**Hickman County Schools**

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**Administration of Federal Education Programs**

**Aligned with the Requirements of the**

**New Uniform Grants Guidance**

(updated July 1, 2024)

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1. Introduction

This manual sets forth the policies and procedures used by Hickman County Schools to administer federal funds. The manual contains the internal controls and grant management standards used by the District to ensure that all federal funds are lawfully expended. It describes in detail the District’s financial management system, including cash management procedures, procurement policies, inventory management protocols, procedures for determining the allowability of expenditures, time and effort reporting, record retention, and subrecipient monitoring responsibilities.

New employees of the District, as well as incumbent employees, are expected to review this manual to gain familiarity and understanding of the District’s rules and practices. If you have any questions regarding the administration of federal education grants, including questions related to specific federal grant programs, please do not hesitate to contact the applicable program office at the Tennessee Department of Education (TDOE).

II. Financial Management System

The District maintains a proper financial management system in order to receive both direct and state-administered grants and to expend funds associated with a grant award. Certain fiscal controls and procedures must be in place to ensure that all financial management system requirements are met. Failure to meet a requirement may result in return of funds or termination of the award.

Hickman County operates under the County Financial Management System of 1981 Act (T.C.A. 5-21-101 thru 5-21-129) which provides for the consolidation of financial functions and the establishment of a financial management system for all county funds handled by the county trustee. Under this system, a finance department is created to administer the finances of the county for all funds handled by the trustee. This program includes the management of school funds, just like all other county funds.

1. Financial Management Standards

The standards for financial management systems are found at 2 C.F.R. § 200.302. The required standards include:

**Identification**

The District must identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and if applicable, name of the pass-through entity.

The District follows the State of Tennessee County Uniform Chart of Accounts ([www.comptroller.tn.gov/la/LGSlocalGovernment.asp](http://www.comptroller.tn.gov/la/LGSlocalGovernment.asp)) to identify all federal awards received and expended. County Finance uses Local Government Data Processing software to track awards. Each grant is either tracked in its own subfund or by using a cost center. ePlan contains the CFDA title and number, program name, etc. for each federal program received. All expenditures for grants are appropriately coded using one of the above methods. The revenue reimbursement is also coded appropriately for tracking purposes.

**Financial Reporting**

Accurate, current, and complete disclosure of the financial results of each federal award or program must be made in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR).

The District follows the U.S. Department of Education General Administrative Regulations (EDGAR) and the State of Tennessee reporting requirements for federal grants as well as all reporting required by the State of Tennessee, including ePlan.

See Appendix - Board Policy 2.701--Financial Reports and Records

**Accounting Records**

The District must maintain records which adequately identify the source and application of funds provided for federally-assisted activities. These records must contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

Board Policy 2.701 states that all financial records shall be maintained as required by regulation and applicable state and federal law.

**Internal Controls**

Effective control and accountability must be maintained for all funds, real and personal property, and other assets. The District must adequately safeguard all such property and must assure that it is used solely for authorized purposes.

“Internal controls” are tools to help program and financial managers achieve results and safeguard the integrity of their program. Internal controls should be designed to provide reasonable assurance that the following objectives are achieved:

* Effectiveness and efficiency of operations;
* Adequate safeguarding of property;
* Assurance property and money is spent in accordance with grant program and to further the selected objectives; and
* Compliance with applicable laws and regulations

The District adheres to the internal controls inherent within the accounting procedures as established by the State of Tennessee for all districts. The District follow GASB and FASB regulations relative to accounting processes and reporting.

The Board supports the establishment and effectiveness of district internal controls as indicated in Board Policy 2.100 - Fiscal Management Goals through efficient procedures for accounting, reporting, purchasing and delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.

**Budget Control**

Actual expenditures or outlays must be compared with budgeted amounts for each federal award.

See Appendix B, Board Policy 2.800 and Expenditure of Funds Board Policy 2.400 Revenues which require that the Director of Schools implement federal grant expenditure and cash management procedures that comply with all federal laws and regulations.

The District continually monitors expenditures relative to federal allocation. The accounting system and procedures in place do not allow for overspending of budget allocation within the system. Policy 2.800 mandates that employees of this system will not create or authorize creation of a deficit in any fund. Expenditures or encumbrances will not be authorized, made or incurred in excess of any fund.

**Cash Management**

The District must maintain written procedures to implement the cash management requirements found in EDGAR.

See Appendix B, Board Policy 2.800--Expenditure of Funds and Board Policy 2.400--Revenues which provides guidance on federal grant expenditure and cash management procedures.

The District’s federal grants are reimbursable grants. Requisition, followed by encumbering of dollars, followed by a payment of the invoice must be done prior to requesting reimbursement for grant expenditures. No district fund may be in the negative. Federal programs are continually monitored to assure positive cash flow.

**Allowable Costs**

The District must maintain written procedures for determining allowability of costs in accordance with EDGAR.

See Appendix B, Board Policy 2.805--Purchasing and Board Policy 2.400--Revenues addressing purchasing with federal grant funds and require that before grant funds are obligated or expended, the Director of Schools or his designee shall review the cost of a proposed expenditure and determine if it is an allowable use of federal grant funds.

