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To: School Board Members
From: Misty Shelton
Date: July 2021

1st Reading:

Policy 1.8011 - Emergency Closings

Public Chapter 384 prevents local governmental entities from designating certain employees as essential. At the beginning of the pandemic, TSBA updated model policy to align with the need to allow some employees to be physically present in the building while others worked from home, resulting in some employees being designated as essential. Based on this new law, however, they have removed the language regarding essential employees.

Policy 3.205 - Security

Districts must now include cybersecurity in their safety plans. This will be included in the state-level template and districts are tasked with identifying how to keep these networks and technologies safe from cyberattacks and other cybersecurity threats and incidents. TSBA has updated their model policy to include a provision on this topic.

Policy 3.211 - New Project Planning

The State Board of Education revised its regulation on plans for new facilities. These plans are no longer required to be submitted to the Commissioner of Education for approval. TSBA has removed language on this requirement from their model policy.

Policy 3.220 - Access to Private Facilities

Public Chapter 452 allows students and employees to request reasonable accommodations if greater privacy is desired in a multi-occupancy restroom, changing facilities, or sleeping quarters when attending a school-sponsored activity. This new law also makes it possible for students and employees to pursue a legal action against the school district if: (1) they enter a bathroom or changing facility; (2) they encounter a member of the opposite sex; and (3) the school district intentionally allowed that member of the opposite sex to enter the facility while others were present. While this policy is not required by law, having a policy in place on this topic is one way that the district can attempt to address this matter. TSBA has created a model policy that aligns with this new law.

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Policy 4.101 - Instructional Standards
Several recent changes to state law impact the materials and content that can be included in classroom instruction. TSBA has created this new model policy to align with these updated state laws. Adopting this policy is not required by state law, however, doing so would allow the Board to show compliance with the new standards.

Policy 4.204 - Summer Instructional Programs
Several changes were made during the Special Legislative Session that impacted summer programming. TSBA has updated this model policy to include the additional summer programs that will be offered to students. Certain factors, as outlined in this new state law, determine student eligibility for these programs. Boards have the discretion when determining whether to require the attendance of priority students in summer instructional programming. If the Board chooses to require the attendance of priority students, this information must be included in policy.

Policy 4.205 - Enrollment in Advanced Courses
Boards are now required to adopt a policy detailing how students can enroll in advanced courses. This policy must list objective enrollment criteria including TCAP scores and grades. TSBA has updated policy 4.205 to align with this change to state law, and recommend that Boards include the criteria of those courses offered by the district.

Policy 4.213 - Family Life Education
State law now requires that all Boards adopt a policy on family life curriculum. Previously, only districts in counties with higher teen pregnancy rates had to comply with this requirement.

Policy 4.301 - Interscholastic Athletics
Two new laws change the requirements for student athletics. Public Chapter 40 requires Boards to adopt a policy that ensures student athlete compliance with new standards for participation in sports. This new requirement only permits members of one biological sex to compete on sex segregated athletic teams.
Additionally, Public Chapter 272 includes new requirements for coaches and the safety of student athletes. In particular, coaches must now adhere to locally developed codes of conduct and undergo training on severe weather and other safety protocols. TSBA has revised this policy to align with these new legal requirements.

Policy 4.605 - Graduation Requirements
The number of credits required to graduate early under the Move On When Ready Act has been reduced to seventeen. Previously, this requirement was set at eighteen. As a result, TSBA updated their model policy to reflect this change.

Policy 4.700 - Testing Programs
Districts must now provide students with information on available career and technical education opportunities after aptitude assessments are administered. TSBA has updated their model policy to reflect this requirement.

Policy 5.106 - Application and Employment & Policy 5.802 - Qualifications and Duties of the Director of Schools
Public Chapter 211 allows the Director of Schools to hire individuals with a teaching permit if a teacher with a valid license is not available. TSBA has updated their model policy 5.106 to clarify

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that this is an option. This legal change also impacts policy 5.802 as the Director of Schools would be required to report potential misconduct by these individuals to the State Board of Education in the same manner that is done for licensed teachers.

Policy 5.117 - Teacher Tenure

Due to the cancellation of TNReady tests during the pandemic, there are no teacher evaluation scores from the 2019-2020 school year. Public Chapter 2 from the Special Legislative Session clarifies that the two most recent evaluation scores can be used when determining tenure.

Additionally, Public Chapter 378 changes the requirements for providing notice of nonrenewal to teachers. This notice must now be sent to teachers by certified mail, overnight carrier, or email so that it will be received within five business days following the last instructional day. The model policy has been updated to align with both of these legal changes.

Policy 5.200 - Separation Practices for Tenured Teachers

Previously, state law gave the Commissioner of Education the authority to suspend a teacher's license if he/she broke a contract with a local board of education. Under this new change to state law, this authority now rests with the State Board of Education. TSBA has updated this policy to reflect that change.

