the adopted policy.

149 150 Additional Production Charges

- 151 • A records custodian shall utilize the most cost efficient method of producing the
152 requested records.
- 153
- 154 • Delivery of copies of records to a requestor is anticipated to be by hand delivery when the
155 requestor returns to the custodian's office to retrieve the requested records. If the
156 requestor chooses not to return to the records custodian's office to retrieve the copies, the
157 records custodian may deliver the copies through means of the United States Postal
158 Service and the cost incurred in delivering the copies may be assessed in addition to any
159 other permitted charge. It is within the discretion of a records custodian to deliver copies
160 of records through other means, including electronically, and to assess the costs related to
161 such delivery.
- 162
- 163 • If a records custodian utilizes an outside vendor to produce copies of requested records
164 because the custodian is legitimately unable to produce the copies in his/her office, the
165 cost assessed by the vendor to the governmental entity may be recovered from the
166 requestor.
- 167
- 168 • If the records custodian is assessed a charge to retrieve requested records from archives or
169 any other entity having possession of requested records, the records custodian may assess
170 the requestor the cost assessed to the governmental entity for retrieval of the records.

171 172 Labor Charges

- 173 • "Labor" is defined as the time reasonably necessary to produce the requested
174 records and includes the time spent locating, retrieving, reviewing, redacting, and
175 reproducing the records.
- 176
- 177 • "Labor threshold" is defined as the labor of the employee(s) reasonably necessary to
178 produce requested material for the **first hour** incurred by the records custodian in
179 producing the material. A records custodian is not required to charge for labor or may
180 adopt a labor threshold higher than the one reflected above.
- 181
- 182 • A records custodian is permitted to charge the hourly wage of the employee(s) reasonably
183 necessary to produce the requested records above the "labor threshold." The hourly wage
184 is based upon the base salary of the employee(s) and does not include benefits. If an
185 employee is not paid on an hourly basis, the hourly wage shall be determined by dividing
186 the employee's annual salary by the required hours to be worked per year. For example,
187 an employee who is expected to work a 37.5 hour work week and receives \$39,000 in
188 salary on an annual basis will be deemed to be paid \$20 per hour. Again, a records
189 custodian shall utilize the most cost efficient method of producing the requested records.
- 190
- 191 • In calculating the charge for labor, a records custodian shall determine the number of hours
192 each employee spent producing a request. The records custodian shall then subtract the
193 one (1) hour threshold from the number of hours the highest paid employee(s) spent
194 producing the request. The records custodian will then multiply the total number of hours
195 to be charged for the labor of each employee by that employee's hourly wage. Finally,

196 the records custodian will add together the totals for all the employees involved in the
197 request and that will be the total amount of labor that can be charged.

- 198
- 199 • Example: The hourly wage of Employee #1 is \$15.00. The hourly wage of Employee #2 is
200 \$20.00. Employee #1 spends 2 hours on a request. Employee #2 spends 2 hours on the
201 same request. Because employee # 2 is the highest paid employee, subtract the one hour
202 threshold from the hours employee #2 spent producing the request. Multiply the number
203 of hours each employee is able to charge for producing the request by that employee's
204 hourly wage and then add the amounts together for the total amount of labor that can be
205 charged (i.e. $(2 \times 15) + (1 \times 20) = \50.00). For this request, \$50.00 could be assessed for
206 labor.

207

208 Questions regarding this Schedule of Reasonable Charges should be addressed to the OORC.

209
210 Office of Open Records Counsel
211 505 Deaderick Street, Suite 1600
212 James K. Polk Building
213 Nashville, Tennessee 37243 (615) 401-7891, Fax (615) 741-1551 Toll free number: 1-866-831-3750
214 Email address: open.records@tn.gov
215

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: SUBSTITUTE TEACHERS	Descriptor No: PER 24	Date Adopted: 4/79
Reviewed/Revision Adopted: 9/88; 8/01; 10/02		

1 Substitute teachers are those teachers used to replace teachers on leave or to fill temporary
2 vacancies. All substitute teachers shall be employed by the Director of Schools. Substitute
3 teachers shall assume the same responsibilities and have the same authority as the regular
4 teacher.

5 6 Application/Qualifications

7
8 Criminal history record checks and fingerprinting of applicants for substitute teaching are
9 required.

10
11 Applicants whose records with the State Department of Education indicate a license or certificate
12 currently in revoked status shall not be hired.

13
14 The substitute teacher lists will be prepared by the Human Resources Director who will maintain
15 a complete file on all substitute teachers. This file will include transcripts, credentials,
16 recommendations and other pertinent information. A list of all approved substitutes shall be
17 provided to all principals. Only those persons on the approved substitute list shall be employed
18 to substitute teach.

19
20 All substitutes shall be responsible for providing correct and current addresses and phone
21 numbers and for notifying the Murfreesboro City Schools Human Resources Department if they
22 wish to terminate their service as substitutes.

23 24 Certification

25
26 When substituting for a regular teacher who has been absent for twenty (20) consecutive days, a
27 substitute teacher must possess a teaching certificate with endorsement in the discipline(s) to be
28 taught. When substituting for a teacher ~~without sick~~ on leave for over twenty days, the substitute
29 shall be certified and paid according to the state salary schedule.

30
31 A substitute, teaching for a regular teacher on extended ~~sick~~ leave for more than ~~thirty (30)~~
32 **twenty (20)** consecutive teaching days holding a license with an endorsement in the area of
33 assignment, shall be designated as an interim substitute.

34
35

36 Retired teachers may substitute one-hundred **twenty (120)** days per year without loss of
37 retirement benefits, and may **work the full school year** if the Director of Schools certifies in
38 writing to the State Board of Education that no other qualified personnel are available to perform
39 this work ~~substitute teach~~.