B. Overview of the Financial Management/Accounting System

Hickman County uses Local Government Data Processing Corporation Software, which was designed by the State of Tennessee. The system handles general ledger accounting, payroll, and purchasing. The new budget is able to be loaded into the software once the prior fiscal year has been closed. Budgets are manually keyed into the software and must match the spreadsheet approved by the State and local Boards of Education. Each federal grant/award is tracked as a separate sub-fund in the software. The sub-funds identify the name of the federal award/grant. The Finance Office is responsible for the financial management, payroll and accounts payable for all county funds, including federal awards/grants. An asset inventory listing is prepared by the Federal programs office annually. The Business Officer will independently audit a random sample of classrooms to verify the inventory listing provided by Federal programs.

The Finance Office will compile timely and accurate financial reports. Reports are reviewed and approved by the federal programs supervisor, business officer, and Director of Schools. The reports are prepared and submitted as specified by the financial reporting clause of each grant or contract award document. These reports include monthly and cumulative expenditures, project budgets, and a balance remaining column.

C. Budgeting

ePlan is the State’s online planning and grants management system for LEAs. District personnel will use ePlan to submit and revise district plan, apply for federal funding to support plans, request reimbursements and report expenditures, process budget amendments and program revisions when needed and produce summative reports for oversight and review. Budget functionality through ePlan is available for all state and federal grants.

**The Planning Phase: Meetings and Discussions**

Before Receiving the Grant Award Letter:

Discussions are held between the Director of Schools, Department Supervisors, Building Principals, the Business Officer and any others affected by grants to determine funding needs and priorities based on district goals. Early decisions for the budget are based on the prior year’s award. Decisions are made based on needs assessments done each fall and through monitoring of changes in needs throughout the fiscal year. The district as well as the individual schools complete an annual needs assessment on ePlan. Before budget requests for new resources are considered, current and existing resources are reviewed to determine the specific needs for the upcoming fiscal year. The time frame for the federal budget process begins in the late fall preceding upcoming fiscal year and continues through spring. In the case of new awards granted throughout the fiscal year, the process is expedited based on needs, availability of funds, and amount of funds.

Reviewing and Approving the Budget:

By early spring, the federal programs office and the Director of Schools or designee review the items in the budget to ensure allowability and then forward to the Business Officer. If the Business Officer determines that a cost is not allowable, then the budget will be sent back to the District’s department head and the Director of School or designee for revisions.

Once the Business Officer determines that all budgeted items are allowable, the budget is sent to the Tennessee Department of Education for final review and approval. Generally, the budget receives final approval by July 1st.

Once the budget is approved by the State, it is submitted for approval to the local Board of Education and then entered into the local accounting software.

**After receiving the grant award letter**

Upon receipt of the grant award letter, the federal program department head will meet with the Director of Schools, Business Officer and/or Finance Office to discuss adjustments that need to occur. If the amount is changed (increased or decreased), then a meeting is held to determine the best use of the funds awarded.

**Amending the Budget**

A revision is made on ePlan by program department heads for federal budgets. The revision must be approved by the Business Officer, the state and the district’s LEA authorized representative via the ePlan system. Only then should funds be available to spend. Federal amendments are then presented to the Board of Education for approval.

General purpose budget amendments must be approved by the Director of Schools and the County Finance Director. General purpose amendments are then presented to the Board of Education for approval and then to the County Commission for final approval in accordance with Board Policy 2.201--Line Item Transfers (see appendix B).

**Budget Control**

The District monitors its financial performance by comparing and analyzing actual results with budgeted results. Monthly financial statements are prepared that compare actual expenditures to budgeted expenditures. These reports are provided by the Finance Department to each department head responsible for the federal award/grant. Reports are generated more often if requested by the department head. If the Finance Department determines that a significant difference exists between reporting cycles, the Finance Department will contact the appropriate department head for immediate action, including but not limited to a budget amendment or a cancellation of a purchase.

D. Accounting Records

The Hickman County Department of Finance is responsible for maintaining the accounting records for the entire county. The Department of Finance prepares financial statements in conformity with generally accepted accounting principles (GAAP), and audited in accordance with generally accepted auditing standards by the State of Tennessee’s Comptroller of the Treasury, Division of Local Government Audit, or by independent public accountants within six months of the close of each fiscal year. As required by the State of Tennessee’s Comptroller of the Treasury, the Department of Finance follows the County Uniform Chart of Accounts, which is available on the Comptroller’s website.

E. Spending Grant Funds

The process to determine what items (i.e., goods and services) should be included in the budget is first and foremost, needs based. District staff and school staff make decisions on specific items to be included based on current assessment of student and staff needs. While developing and reviewing the grant budget, district and county finance staff should keep in mind the difference between direct costs and indirect costs as outlined below.

**Direct and Indirect Costs Defined**

Determining Whether a Cost is Direct or Indirect: Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. 2 C.F.R. 200.413(a). Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. 2 C.F.R. 200.56. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs. 2 C.F.R. 200.413(b).

Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing from indirect costs of Federal awards. Typical costs charged directly to a Federal award are the compensation of employees who work on that aard, their related fringe benefit costs, the costs of materials and other items of expense incurred for the Federal award. The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

* Administrative or clerical services are integral to a project or activity;
* Individuals involved can be specifically identified with the project or activity;
* Such costs are explicitly included in the budget or have the prior written approval of the federal awarding agency;
* The costs are not also recovered as indirect costs. 2 C.F.R. 200.413(c).

Indirect Cost Rate: The Tennessee Department of Education approves indirect cost rates for one year. The regional fiscal consultant assigned by the State Department of Education calculates the indirect cost rate annually.