Policy 5.201 Separation Practices for Non-Tenured Teachers

TSBA has also updated model policy 5.201 based on the previously mentioned changes: (1) to the way that notice of nonrenewal is provided to teachers; and (2) the fact that the authority for suspending a license now rests with the State Board of Education.

Policy 6.200 - Attendance

Public Chapter 223 changes the tiers of the progressive truancy plan. Under this new law, Tier I applies to all students. Policy has been updated to reflect these changes.

Policy 6.202 - Home Schools

In order to conduct a home school, parents must meet certain criteria. Previously, this included having a high school diploma or a GED. A change to state law, however, now includes parents with High School Equivalency Test (HiSET) in this category. This updated model policy includes this additional qualification option.

Policy 6.319 - Alternative Education

Public Chapter 229 creates another exception regarding assignment to an alternative school or program. Now, a Director of Schools is not required to assign a student to the alternative school or program if: (1) the student committed an offense of violence or threatened violence or an offense that threatened the safety of other students in the school; and (2) the location of the alternative school or program is on the same grounds from which the student was disciplined. TSBA has updated the model policy to include this exception.

Policy 6.402 - Physical Examinations and Immunizations

State law now includes an additional vaccine exemption. If in the future any COVID-19 or variant vaccine is required for students, an exemption will be granted for individuals whose religious tenets and practices conflict with vaccination. TSBA has updated their model policy to include this additional exemption.

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Up for deletion:
6.318- Admission of Suspended or Expelled Student- due to the 6.203 wording "No student shall be granted entrance under disciplinary action from another system."

Informational Items

TSBA wanted to send out the below items for informational purposes. While these items do not necessarily require any policy changes, they want you to be aware of the new legal requirements and how they may impact board policy and operations.

Public Chapter 96

This law clarifies that boards of education have the sole authority to open or close schools unless the Governor issues an executive order or a local health board or other public official issues an order to the contrary.

View Public Chapter 96 by clicking here.

Public Chapter 116

Under this new law, students participating in 4-H activities must be counted as present. In general, this information is not something Boards typically cover in policy. This change would impact attendance supervisors and administrative procedures on the topic.

View Public Chapter 116 by clicking here.

Public Chapter 134

This Public Chapter clarifies, among other things, when isolation and restraint can be used for special education students. Specifically, it mentions that use of a seat belt or a restraint for medical protection is not prohibited under state law.

View Public Chapter 134 by clicking here.

Public Chapter 161

This legislation allows school personnel to provide information on suspected child abuse or child sexual abuse to the child's parent/guardian: (1) when required by federal law or regulation; (2) when the parent/guardian is not considered the alleged perpetrator or in any way complicit; and (3) the notification is done in conjunction with the Department of Children's Services.

View Public Chapter 161 by clicking here.

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Public Chapter 169

A recent change to state law establishes that out-of-state immunization records are sufficient proof when enrolling students with parents serving in the military. This legislation was filed to address concerns regarding military parents being required to go through extra steps to establish sufficient proof of immunization records for their children. The new law clarifies that these records are sufficient.

View Public Chapter 169 by clicking here.

Public Chapter 180

Under this new law, a total of thirteen stockpile days can accumulate per year. These days can be used during a pandemic without the need for approval from the Commissioner of Education.

View Public Chapter 180 by clicking here.

Public Chapter 281

If a district plans to provide instruction on sexual orientation or gender identity, parents must be given thirty days notice. Please be aware of this new law if this type of instruction is something your district is planning on implementing.

View Public Chapter 281 by clicking here.

Public Chapter 341

Public Chapter 341 requires all textbooks and instructional materials adopted by the Board to be available on the district's website for public inspection. This law also requires textbook publishers to provide districts with online access to these materials.

View Public Chapter 341 by clicking here.

Public Chapter 472

This new law eases restrictions on conflicts of interest for districts operating under the County Financial Management Act of 1981. Previously, no indirect conflicts of interest were allowed. Because of this change, however, indirect conflicts are permissible if they are acknowledged. We are working on an update to several policies on ethics and will be sending these model policies out separately.

View Public Chapter 472 by clicking here.

Public Chapter 479

This law goes into effect for the 2022-2023 school year and impacts open enrollment. We are working on updating our model policies on this topic and will be sending them out separately.

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View Public Chapter 479 by clicking here.

Public Chapter 519

Under this new law, Boards are required to post a list of all courses offered online along with a list of materials that will be used. This law goes into effect on July 1, 2022.

View Public Chapter 519 by clicking here.

Up for review:
Will start the 3rd two year review in August.

Thank you in advance for your careful consideration of these policies.

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