40

41 Emergency Needs

42

43 All teacher ~~aides, secretaries and clerks~~ assistants and other support staff are approved substitute
44 teachers for use in emergency situations. Emergency use shall be defined as less than a full day
45 due to the regular or substitute teacher being unable to arrive on time or remain for the full day.

46

47 Such substitutes shall receive the proportionate equivalent salary regular substitute teachers
48 would receive under similar circumstances or their regular salary, if higher; however, they shall
49 not receive pay for both positions at the same time.

50

51 Training and Orientation

52

53 The Director of Schools shall be responsible for providing appropriate training and development
54 programs for substitute teachers.

55

56 All substitute teachers shall be required to attend an orientation session ~~at the beginning of each~~
57 ~~school year~~ to provide instructions regarding reporting, pay schedules, and other pertinent
58 information and to answer questions.

59

60 All substitute teachers will be given a copy of the local school's guidelines on the first day they
61 substitute in the school.

62

63 These guidelines shall contain, but shall not be limited to:

64

- 65 a. Attendance procedures;
- 66 b. Lunchroom schedule and procedures;
- 67 c. Procedures for supervising student behavior;
- 68 d. Names and assignments of regular staff members;
- 69 e. Emergency evacuation procedures; and
- 70 f. Other helpful information particular to the local school.

71

72 Teacher Responsibilities

73

74 For planned absences, a substitute shall be selected from the approved list. Each principal shall
75 be provided names of all approved substitute teachers.

76

77 When a teacher is unable to meet classes for any reason, ~~the following procedures shall be~~
78 ~~observed~~ the teacher shall follow the proper steps to secure a substitute teacher.

79

- 80 ~~1. The teacher shall notify the principal or his/her designee as soon as possible;~~
- 81 ~~2. The principal or designee shall secure a qualified substitute teacher from the~~
82 ~~approved list, and~~
- 83 ~~3. The regular teacher shall notify the principal or his/her designee the day before~~
84 ~~intending to return to the classroom; upon receipt of notice, the principal or principal~~
85 ~~designee shall notify the substitute teacher.~~

86

87 In order to make the work of the substitute teacher as satisfactory as possible, the regular teacher
88 shall make available:

- 89
- 90 1. Daily schedule (academic and supervisory);
 - 91 2. Class rolls; and
 - 92 3. Lesson plans and other information for the day's activities. In case of emergency
93 when plans are not provided, the principal shall provide the substitute with directions
94 for the day.
- 95

96 Re-employment/Termination

97

98 ~~After thirty (30) days of employment, substitute teachers shall be evaluated using the Board~~
99 ~~approved local evaluation instrument.~~

100

101 ~~Following one hundred (100) days of employment, licensed substitutes shall be evaluated using~~
102 ~~the State Model for Local Evaluation.~~

103

104 On an annual basis, the Director of Schools, with input from the principals, shall determine
105 which substitute teachers performed at an acceptable level. Substitute teachers who performed
106 below an acceptable level shall not be re-employed.

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123 Legal References:

- 124
- 125 TRR/MS 0520-1-2-.04(5)
 - 126 T.C.A. 49-5-709
 - 127 T.C.A. 49-5-413
 - 128 T.C.A. 49-2-203(a)
 - 129 T.C.A. 49-3-312(c); TRR/MS 0520-1-2-.04(5)(b)
 - 130 T.C.A. 8-36-805

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: TENNESSEE CONSOLIDATED RETIREMENT SYSTEM	Descriptor No: PER 27	Date Adopted: 4/79
	Reviewed/Revision Adopted: 9/01	

1 ~~Murfreesboro City School Board employees are required to enroll in the Consolidated~~
2 ~~Retirement System created by a 1972 Legislative Act which consolidated seven separate state~~
3 ~~retirement plans effective July 1, 1972. The Tennessee Teacher Retirement System was one of~~
4 ~~the state retirement plans which was absorbed into the Tennessee Consolidated Retirement~~
5 ~~System on July 1, 1972.~~

6
7 ~~Members of the Tennessee Teachers' Retirement System on that date automatically became~~
8 ~~members of the new retirement system with a continuation of Social Security coverage provided~~
9 ~~the individual had been employed after Social Security became available in 1958 or provided the~~
10 ~~teacher in service on July 1, 1958 elected to have Social Security coverage.~~

11
12 ~~All teachers entering service in Tennessee since July 1, 1958 were automatically enrolled in the~~
13 ~~Teachers' Retirement System with Social Security coverage except for those teachers employed~~
14 ~~within the 90 day period immediately following the establishment of the Consolidated~~
15 ~~Retirement System on July 1, 1972. Teachers employed in Tennessee for the first time within~~
16 ~~that 90 day period had the option of electing or not electing Social Security coverage.~~

17
18 Employees of the Murfreesboro City Schools System are members of the Tennessee
19 Consolidated Retirement System (TCRS) and may retire upon meeting the qualifications for
20 retirement set forth by TCRS.

21
22 In accordance with T.C.A., 8-36-805, retired TCRS members may be eligible for re-employment
23 as substitute teachers, substitute bus drivers, or in any other temporary, interim, part-time, or
24 casual positions providing:

- 25
26
- 27 1. The retired TCRS member has been retired 60 days and does not accrue additional
28 retirement credit with TCRS.
 - 29 2. The 60-day work period may be waived provided the member renders no more than one-
30 half of the hours he/she worked prior to retirement and the Director of Schools certifies in
31 writing to TCRS that no other qualified persons are available to fill the position.
32 Following the initial 60 days following retirement, the remaining time may be full-time
33 or used over the one year period.
 - 34 3. Compensation cannot exceed 60% of the retiree's final year's salary, indexed annually
35 since retirement, or exceed 120 working days per calendar year from the date of re-hire.