<http://www.state.tn.us/education/districts/finance/loc_fin_indirect_cost_manual.pdf>

Applying the Indirect Cost Rate: Once the District has an approved indirect cost rate, the percentage is multiplied against the actual direct costs (excluding distorting items such as equipment, contracts in excess of $25,000, pass-through funds, etc.) incurred under a particular grant to produce the dollar amount of indirect costs allowable to that award. 34 C.F.R. 75.564

34 C.F.R. 76.569 Once the District applies the approved rate, the funds that may be claimed for indirect costs have no federal accountability and may be used as if they were non-federal funds. For Direct Grants, reimbursement of indirect costs is subject to the availability of funds and statutory or administrative restrictions. 34 C.F.R. 75.564

Where a federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap must include all direct administrative charges as well as any recovered indirect charges.

**Determining Allowability of Costs**

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval from the state.

When determining how the District will spend its grant funds the supervisors of IDEA, Federal Programs, PreK, Food Services, CTE and the Business Officer will review the proposed cost to determine whether it is an allowable use of federal grant funds before obligating and spending those funds on the proposed good or service. All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 C.F.R. 200.403, which are provided in the bulleted list below. These supervisors must consider these factors when making an allowability determination.

* **Be necessary and reasonable for the performance of the federal award.** District staff must consider these elements when determining the reasonableness of a cost. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were compared to market prices.

When determining reasonableness of a cost, consideration must be given to:

* Whether the cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the federal award.
* The restraints or requirements imposed by factors, such as: sound business practices; arm’s length bargaining; federal, state, and other laws and regulations; and terms and conditions of the federal award.
* Market prices for comparable goods or services for the geographic area.
* Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students, the public at large, and the federal government.
* Whether the District significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award’s cost. 2 C.F.R. 200.404

While 2 C.F.R. 200.404 does not provide specific descriptions of what satisfies the “necessary” element beyond its inclusion in the reasonableness analysis above, necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the district can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to:

* Whether the cost is needed for the proper and efficient performance of the grant program.
* Whether the cost is identified in the approved budget or application.
* Whether there is an educational benefit associated with the cost.
* Whether the cost aligns with identified needs based on results and findings from a needs assessment.
* Whether the cost addresses program goals and objectives and is based on program data.
* **Allocable to the federal award.** A cost is allocable to the federal award if the goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds charged to the program. 2 C.F.R. 200.405. For example, if 50% of a teacher’s salary is paid with grant funds, then that teacher must spend at least 50% of his or her time on the grant program.
* **Consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the District.**
* **Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the federal award.**
* **Consistent treatment.** A cost cannot be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
* **Adequately documented.** All expenditures must be properly documented.
* **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in Part 200.**
* **Not included as a match or cost-share, unless the specific federal program authorizes federal costs to be treated as such.** Some federal program statutes require the non-federal entity to contribute a certain amount of non-federal resources to be eligible for the federal program.
* **Be the net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are: purchase discounts, rebates or allowances, recoveries or indemnities on losses, and adjustments or overpayments or erroneous charges. To the extent that such credits accruing to or received by the state relate to the federal award, they shall be credited to the federal award, either as a cost reduction or a cash refund, as appropriate. 2 C.F.R. 200.406

Following IRS guidelines, benefits like miles, hotel points, etc., which are not considered credits, are treated as de minimis fringe benefits.

Part 200’s cost guidelines must be considered when federal grant funds are expended. As provided above, federal rules require state and District-level requirements and policies regarding expenditures to be followed as well. For example, state and/or District policies relating to travel or equipment may be narrower than the federal rules, and the stricter State and/or District policies must be followed. Further, certain types of incentives are allowable under federal law, but are not allowable under state law.

**Selected Items of Cost**

Part 200 examines the allowability of 55 specific cost items (commonly referred to as Selected Items of Cost) at 2 C.F.R. 200.420-200.475. These cost items are listed in the chart below along with the citation where it is discussed whether the item is allowable. Please do not assume that an item is allowable because it is specifically listed in the regulation as it may be unallowable despite its inclusion in the selected items of cost section. The expenditure may be unallowable for a number of reasons, including: the express language of the regulation states the item is unallowable; the terms and conditions of the grant deem the item unallowable; or State/local restrictions dictate that the item is unallowable. The items may also be unallowable because it does not met one of the cost principles, such as being reasonable because it is considered too expensive. If an item is unallowable for any of these reasons, federal funds cannot be used to purchase it.

District personnel responsible for spending federal grant funds and for determining allowability must be familiar with the Part 200 selected items of cost section. The District must follow these rules when charging these specific expenditures to a federal grant. When applicable, District staff must check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules may deem a cost as unallowable and District personnel must follow those non-federal rules as well.