36 Retired teachers who are re-employed as substitute teachers may work the full school year for an
37 additional 90 days during the 12-month period providing the Director of Schools certifies there
38 are no other qualified personnel available to perform such work. The pay for substitute teaching
39 for the additional days must not exceed the rate set by the MCS for substitute teachers filling
40 similar vacant positions.

41

42 For TCRS retirees who were not previously employed by the MCS, certification of the final
43 year's salary at the previous employer will be provided to Human Resources before employment.

44

45 Licensed employees of Murfreesboro City Schools contribute to the Consolidated Retirement
46 System. Non-licensed employees are non-contributors.

47

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: DISCRIMINATION/ HARASSMENT OF EMPLOYEES <small>(SEXUAL, RACIAL, ETHNIC, RELIGIOUS)</small>	Descriptor No: PER 35	Date Adopted: 3/93
	Reviewed/Revision Adopted: 11/99; 2/00; 9/01; 2/07	

1 All employees shall be provided a work environment free from sexual, racial, ethnic, and
2 religious discrimination/harassment. It shall be a violation of this policy for anyone to
3 discriminate against or harass an employee through conduct or communication that is sexual,
4 racial, ethnic, or religious in nature. The following guidelines are set forth to protect employees
5 from discrimination/harassment.

6
7 Employee discrimination/harassment will not be tolerated. Discrimination/harassment is
8 defined as conduct, gestures, or words (either written or spoken) of a sexual, racial, ethnic or
9 religious nature which:

- 10
11 — 1. Unreasonably interferes with the individual's work or performance; or
12 — 2. Create an intimidating, hostile or offensive work environment; or
13 — 3. Imply that submission to such conduct is made an explicit or implicit term of
14 — employment;
15 — 4. Imply that submission or rejection of such conduct will be used as a basis for an
16 — employment decision affecting the harassed employee.

17
18 **GENERAL STATEMENT OF POLICY**

19
20 The Murfreesboro City Schools Board of Education is committed to safeguarding the rights of all
21 students, employees and third parties within the school system, on school campuses at school
22 events, and on school buses to learn and work in an environment that is free from all forms of
23 harassment and/or sexual harassment.

24
25 It is the policy of the Murfreesboro City Schools Board of Education to maintain a learning and
26 working environment that is free from harassment of any type. The Board prohibits any form of
27 sexual harassment or harassment based upon age, religion, disability, color, and/or race/national
28 origin or any other class protected by law. All persons are required to make a conscientious
29 effort to fully consider and understand the nature and basis of a harassment or sexual harassment
30 complaint.

31
32 It shall be a violation of this policy for any student, teacher, administrator or other school
33 personnel of the Murfreesboro City Schools to harass or sexually harass a student, teacher,
34 administrator or other school personnel through conduct or communication of any form as
35 defined by this policy. The school system will act to promptly investigate all complaints and to

36 promptly and appropriately discipline any student or school personnel who is found to have
37 violated this policy, and/or take other appropriate action reasonably calculated to end the
38 harassment or sexual harassment.

39
40 For the purpose of this policy, school personnel include school board members, employees of the
41 Murfreesboro City Schools, agents, volunteers, contractors, or persons subject to the supervision
42 and control of the Murfreesboro City Schools.

43 44 **HARASSMENT DEFINED AND PROHIBITED**

45
46 A. It is the policy of the Murfreesboro City Schools Board of Education not to discriminate
47 on the basis of sex, race, national origin, color, creed, religion, age, marital status,
48 disability or any other class protected by law in its educational programs, activities, or
49 employment policies as required by the referenced federal and state statutes. Any student
50 or school personnel shall be punished for infractions of this policy when: The harassing
51 conduct is sufficiently severe, persistent or pervasive that it affects the ability of the
52 student or school personnel to participate in or benefit from the educational program or
53 activity or the work environment and/or creates an intimidating, threatening or abusive
54 environment. The harassing conduct has the purpose or effect of substantially or
55 unreasonably interfering with an individual's academic or work performance.

56
57 B. Harassment may include but is not limited to:

- 58 1. Graffiti, notes, or cartoons containing discriminatory language;
- 59 2. Name calling, jokes, or rumors;
- 60 3. Negative stereotypes and hostile acts which are based upon a person's sex, race,
61 national origin, color, creed, religion, age, marital status, disability or any other
62 class protected by law;
- 63 4. Written or graphic material containing discriminatory comments or stereotypes
64 that is posted or circulated and which is aimed at degrading individuals or
65 members of protected classes;
- 66 5. Threatening or intimidating conduct directed at another because of the other's
67 race, national origin, color, creed, religion, age, marital status, disability or any
68 other class protected by law;
- 69 6. A physical act of aggression or assault, or other acts of aggressive conduct, upon
70 another because of, or in a manner reasonably related to, an individual's race,
71 national origin, color, creed, religion, age, marital status, or disability or any other
72 class protected by law.

73 74 **SEXUAL HARASSMENT DEFINED AND PROHIBITED**

75
76 A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors,
77 sexually motivated physical contact, or other verbal or physical conduct or
78 communication of a sexual nature when:
79 Submission to that conduct or communication is made a term or condition, either
80 explicitly or implicitly, of obtaining or retaining employment, or of obtaining an
81 education; or submission to or rejection of that conduct or communication by an
82 individual is used as a factor in decisions affecting that individual's employment or
83 education; or that conduct or communication has the purpose or effect of substantially or
84 unreasonably interfering with an individual's employment or education, or creating an
85 intimidating, hostile or offensive employment or education environment. Any sexual

86 harassment as defined when perpetrated on any student or employee will be treated as
87 sexual harassment under this policy.

88
89 B. Sexual harassment may include but is not limited to:

- 90 1. Sexual advances;
- 91 2. Verbal harassment or abuse;
- 92 3. Subtle pressure for sexual activity;
- 93 4. Touching of a sexual nature, including inappropriate patting or pinching;
- 94 5. Intentional brushing against a student or employee's body;
- 95 6. Demanding sexual favors accompanied by implied or overt threats concerning an
96 individual's employment or educational status;
- 97 7. Demanding sexual favors, especially when accompanied by implied or overt
98 promises of preferential treatment with regard to an individual's employment or
99 educational status;
- 100 8. Graffiti of a sexual nature;
- 101 9. Displaying or distributing sexually explicit drawings, pictures or other written
102 materials, including making and playing sexually explicit audio/video tapes;
- 103 10. Sexual gestures, including touching oneself sexually or talking about ones sexual
104 activities in front of others;
- 105 11. Sexual or "dirty" jokes; or
- 106 12. Spreading rumors about or rating other students as to sexual activity or
107 performance.

108
109 **REPORTING PROCEDURES**

110
111 Persons who believe themselves to be victims of sexual, racial, ethnic or religious
112 discrimination/harassment shall report these incidents immediately. Witnesses to
113 discrimination/harassment are strongly encouraged to report these incidents immediately. This
114 report shall be made to the immediate supervisor except when the immediate supervisor is the
115 offending party. If the immediate supervisor is the offending party, the report may be made to
116 the Federal Rights Coordinator or Director of Schools. Allegations of discrimination/harassment
117 shall be fully investigated. An oral complaint may be submitted, however, such complaint
118 should be reduced to writing to ensure a more complete investigation. The complaint should
119 include the following information:

- 120
- 121 • Identity of the alleged victim and person accused;
- 122 • Location, date, time and circumstances surrounding the alleged incident;
- 123 • Description of what happened;
- 124 • Identity of witness; and
- 125 • Any other evidence available.
- 126

127 The privacy and anonymity of all parties and witnesses to complaints will be respected.
128 However, because of an individual's need for confidentiality must be balanced with obligations
129 to cooperate with police investigations or legal proceedings, to provide due process to the
130 accused, to conduct a thorough investigation or to take necessary action to resolve a complaint,
131 the identity of parties and witnesses may be disclosed in appropriate circumstances to individuals
132 with the need to know.

133
134 A substantiated charge against an employee shall result in disciplinary action up to and including
135 termination. A substantiated charge against a student may result in corrective or disciplinary
136 action up to and including suspension.

137 There will be no retaliation against any person who reports discrimination/harassment or
138 participates in an investigation. However, any employee who refuses to cooperate or gives false
139 information during the course of any investigation may be subject to disciplinary action. The
140 willful filing of a false report will itself be considered harassment and will be treated as such.

141
142 An employee disciplined for violation of this policy may appeal the decision by contacting the
143 Federal Rights Coordinator or the Director of Schools.

144 145 **DISCRIMINATION/HARASSMENT GRIEVANCE PROCEDURE**

146
147
148 Employees shall notify a complaint manager if they believe the Board, its employees or agents
149 have violated their rights guaranteed by the state or federal Constitution, state or federal statutes
150 or Board policy including:

- 151 1. Title II of the Americans with Disabilities Act
- 152 2. Title IX of the Education Amendments of 1972
- 153 3. Section 504 of the Rehabilitation Act of 1973
- 154 4. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964 and
155 Title IX of the Education Amendments of 1972

156
157
158 The complaint manager may endeavor to respond and resolve complaints before a written
159 complaint is filed. If a complaint is filed, the complaint manager shall address the complaint
160 promptly and equitably. The right of a person to prompt an equitable resolution of the complaint
161 shall not be impaired by the person's pursuit of other remedies. Use of this complaint procedure
162 is not a prerequisite to the pursuit of other remedies and use of this complaint procedure does not
163 extend any filing deadline related to the pursuit of other remedies.

164 165 *1. FILING A COMPLAINT*

166
167 Any employee who wishes to avail himself or herself of this complaint procedure may do so by
168 filing a complaint with the complaint manager. The employee may request a complaint manager
169 of the same sex. The complaint manager may request the employee to provide a written
170 statement regarding the nature of the complaint. The complaint manager may assist the
171 employee in preparing the written complaint.

172 173 *2. INVESTIGATION*

174
175 The complaint manager will investigate the complaint or appoint a qualified person to undertake
176 the investigation on his or her behalf. The complaint and identity of the complainant will not be
177 disclosed except (1) as required by law or this policy; or (2) as necessary to fully investigate the
178 complaint; or (3) as authorized by the complainant. The complaint manager shall file a written
179 report within ten (10) school days of the filing of the complaint, of his or her findings with the
180 Director of Schools. If a complaint of harassment contains allegations against the Director of
181 Schools, the written report shall be filed with the Board. The Director of Schools shall keep the
182 Board informed of all complaints.

183 184 *3. DECISION AND APPEAL*

185
186 After receipt of the complaint manager's report, the Director of Schools shall render a written
187 decision within five (5) work days of the receipt of the report which shall be provided to the

188 employee. If the employee is not satisfied with the decision, the employee may appeal the
189 decision to the Board within five (5) work days by making a written request to the complaint
190 manager. The complaint manager shall be responsible for promptly forwarding all materials
191 relative to the complaint and appeal to the Board. Thereafter, the Board shall within thirty (30)
192 days from the date the appeal was received review the report and affirm, overrule or modify the
193 decision and render a finding which shall be provided to the complainant. This complaint
194 procedure shall not be construed to create an independent right to a Board hearing.

195

196 *4. APPOINTING COMPLAINT MANAGERS*

197

198 The Director of Schools shall appoint at least two complaint managers, one of each gender. The
199 Director of Schools shall publicize the names, addresses and telephone numbers of current
200 complaint managers.