The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

**Item of Cost Citation of Allowability Rule**

Advertising and public relations cost 2 C.F.R. § 200.421

Advisory Councils 2 C.F.R. § 200.422

Alcoholic Beverages 2 C.F.R. § 200.423

Alumni/ae activities 2 C.F.R. § 200.424

Audit services 2 C.F.R. § 200.425

Bad debts 2 C.F.R. § 200.426

Bonding costs 2 C.F.R. § 200.427

Collection of improper payments 2 C.F.R. § 200.428

Commencement and convocation costs 2 C.F.R. § 200.429

Compensation--personal services 2 C.F.R. § 200.430

Compensation--fringe benefits 2 C.F.R. § 200.431

Conferences 2 C.F.R. § 200.432

Contingency provisions 2 C.F.R. § 200.433

Contributions and donations 2 C.F.R. § 200.434

Defense and prosecution of criminal and civil proceedings 2 C.F.R. § 200.435

Claims, appeals, and patent infringements

Depreciation 2 C.F.R. § 200.436

Employee health and welfare costs 2 C.F.R. § 200.437

Entertainment costs 2 C.F.R. § 200.438

Equipment and other capital expenditures 2 C.F.R. § 200.439

Exchange rates 2 C.F.R. § 200.440

Fines, penalties, damages and other settlements 2 C.F.R. § 200.441

Fundraising and investment management costs 2 C.F.R. § 200.442

Gains and losses on disposition of depreciable assets 2 C.F.R. § 200.443

General costs of government 2 C.F.R. § 200.444

Goods and services for personal use 2 C.F.R. § 200.445

Idle facilities and idle capacity 2 C.F.R. § 200.446

Insurance and indemnification 2 C.F.R. § 200.447

Intellectual property 2 C.F.R. § 200.448

Interest 2 C.F.R. § 200.449

Lobbying 2 C.F.R. § 200.450

Losses on other awards or contracts 2 C.F.R. § 200.451

Maintenance and repair costs 2 C.F.R. § 200.452

Materials and supplies costs, including costs of computing 2 C.F.R. § 200.453

Devices

Memberships, subscriptions, and professional activity cost 2 C.F.R. § 200.454

Organization costs 2 C.F.R. § 200.455

Participant support costs 2 C.F.R. § 200.456

Plant and security costs 2 C.F.R. § 200.457

Pre-award costs 2 C.F.R. § 200.458

Professional services costs 2 C.F.R. § 200.459

Proposal costs 2 C.F.R. § 200.460

Publication and printing costs 2 C.F.R. § 200.461

Rearrangement and reconversion costs 2 C.F.R. § 200.462

Recruiting costs 2 C.F.R. § 200.463

Relocation costs of employees 2 C.F.R. § 200.464

Rental costs of real property and equipment 2 C.F.R. § 200.465

Scholarships and student aid costs 2 C.F.R. § 200.466

Selling and marketing costs 2 C.F.R. § 200.467

Specialized service facilities 2 C.F.R. § 200.468

Student activity costs 2 C.F.R. § 200.469

Taxes (including value added tax) 2 C.F.R. § 200.470

Termination costs 2 C.F.R. § 200.471

Training and education costs 2 C.F.R. § 200.472

Transportation costs 2 C.F.R. § 200.473

Travel costs 2 C.F.R. § 200.474

Trustees 2 C.F.R. § 200.475

Likewise, it is possible for the State and/or District to put additional requirements on a specific item of cost. Under such circumstances, the stricter requirements must be met for a cost to be allowable. Accordingly, employees must consult federal, State, and District requirements when spending federal funds. For example, often the State’s travel rules are more restrictive than federal rules, which means the State’s policies must be followed.

In order for a cost to be allowable, the expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, non-regulatory guidance and grant award notifications.

The State and/or District rules related to some specific cost items are listed in the policies below and their corresponding procedures. District employees must be aware of these State and District rules and ensure they are complying with these requirements.

Board Policy 2.703--Audits

Board Policy 2.600--Bonded Employees

Board Policy 2.601--Fundraising Activities

Board Policy 5.110--Compensation Guides and Contracts

Board Policy 2.401--Gifts and Bequests

Board Policy 3.600--Insurance Management

Board Policy 6.709--Student Fees and Fines

Board Policy 2.402--Investment Earnings

Board Policy 3.402--Special Use of School Vehicles

Board Policy 2.804--Expenses and Reimbursements

Board Policy 6.708--Awards and Scholarships

Board Policy 2.900--Student Activity Funds Management

All policies for the Hickman County School System can be found at [www.hickmank12.org](http://www.hickmank12.org).

TN State Board of Education Rules and Regulations--[http://www.tn.gov/sbe/rul\_reg.shtml](https://www.tn.gov/sbe/rules--policies-and-guidance/rules.html)

TN State Board of Education Policies, Standards, and Guidelines--[http://www.tn.gov/sbe/policies.shtml](http://www.tn.gov/content/tn/sbe/rules--policies-and-guidance/pending-rules-and-policies.html)

**Frequent Types of Costs**

**Travel:** Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of a grant recipient. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the recipient’s non-federally funded activities and in accordance with the recipient’s written travel reimbursement policies. 2 C.F.R. § 200.474(a).

Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the District in its regular operations as the result of its written travel policy. In addition, if these costs are charged directly to the federal award, documentation must be maintained that justifies that 1) participation of the individual is necessary to the federal award, and 2) the costs are reasonable and consistent with the District’s established policy. 2 C.F.R. § 200.474(b).

All school system related employee travel must have advance authorization from the director of schools as outlined in board policy 2.804. The “Trave Request Authorization Form” must be submitted to the central office and approved prior to the travel event. Failure to receive prior approval will forfeit the reimbursement of travel related expenses.

School personnel who incur expenses in carrying out their authorized duties will be reimbursed upon submission of an approved voucher and supporting receipts.

Per Board Policy 2.804--Expenses and Reimbursements:

**Helpful Questions for Determining Whether a Cost is Allowable**

In addition to the cost principles and standards described above, the Director of Schools, the IDEA, Federal Programs, Pre-K, Food Services, and CTE departments can refer to this section for a useful framework when performing an allowability analysis. In order to determine whether federal funds may be used to purchase a specific cost, it is helpful to ask the following questions:

* Is the proposed cost allowable under the relevant program?
* Is the proposed cost consistent with an approved program plan and budget?
* Is the proposed cost consistent with program specific fiscal rules?
  + For example, the District may be required to use federal funds only to supplement the amount of funds available from non federal sources.
* Is the proposed cost consistent with EDGAR?
* Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?

As a practical matter, the Director of Schools or the IDEA, Federal Programs, Pre-K, Food Services, and CTE departments should also consider whether the proposed cost is consistent with the underlying needs of the program. For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of ESEA governing language instruction programs for LEP students must only be spent on LEP students and cannot be used to benefit non-LEP students.

In addition, funds should be targeted to address areas of weakness, as necessary. To make this determination, the Director of Schools or designee should review data when making purchases to ensure that federal funds to meet these areas of concern.

F. Federal Cash Management Policy/Procedures

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 C.F.R. Part 205. Generally, the District receives payment from the TDOE on a reimbursement basis. 2 C.F.R. § 200.305. However, if the District receives an advance in federal grant funds, the District will remit interest earned on the advanced payment quarterly to the federal agency. The District may retain interest amounts up to $500 per year for administrative expenses. 2 C.F.R. § 200.305(b)(9).

According to guidance from the U.S. Department of Education (ED), when calculation the interest earned on ED grant funds, in any situation where the State draws from the G5 system in advance of the District using non-federal funds to pay vendors and/or employees, the only events and dates that are relevant are: 1) the date on which the federal grant funds are drawn down by the State; and 2) the date on which those funds are disbursed by the District. Any interest earned on those funds while on-deposit in the District’s bank account after drawdown and before disbursal must be included in the interest earned calculation.

**Payment Methods**

**Reimbursements:**

All reimbursements for **non-payroll expenditures** are based on actual disbursements, not on obligations. Payroll-related reimbursements may be requested in advance and trued up on the next reimbursement, when deemed necessary for cash flow issues.

The District may initially charge federal grant expenditures to non-federal funds.

The District Business Officer or Federal Programs Department Head will request reimbursement for actual expenditures incurred under the federal grants at least monthly. Reimbursement requests will be submitted via ePlan. All reimbursements are based on actual disbursements, not on obligations for non-payroll items.

Reimbursement requests must be within an approved budgeted line-item, and cannot exceed 10% of the total amount budgeted.

Consistent with state and federal requirements, and Hickman County policies, the District will maintain source documentation supporting the federal expenditures, including requisitions, purchase orders, invoices, time sheets, contracts, etc., and will make such documentation available for the TDOE review upon request.

Reimbursements of actual expenditures do not require interest calculations.

Advances: To the extent the District receives advance payments of federal grant funds, the District will strive to expend the federal funds on allowable expenditures within 72 hours of receipt. The District will hold federal advance payments in interest-bearing accounts, unless an allowable exception applies. The District will calculate interest on cash balances after 72 hours of receipt of advance payments.

Interest will be calculated quarterly. Total federal grant cash balances will be calculated on cash balances per grant and applying the District’s actual/average interest rate. The District may retain up to $500 of interest earned per year. Within 30 days of the end of the quarter, the District will remit interest earned on U.S. Department of Education grants in excess of $500 to Department of Health and Human Services Payment Management System, Rockville, MD 20852.

G. Timely Obligation of Funds

Board Policy 2.400--Revenues and Board Policy 2.805--Purchasing call for the Director of Schools to minimize the time that elapses between the transfer and disbursement of funds once an expenditure has been approved.

**When Obligations are Made**

Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-federal entity during the same or a future period. 34 C.F.R. § 200.71

The following table illustrates when funds are determined to be obligated under federal regulations:

|  |  |
| --- | --- |
| **If the obligation is for:** | **The obligation is made:** |
| Acquisition of property | On the date which the District makes a binding written commitment to acquire the property |
| Personal services by an employee of the District | When the services are performed |
| Personal services by a contractor who is not an employee of the District | On the date which the District makes a binding written communication to obtain the services |
| Public utility services | When the District receives the services |
| Travel | When the travel is taken |
| Rental of property | When the District uses the property |
| A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. part 200, Subpart E-Cost Principles. | On the first day of the project period. |

34 C.F.R. § 75.707; 34 C.F.R. § 76.707

**Period of Availability of Federal Funds**

All obligations must occur on or between the beginning and ending dates of the grant project. 34 C.F.R. § 76.707. This period of time is known as the period of availability. The period of availability is dictated by statute and will be indicated in the grant award letter. Further, certain grants have specific requirements for carryover funds that must be adhered to.

State-Administered Grants: As a general rule, state-administered federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many federal education grants, the period of availability is 27 months. Federal education grant funds are typically awarded on July 1 of each year. While the District will always plan to spend all current grant funds within the year the grant was appropriated for, the period of obligation for any grant that is covered by the “Tydings Amendment” is 27 months, extending from July 1 of the fiscal year for which the funds were appropriated through September 30 of the second following fiscal year. This maximum period includes a 15-month period of initial availability, plus a 12-month period for carryover. 34 C.F.R. § 76.709. For example, funds awarded on July 1, 2015 would remain available for obligation through September 30, 2017.

Direct Grants: In general, the period of availability for funds authorized under direct grants is identified in the grant award letter.

For both state-administered and direct grants, regardless of the period of availability, the District must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period unless an extension is authorized. 2 C.F.R. § 200.343(b). Any funds not obligated within the period of availability or liquidated within the appropriate time frame are said to lapse and must be returned to the awarding agency. 2 C.F.R. § 200.343(d). Consequently, the District closely monitors grant spending throughout the grant cycle.