201

202

203

204

205

206

207

208

209

210 Legal References:

211

212 Title VII; 29 CFR 1604.11

213 Title IX (20 U.S.C. 1681-1686)

214 Age Discrimination Employment Act,

215 29 U.S.C. 621

216 Americans with Disabilities Act,

217 42 U.S.C. 12101 et seq.

218 Equal Pay Act, 29 U.S.C. 206(d)

219 Immigration Reform and Control Act,

220 8 U.S.C. 1324a et seq.

221 Rehabilitation Act, 29 U.S.C. 791 et seq.

222 Title VII of the Civil Rights Act,

223 42 U.S.C. 2000e, et seq.

224 Title IX of the Education Amendments,

225 20 U.S.C. 1681, et seq.

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: NON-RENEWAL OF NON-TENURED EMPLOYEES	Descriptor No: PER 41	Date Adopted: 9/01
	Reviewed/Revision Adopted:	

1 Non-tenured teachers are subject to the same rules and regulations and are entitled to the
2 privileges of employment enjoyed by tenured teachers except that they have no claim upon
3 continuing employment or tenure protections.
4

5 The principal is responsible for discussing deficiencies as part of the evaluation process with the
6 non-tenured teacher and providing assistance for overcoming these deficiencies.
7

8 The Director of Schools is under no obligation to re-employ non-tenured teachers at the end of
9 their contract period. If the Director of Schools determines not to renew the contract of a non-
10 tenured teacher, the following action shall be taken:
11

- 12 1. The Board shall be notified at the next regular board meeting; and
- 13
- 14 2. Written notice of non-renewal shall be hand delivered or sent to the employee by certified
15 mail so that it will be received by the employee prior to ~~May 15~~ **June 15**.
16
17
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32 _____
33 Legal Reference:

34
35 T.C.A. 49-5-409(a)

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: DRUG-FREE WORKPLACE	Descriptor No: PER 32	Date Adopted: 4/92
	Reviewed/Revision Adopted: 3/93; 9/01	

1 ~~No employee shall unlawfully manufacture, distribute, dispense, possess or use on or in the~~
2 ~~workplace alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate,~~
3 ~~marijuana or any other controlled substance, as defined in federal law. “Workplace” shall~~
4 ~~include any school building or any school premise; any school owned or any other school-~~
5 ~~approved vehicle used to transport students to and from school or school activities; off school~~
6 ~~property during any school sponsored or school approved activity, event or function.~~

7
8 ~~Any employee who violates the terms of this policy shall be suspended and shall be subject to~~
9 ~~dismissal and referral for prosecution.~~

10
11 ~~The Director of Schools shall be responsible for providing a copy of this policy to all school~~
12 ~~system employees.~~

- 13
14 1. No employee shall unlawfully manufacture, distribute, dispense, possess or use on or in
15 the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate,
16 marijuana, alcohol, or any other controlled substance, as defined in federal law.
17 “Workplace” shall include any school building or property, any school-owned or leased
18 vehicle used to transport students to and from school or school activities and off school
19 property during any school-sponsored or school-approved activity.
- 20 2. As a condition of employment, each employee shall notify their supervisor of a
21 conviction of any criminal drug statute ~~for violation occurring in a workplace~~ as defined
22 above no later than two (2) calendar ~~five (5)~~ days after conviction.
- 23 3. Any employee who violates the terms of this policy shall be suspended and shall be
24 subject to dismissal.
- 25 4. Employees who are required to drive any school-owned or school-leased vehicle during
26 the performance of their duties are prohibited from using, possessing, distributing,
27 dispensing, manufacturing, or having controlled substances, abused prescription drugs or
28 any other mind altering or intoxicating substances present in their system while at work
29 or on duty. Any employee who violates this provision of the policy shall be discharged.
- 30 5. All other employees will be drug tested for “reasonable suspicion” at a standard set by
31 Murfreesboro City Schools. Reasonable suspicion is a belief based on objective factors
32 either physical, behavioral, or work performance related that are sufficient to lead a
33 reasonable and prudent supervisor to suspect that an employee is using a prohibited drug,
34 alcohol, or substance.

- 35 6. The Director of Schools shall be responsible for providing a copy of this policy to all
36 school system employees.
37 7. If discipline results from this policy, it will follow the same procedure as set forth by
38 District policy.
39

40 AWARENESS

41
42 Drug abuse in the workplace has major adverse effects on the welfare of children and personnel
43 in the school system. Employees with drug abuse problems should seek help. It is the policy of
44 Murfreesboro City Schools, in addition to taking appropriate personnel action for those in
45 violation of a drug-free workplace, to provide rehabilitation information for employees with a
46 self-admitted or detected drug or alcohol problem.
47

48 CRIMINAL CHARGES

49 *DRUG OFFENSES*

- 50
51
- 52 • **Any employee who is criminally charged with a drug related offense while on or off-**
53 **duty must report the charge to the employee's principal/supervisor no later than**
54 **forty-eight (48) hours after such charge and before the employee performs a Safety**
55 **Sensitive Employee or CDL Employee job function. If the employee's driver's**
56 **license is held, suspended, or revoked by a law enforcement officer, court, or the**
57 **Tennessee Department of Safety, the employee must report same before the**
58 **employee drives a MCS vehicle. Failure to report the charge within the time**
59 **prescribed will lead to disciplinary action up to and including discharge. The**
60 **supervisor shall promptly report it to the Department Head (if applicable) who shall**
61 **promptly report same to the Human Resources Director and Director of Schools.**
62
 - 63 • **The employee who has been criminally charged with such a drug related offense**
64 **may be relieved of duty (a determination whether the leave will be paid leave or**
65 **unpaid leave will be made on each individual situation) until an employment**
66 **investigation is completed. Once the facts are known and the investigation**
67 **complete, the employee may be allowed to return to duty provided the employee**
68 **agrees to certain conditions which may include Return to Duty and Follow-up**
69 **Testing as appropriate to the charges, and/or may be disciplined, including**
70 **termination.**
71
 - 72 • **In determining whether the employee will be returned to duty (with or without**
73 **Testing), suspended or terminated, the factors set forth below shall be considered:**
74

- 75 1. The degree to which the nature of any criminal charges reduce the MCS's ability to
76 maintain a safe and efficient working environment.
- 77 2. The degree to which criminal charges unreasonably undermine public confidence in
78 the MCS's operations.
- 79 3. The degree to which the nature of the criminal charges unreasonably endangers the
80 safety of MCS students, employees, and/or the public.
- 81 4. The nature of the criminal charges.
- 82 5. The nature of the employee's job at the MCS.
- 83 6. Whether the criminal charges constitute a breach of the employee's oath of office,
84 departmental regulations, or qualifications for the employee's position.
- 85 7. Whether the employee is a Safety Sensitive Employee, CDL Employee, or works
86 with or around children.
- 87 8. The existence of any explanatory or mitigating facts or circumstances.
- 88 9. Whether the employee promptly reports the charge.
- 89 10. Whether the misconduct involves illegal drugs or misuse of alcohol.
- 90 11. Whether alcohol misuse involves alcoholic beverages or medication(s) containing
91 alcohol.
- 92 12. Whether the employee has previously violated this policy.
- 93 13. Any other facts relevant to the employee including, but not limited to, years of
94 service and record of performance with the MCS.

95 96 *ALCOHOL OFFENSES*

- 97
- 98 • Regardless of whether an employee holds a safety sensitive position, if the job
99 position requires the employee to possess a valid driver's license, and such employee
100 is criminally charged with an alcohol related offense while on or off duty, such
101 employee must report the charge to the employee's principal/supervisor, Human
102 Resources Director, or Department Head (if applicable) no later than forty-eight
103 (48) hours after such charge and before the employee drives a vehicle while on duty.
104 If the employee's driver's license is held, suspended, or revoked by a law
105 enforcement officer, court, or the Tennessee Department of Safety, the employee
106 must report same before the employee drives a MCS vehicle. Failure to report the
107 charge within the time prescribed will lead to disciplinary action up to and
108 including discharge. The supervisor shall promptly report it to the Department
109 Head (if applicable) who shall promptly report same to the Human Resources
110 Director and Director of Schools.
- 111
- 112 • The employee who has been criminally charged with such an alcohol related offense
113 may be relieved of duty (a determination whether the leave will be paid leave or
114 unpaid leave will be made on each individual situation) until an employment
115 investigation is completed. Once the facts are known and the investigation
116 complete, the employee may be allowed to return to duty provided the employee
117 agrees to certain conditions which may include Return to Duty and Follow-up
118 Testing as appropriate to the charges, and/or may be disciplined, including
119 termination.
- 120
- 121 • In determining whether the employee will be returned to duty (with or without
122 Testing), suspended or terminated, the factors set forth above in Items 1-13 shall be
123 considered.
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CRIMINAL CONVICTIONS

- **Any employee who has been convicted of violating any criminal drug law must report the conviction to the employee's principal/supervisor no later than forty-eight (48) hours after such conviction. If the employee's driver's license is held, suspended, or revoked by a law enforcement officer, court, or the Tennessee Department of Safety, the employee must report same before the employee drives a MCS vehicle. Failure to report the conviction within the time prescribed will lead to disciplinary action up to and including termination. The supervisor shall promptly report same to the principal or Department Head (if applicable) who shall promptly report same to the Human Resources Director and Director of Schools.**
- **Convictions for drug related offenses can result in disciplinary action up to and including termination. In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a drug related offense, the MCS will consider the factors set forth in Items 1-13 above. Should the employee be allowed to return to work for the MCS, the employee shall be subject to Return to Duty and Follow-up Testing.**
- **MCS will notify the Director of Human Resources and D.O.T. of criminal convictions pursuant to applicable provisions of the Drug-Free Workplace Act and Omnibus Transportation Employee Testing Act of 1991.**

Legal References:

Subtitle D Drug Free Workplace Act of 1988
34 CFR 86.201

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: SUSPENSION/DISMISSAL OF TENURED TEACHERS	Descriptor No: PER 39	Date Adopted: 9/01
	Reviewed/Revision Adopted:	

1 SUSPENSION

2
3 The Director of Schools or designee may suspend a tenured teacher at any time when deemed
4 necessary, **pending investigation or final disposition of a case before the Board or an appeal.**
5 **If vindicated or reinstated, the teacher shall be paid the full salary for the period during**
6 **which the teacher was suspended.** Before a **tenured teacher** is suspended the teacher shall be:
7 (1) provided with reasons for the suspension; (2) given an opportunity to respond; and (3) given
8 a written decision of the suspension. The causes for which a **tenured teacher** may be dismissed
9 are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct, and
10 insubordination as defined in T.C.A. §49-5-501.

11
12 **DEFINITIONS**

13
14 Pursuant to T.C.A. §49-5-501(f), “incompetence” means being incapable, lacking adequate
15 power, capacity or ability to carry out the duties and responsibilities of the position. This
16 may apply to physical, mental, educational, emotional or other personal conditions. It may
17 include lack of training or experience, evident unfitness for service, a physical, mental or
18 emotional condition making the teacher unfit to instruct or associate with children or the
19 inability to command respect from subordinates or to secure cooperation of those with
20 whom the teacher must work.