**Carryover**

State-Administered Grants: As described above, the Tydings Amendment extends the period of availability for applicable state-administered program funds. Essentially, it permits recipients to “carryover” any funds left over at the end of the initial 15 month period into the next year. These leftover funds are typically referred to as carryover funds and continue to be available for obligation for an additional 12 months. 34 C.F.R. § 76.709. Accordingly, the District may have multiple years of grant funds available under the same program at the same time.

The District Final Expenditure Report (FER) is reconciled and submitted to TDOE via ePlan. Any carryover funds are automatically transferred to the current grant application to be budgeted prior to expending. For programs with carryover limitations (i.e. ESEA Title I, Title III) a carryover waiver request letter will be submitted to TDOE when the carryover exceeds the cap.

Direct Grants: Grantees receiving direct federal grants are not covered by the 12 month Tydings period, i.e. ESEA-Title VI, SRSA. However, under 2 C.F.R. § 200.308, direct grantees enjoy unique authority to expand the period of availability of federal funds. The District is authorized to extend a direct grant automatically for one 12-month period. Prior approval is not required in these circumstances; however, in order to obtain this extension, the District must provide written notice to the federal awarding agency at least 10 calendar days before the end of the period of performance specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances.

The District will seek prior approval from the federal agency when the extension will not be contrary to federal statute, regulation or grant conditions and:

* The terms and conditions of the Federal award prohibit the extension;
* The extension requires additional Federal Funds; or
* The extension involves any change in the approved objectives or scope of the project. 2 C.F.R. § 200.308 (d)(2).

The district will provide written notice to the federal awarding agency at least 10 calendar days before the end of the period of performance specified in the award. The Director of Schools, Federal Programs Department Head, and Finance Office will make this decision, with the Director of Schools making the final approval. Specific details per the awarding agency will be provided in a written notice from the Grant Program Department Head.

H. Program Income

Definition:

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the federal award during the grant’s period of performance. 2 C.F.R. § 200.80.

Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal award funds. Interest earned on advances of federal funds is not program income. Except as otherwise provided in federal statutes, regulations, or the terms and conditions of the federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. 2 C.F.R. § 200.80. Additionally, taxes, special assessments, levies, fines, and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the federal award or federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment, or supplies are not program income. 2 C.F.R. § 200.307.

Use of Program Income

The default method for the use of program income for the District is the deduction method. 2 C.F.R. § 200.307(e). Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the federal awarding agency or pass-through entity. 2 C.F.R. § 200.307(e)(1). The LEA may also request prior approval from the federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must then be used for the purposes and under the conditions of the Federal award. 2 C.F.R. § 200.307(e)(2).

While the deduction method is the default method, the District always refers to the grant award letter prior to determining the appropriate use of program income.

III. Procurement System

The District maintains the following purchasing procedures:

A. Responsibility for Purchasing

Before grant funds are obligated or expended, the Superintendent or his designee shall review the cost of a proposed expenditure and determine if it is an allowable use of federal grant funds. All expenditures shall be approved by the Finance Director after having been authorized by the Board or the Superintendent. No expenditures shall be made except on an approved purchase order or contract. No expenditure may be authorized or made which exceeds the appropriation for any fund. Employees of the system will not create or authorize creation of a deficit in any fund. Expenditures or encumbrances will not be authorized, made or incurred in excess of any fund balance. The Superintendent shall implement federal grant expenditure and cash management procedures that comply with all federal laws and regulations.

Board Policy 2.800 – Expenditure of Funds

Board Policy 2.805 – Purchasing

B. Purchase Methods

The type of purchase procedures required depends on the cost of the item(s) being purchased. **Note, if state or local procurement policy is more restrictive than the federal purchase methods below, districts must always follow the most restrictive policy.**

Purchases up to $10,000

T.C.A. Annotated (T.C.A.) allows a district to choose to follow the prescribed purchasing procedures of the district’s local governing body, or to develop its own policies and procedures. T.C.A. § 49-2-203 (a)(3)(B) states, “If the LEA chooses not to follow the local governing body’s purchasing procedures, all purchases of less than twenty-five thousand dollars ($10,000) may be made in the open market without newspaper notice, but shall, whenever possible, be based upon at least three (3) competitive bids.”

Board Policy 2.805 - Purchasing

Purchases over $10,000

T.C.A. Annotated allows a district to choose to follow the prescribed purchasing procedures of the district’s local governing body, or to develop its own policies and procedures. Regarding purchases estimated to exceed twenty-five thousand dollars ($25,000), T.C.A. § 49-2-203 (a)(3)(A) states “All expenditures for such purposes may follow the prescribed procedures of the LEA’s respective local governing body, so long as that body, through its charter, private act or ordinance has established a procurement procedure that provides for advertisement and competitive bidding, except that, if a newspaper advertisement is required, it may be waived in case of emergency. If the LEA chooses not to follow the local governing body’s purchasing procedures, all expenditures for such purposes estimated to exceed twenty-five thousand dollars ($25,000) or more shall be made on competitive bids, which shall be solicited by advertisement in a newspaper of general circulation in the county, except that the newspaper advertisement may be waived in the event of an emergency. School districts that have a purchasing division may use a comprehensive vendor list for the purpose of soliciting competitive bids; provided, further, that the purchasing division shall periodically advertise in a newspaper of general circulation in the county for vendors and shall update the list of vendors following the advertisement.”

Regarding purchases less than twenty-five thousand dollars ($25,000) T.C.A. § 49-2-203 (a)(3)(B) states “If the LEA chooses not to follow the local governing body’s purchasing procedures, all purchases of less than twenty-five thousand dollars ($25,000) may be made in the open market without newspaper notice, but shall, whenever possible, be based upon at least three (3) competitive bids.”

Board Policy 2.806 – Bids and Quotations

Competitive Proposals: The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

⦁ Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;

⦁ Proposals must be solicited from an adequate number of qualified sources; and

⦁ Contracts must be awarded to the responsible firm whose proposal is most

advantageous to the program, with price and other factors considered.

For competitive proposals, EDGAR requires recipients to have a written method for conducting technical evaluations of the proposals received and for selecting recipients. (See Chapter 8 – Formal Bidding Policies in the Hickman County Policies.

Architectural/Engineering Professional Services: The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Board Policy 2.806 – Bids and Quotations states that contracts for legal services, educational consultants, and similar services by professional persons or groups of high ethical standards shall not be based upon competitive bids but shall be awarded on the basis of recognized competence and integrity.

Contract/Price Analysis: A cost or price analysis is performed in connection with every procurement action in excess of $150,000, including contract modifications. 2 C.F.R. § 200.323(a). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, Districts must come to an independent estimate prior to receiving bids or proposals. 2 C.F.R. § 200.323(a).

When performing a cost analysis, the District negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. 2 C.F.R. § 200.323(b).

Board Policy 2.805 - Purchasing

Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

⦁ The item is available only from a single source;

⦁ The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

⦁ The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; or

⦁ After solicitation of a number of sources, competition is determined inadequate.

Educational Consultants and Similar Services: In order to procure educational consultants in accordance with T.C.A. § 12-4-106(a)(1), the procurement must be paid with state or local funds:

Contracts by counties, cities, metropolitan governments towns, utility districts and other municipal and public corporations of the state, for legal services, fiscal agent, financial advisor or advisory services, educational consultant services and similar services by professional persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity. The prohibition against competitive bidding in this section shall not prohibit any entity enumerated from interviewing eligible persons or groups to determine the capabilities of such persons or groups. Board Policy 2.806 – Bids and Quotations

Sole sourcing can be initiated by a sole source justification letter by specifying a brand name or “equal” characteristics, by means of restrictive specifications written around a particular product, or by specifying “no substitutions” on the requisition. The fact that an item has been used satisfactorily is not justification to exclude procurement of items of similar or equal performance, quality, or design; nor will personal preference of an item justify excluding items that would serve the purpose. The determining factor in preparing specifications shall be requirements of the county, not personal preferences of county employees. Sole source justification letters shall accompany the requisition giving reasons justifying the particular source for the procurement. Reasons given must be factual – no opinions, beliefs, or personal preferences.

Board Policy 2.805 – Purchasing

Cost Price Analysis and Sole Source

A cost or price analysis will be performed for noncompetitive proposals when the price exceeds $150,000.

C. Purchase Cards - Hickman County does not use purchase cards.

D. Full and Open Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with 2 C.F.R § 200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

⦁ Placing unreasonable requirements on firms in order for them to qualify to do business;

⦁ Requiring unnecessary experience and excessive bonding;

⦁ Noncompetitive pricing practices between firms or between affiliated companies;

⦁ Noncompetitive contracts to consultants that are on retainer contracts;

⦁ Organizational conflicts of interest;

⦁ Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and

⦁ Any arbitrary action in the procurement process.

EDGAR further requires the following to ensure adequate competition.

**Geographical Preferences Prohibited**

The District must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

**Prequalified Lists**

The District must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the District must not preclude potential bidders from qualifying during the solicitation period.

**Solicitation Language**

The District must ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals. 2 C.F.R § 200.319(c).

E. Federal Procurement System Standards

**Avoiding Acquisition of Unnecessary or Duplicative Items**

The District must avoid the acquisition of unnecessary or duplicative items. Additionally, consideration is given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis must be made of leases versus purchase alternatives, and another other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with federal funds.

Board Policy 2.805 – Purchasing

**Use of Intergovernmental Agreements**

To foster greater economy and efficiency, the District shall enter into state and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

Per Board Policy 2.805 and as authorized by state law, the Board, at its option, may participate in, sponsor, conduct or administer a cooperative purchasing agreement with other school systems or local government entities within and outside the State of Tennessee for the procurement of any supplies, equipment and services, in accordance with an agreement entered into between or among the participants. Cooperative purchase agreements may be utilized whenever they provide a savings for the school system.

Board Policy 2.805 – Purchasing

**Use of Federal Excess and Surplus Property**

The District shall consider the use of federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

The Superintendent and other employees designated by the Board shall be authorized to act for the Board in acquiring federal surplus property through the Tennessee General Services Department for surplus property and in entering into agreements, certifications and covenants of compliance concerning the use of federal surplus property.

Further, the Superintendent is authorized to purchase any needed items through suppliers approved on the state bid list.