21
22 Pursuant to T.C.A. §49-5-501(6), “inefficiency” means being below the standards of
23 efficiency maintained by others currently employed by the Board for similar work, or
24 habitually tardy, inaccurate or wanting in effective performance of duties. The definition
25 of inefficiency includes, but is not limited to, having evaluations demonstrating an overall
26 performance effectiveness level that is “below expectations” or “significantly below
27 expectations” as provided in the evaluation guidelines adopted by the State Board of
28 Education pursuant to T.C.A. §49-1-302.

29
30 Pursuant to T.C.A. §49-5-501(8), “neglect of duty” means gross or repeated failure to
31 perform duties and responsibilities that reasonably can be expected of one in such capacity
32 or continued unexcused or unnecessary absence from duty.

34 Pursuant to T.C.A. §49-5-501(3), “unprofessional conduct” or “conduct unbecoming a
35 member of the teaching profession” may consist of, but not be limited to, one (1) or more of
36 the following:

- 37
- 38 a. **Immorality;**
- 39 b. **Conviction of a felony or a crime involving moral turpitude;**
- 40 c. **Dishonesty, unreliability, continued willful failure or refusal to pay one’s just**
41 **and honest debts;**
- 42 d. **Disregard of the teacher code of ethics in T.C.A. §§49-5-1001 through 49-5-1005**
43 **(see attached), in such manner as to make one obnoxious as a member of the**
44 **profession or**
- 45 e. **Improper use of narcotics or intoxicants.**
- 46
- 47

48 Pursuant to T.C.A. §49-5-501(7), “insubordination” may consist of:

- 49
- 50 a. **Refusal or continued failure to obey the school laws of this state, to comply with**
51 **the rules and regulations of the Board or to carry out specific assignments made**
52 **by the Board, the Director of Schools or the principal, each acting within its own**
53 **jurisdiction, when the rules, regulations and assignments are reasonable and not**
54 **discriminatory;**
- 55 b. **Failure to participate in an in-service training program as set up by the local**
56 **Board of Education and approved by the State Board of Education;**
- 57 c. **Treason, or any effort to sabotage or overthrow the government of the United**
58 **States; or**
- 59 d. **Refusal by the teacher to disclose to the Board whether or not the teacher is, or**
60 **has been, a member of the communist or any other party that advocates the**
61 **overthrow of the government.**
- 62

63 DISMISSAL

64

65 When charges are made **to the Board** against a tenured teacher, charging the teacher with
66 offenses which may justify dismissal, the charges shall be made in writing, specifically stating
67 the offenses which are charged and shall be signed by the party or parties making the charges.

68

69 **If, in the opinion of the Board, charges are of such a nature as to warrant the dismissal of**
70 **the teacher, the Director shall give the teacher a written notice of the Board’s decision,**
71 **together with a copy of the charges and a copy of a form provided by the Commissioner of**
72 **the Tennessee Department of Education, advising the teacher as to the teacher’s legal**
73 **duties, rights and recourse under the terms of T.C.A. §§49-501 – 49-5-515.**

74

75 A tenured teacher who receives notification of charges pursuant to 49-5-511 may, within thirty
76 (30) days after receipt of the notice, demand a hearing on the charges before an impartial hearing
77 officer selected by the Board as follows:

- 78
- 79 1. The teacher shall give written notice to the Director of Schools of the teacher’s request
80 for a hearing.
- 81 2. The Director of Schools shall, within five (5) days after receipt of the request, name an
82 impartial hearing officer who shall be responsible for notifying the parties of the hearing
83 officer’s assignment. **The hearing officer shall direct the parties or the attorneys for**
84 **the parties, or both, to appear before the hearing officer for simplification of issues**

85 **and the scheduling of the hearing, which in no event shall be set later than thirty (30)**
86 **days following receipt of notice demanding a hearing. In the discretion of the hearing**
87 **officer, all or part of any prehearing conference may be conducted by telephone if**
88 **each participant has an opportunity to participate, to be heard and to address proof**
89 **and evidentiary concerns. The hearing officer is empowered to issue appropriate**
90 **orders and to regulate the conduct of the proceedings.**

- 91 3. The definition of “impartial” means that the selected hearing officer shall have no history
92 of employment with the Board or Director of Schools, no relationship with any Board
93 member and no relationship with the teacher or representatives of the teacher.
- 94 4. **All parties shall have the right to be represented by counsel, the opportunity to call**
95 **and subpoena witnesses, the opportunity to examine all witnesses, the right to**
96 **require that all testimony be given under oath and the right to have evidence**
97 **deemed relevant by the submitting party included in the record of the hearing, even**
98 **if objected to by the opposing party.**
- 99 5. **All witnesses shall be entitled to the witness fees and mileage provided by law, which**
100 **fees and mileage shall be paid by the party issuing a subpoena or calling the**
101 **witnesses to testify.**
- 102 6. **The impartial hearing officer shall administer oaths to witnesses, who testify under**
103 **oath.**
- 104 7. **A record of the hearing, either by transcript, recording or as is otherwise agreed by**
105 **the parties shall be prepared if the decision of the hearing officer is appealed, and**
106 **all decisions of the hearing officer shall be reduced to writing and included in the**
107 **record, together with all evidence otherwise submitted.**
- 108 8. **On request of either party to the hearing, witnesses may be barred from the hearing**
109 **except as they are called to testify. The hearing may be private at the request of the**
110 **teacher or in the discretion of the hearing officer.**
- 111 9. The hearing shall be conducted according to all of the provisions set forth in 49-5-512.
- 112 10. **At appropriate states of the hearing, the hearing officer may give the parties the full**
113 **opportunity to file briefs, proposed findings of fact and conclusions of law and**
114 **proposed initial or final orders. The hearing officer shall, within ten (10) days of**
115 **closing the hearing, decide what disposition to make of the case and shall**
116 **immediately thereafter give the Board and the teacher written findings of fact,**
117 **conclusions of law and a concise and explicit statement of the outcome of the**
118 **decision.**
- 119 11. The teacher has a right to appeal the hearing officer’s decision to the Board within ten
120 (10) working days of the hearing officer’s delivery of the written findings **of fact,**
121 **conclusions and decision to the affected employee.**
- 122 12. **Upon written notice of appeal, the Director shall prepare a copy of the proceedings,**
123 **transcript, documentary and other evidence presented and transmit the copy to the**
124 **Board within twenty (20) working days of receipt of notice of appeal.**
- 125 13. The Board shall hear the appeal on the record and no new evidence shall be introduced.
126 **The affected employee may appear in person or by counsel and argue why the**
127 **decision should be modified or reversed.** The Board may sustain the decision, send the
128 record back if additional evidence is necessary, revise the decision penalty or reverse the
129 decision. **Before any findings and decision are sustained or punishment inflicted, a**

130 majority of the membership of the Board shall concur in sustaining the charges and
131 decision. The Board shall render its decision on the appeal within ten (10) working days
132 after the conclusion of the hearing.

133 14. Any party dissatisfied with the decision rendered by the Board shall have the right to
134 appeal to the Rutherford County Chancery Court within thirty (30) days after receipt
135 of the dated notice of the decision of the Board. It shall be the duty of the Board to
136 cause the entire record and other evidence in the case to be transmitted to the court.
137 The review of the court shall be de novo on the record of the hearing held by the
138 hearing officer and reviewed by the Board.

139 15. The Director of Schools shall also have the right to appeal any adverse ruling by the
140 hearing officer to the Board under the same conditions as set forth above.

141
142 Notwithstanding T.C.A. §49-5-511(a), but subject to appeal and review provisions of
143 T.C.A. §§49-5-12 and 49-5-513, any teacher convicted of a felony listed in T.C.A. §§40-
144 35(i)(2) or convicted of an offense listed in T.C.A. §39-17-417 shall be immediately
145 suspended, and dismissed. If the dismissal of the teacher is upheld by the Board and court
146 review, the Director shall notify in writing the Commissioner of the Tennessee Department
147 of Education as required by T.C.A. §49-5-511(c)(2).

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152 **Legal References:**

153 T.C.A. §49-5-501

154 T.C.A. §§49-5-511 through 49-5-513

155 T.C.A. §§49-5-1001 through 49-5-1005, "Teacher Code of Ethics"
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MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: ASSIGNMENT OF STUDENTS TO SCHOOLS AND CLASS	Descriptor No: STU 5	Date Adopted: 4/79
	Reviewed/Revision Adopted: 7/01	

1 Pupils entering the Murfreesboro City Schools will be assigned to the school which serves their
2 respective school zone unless they have been accepted for attendance at a "controlled choice"
3 school. The boundaries of these zones may be adjusted from year to year. An exception made to
4 the above is: Students living outside the city limits may be assigned to schools where there is
5 available space.

6
7 Applications for waivers on school zone requirements must be submitted in writing to the
8 Director of Schools. The Director of Schools may, in hardship cases, grant waivers on school
9 zone requirements. **Students on zone waivers cannot be sent back to their zoned school**
10 **without approval of the Director of Schools or the Director’s designee.**

11
12 **Principals have the sole authority and responsibility for assigning students to the individual**
13 **classrooms.**

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32 _____
32 Legal References:
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34 T.C.A. 49-6-3102 through 3103
35 T.C.A. 49-6-3201

DRAFT AGENDA

MURFREESBORO CITY SCHOOL BOARD

Tuesday, April 24, 2012
6:30 p.m.—Council Chambers

ORDER OF BUSINESS

I. CALL TO ORDER BY BOARD CHAIR

- Pledge of Allegiance
- Moment of Silence

II. APPROVAL OF AGENDA

III. COMMUNICATIONS

- BEP Mini-Grant Recipients:
- Teacher Appreciation Week—May 7-11, 2012; National Teacher Day—May 8, 2012
- Retiring employees will be honored at a dinner with the School Board on Thursday, May 17, 6 p.m., at Doubletree by Hilton.

IV. CONSENT ITEMS (Tab 1)

- A. Approval of minutes of the regularly scheduled board meeting of March 27, 2012, and the Special Board Meeting of April 10, 2012
- B. Approval of the Family Resource Center Advisory Board
- C. Approval of School Fees
- D. Approval of Board Policies – Second Reading

IS 9—Field Trips (*Revised—Complete Rewrite*)

SS 9—Child Nutrition Management (*Revised*)

IS 20—TCAP Security (*Revised—Complete Rewrite*)

PER 5—Equal Opportunity Employment (*Revised*)

PER 6—Staff Rights and Responsibilities (*Revised*)

PER 8—Credit for Teaching Experience

PER 23—Employee Names and Addresses (*Revised*)

PER 24—Substitute Teachers (*Revised*)

PER 27—Tennessee Consolidated Retirement System (*Revised*)

PER 32—Drug-Free Workplace (*Revised*)

PER 35—Discrimination/Harassment of Employees (*Revised*)
PER 41—Non-Renewal of Non-Tenured Employees (*Revised*)

V. ACTION ITEMS

- A. Approval of the FY'12 General Purpose, Cafeteria and ESP Budgets
- B. Approval of Board Policies – First Reading (Tab 2)

VI. REPORTS/INFORMATION

- A. Personnel Update (Tab 3)
 - 1. New Hires, Leaves of Absence, Interim Teachers Hired, Licensed Personnel
 - 2. Classified Personnel Hired
- B. Monthly Revenue and Expenditure Report (Tab 4)
- C. Attendance Report (Tab 5)

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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