Board Policy 2.805 – Purchasing

**Debarment and Suspension**

The District shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

If a bidder does not perform in accordance with the bid conditions or specifications or if it is found that the bidder had intentionally violated these policies and regulations, and/or if the vendor fails to submit a bid on three successive invitations, the Director of Finance may remove the vendor from the official bid list until the violations are remedied to the satisfaction of the Director. Upon removal from the list, the Financial Management Committee will be notified and give the reason for removal.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended and is required to check for excluded parties at the System for Award Management website before any procurement transaction. This list is located at: http://www.sam.gov/. I am going to add this wording into the subrecipient monitoring info we need to add into the grant section of the Revenues policy and I think to be consistent we should also add it into the Bids and Quotations, Vendor Relations and Purchase Orders and Contracts policies and maybe also Financial Reports and Records as noted in the next section.

The Hickman County Finance Department verifies vendors and licensing information and documentation before a contract is awarded.

**Maintenance of Procurement Records**

The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

**Time and Materials Contracts**

The District may use a time and materials type contract only if (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of: the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the District must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Board Policy 2.805 – Purchasing states that special purchases are those which are not routine and which may or may not be specifically identified by line item in the budget. Examples of special purchases are all capital expenditures such as for vehicles, buildings, major contracts, purchases of major equipment, items for long-term use and supplies of an unusual quantity or nature. All purchases in this category shall require specific prior Board approval on an item-by-item basis. In its approval, the Board may place constraints on the Superintendent requiring Board evaluation and/or approval at various steps in the procurement process. This will be determined by the Board on an individual basis depending on the nature of the procurement action.

**Settlements of Issues Arising Out of Procurements**

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

The purchase order is the official order acceptance of the bid offer which consummates a contract. At the time the purchase order is sent to the prospective vendor, the County enters into a contract with that vendor, therefore it is important that the bids be carefully considered and purchase orders properly prepared.

Contracts shall contain such provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where suppliers violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. All contracts, including those of individual schools, will meet all requirements of state and federal laws, rules, and regulations.

Board Policy 2.808 – Purchase Orders and Contracts

**Protest Procedures to Resolve Dispute**

The District shall maintain protest procedures to handle and resolve disputes relating to procurements and, in all instances, disclose information regarding the protest to the awarding agency.

Protests of bidders and inquiries regarding the award of the bid will be referred to the Director of Finance after completion of the bid opening procedure. Any protest not resolved by the Director of Finance and department head will be referred to the Financial Management Committee.

F. Conflict of Interest Requirements

**Standards of Conduct**

In accordance with 2 C.F.R. § 200.18(c)(1), the District maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value.

Board Policies 2.805 – Purchasing and 2.400 - Revenues state that no person officially connected with or employed by the school system may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict of interest arises when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. Upon discovery of any potential conflict, the Superintendent shall disclose the potential conflict to the federal awarding agency in writing.

T.C.A. 5-21-121 provides that “…..The Director, Director of Finance, members of the Committee, nor members of the County Legislative Body, or other officials, employees, or members of the Board of Education shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract, lease, or purchase order for any supplies, materials, equipment, or contractual services used by or furnished to any department or agency of the County government. No firm, corporation, partnership, association, or individual furnishing any such supplies or equipment shall give or offer nor shall the Director or Director of Finance or any assistant or employee accept or receive, directly or indirectly, from any person, firm, or corporation to which any contract, lease, or purchase order may be awarded, by rebate, gift or otherwise, any money or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation.”

A board member shall not be directly interested in any contract in which the Board may be interested. “Directly interested” means any contract with the board member or with any business in which the board member is a sole proprietor, a partner, or the person having controlling interest. “Controlling interest” shall include the individual with the ownership or control of the largest number of outstanding shares owned by any single individual or corporation.

Employees are prohibited from accepting things of material value from individuals, companies or organizations doing business with the school system. Exceptions to this policy are the acceptance of minor items which are generally distributed to all by the companies through public relations programs.

Per the county ethics policy, an official or employee, or an official’s or employee’s spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county:

⦁ For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

⦁ That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of county government officials or by an umbrella or affiliate organization of such statewide association of county government officials.

It shall not be considered a violation of this policy for an official or employee to receive a gift or gratuity of less than Fifty Dollars ($50.00). Any gift or gratuity of Fifty Dollars ($50.00) or more must be reported and disclosed to the Ethics Committee and County Mayor.

Board Policy 2.805-Purchasing

Board Policy 2.400 - Revenues

Board Policy 5.601-Conflict of Interest

Administrative Procedure 1.106.1 Code of Ethics

Board Policy 1.107 Board Member Conflict of Interest

Board Policy 5.605 Staff Gifts and Solicitations

**Organizational Conflicts**

Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. 2 C.F.R §

200.318(c)(2).

**Disciplinary Actions**

Disciplinary actions for conflicts of interests could include the following:

A county ethics committee may:

1. Refer the matter to the County Attorney for a legal opinion and/or recommendations for action;
2. In the case of an official, refer the matter to the county legislative body for possible public censure if the county legislative body finds such action warranted;
3. In the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;
4. In a case involving possible violations of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution.

If a school board member becomes directly or indirectly interested in any contract, he/she shall forfeit all pay and compensation and shall be dismissed from the Board and be ineligible to serve in the same or similar position for ten (10) years per TCA 12-4-101; TCA 12-4-102.

Administrative Procedure – 1.106.1 Code of Ethics

Board Policy 1.106 - Code of Ethics

**Mandatory Disclosure**

Upon discovery of any potential conflict, the District shall disclose in writing the potential conflict to the federal awarding agency in accordance with applicable federal awarding agency policy per Board Policies 2.805 Purchasing, 2.400 Revenues and 5.601 Conflict of Interest.

G. Contract Administration

The District shall maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders 2 C.F.R. § 200.318.

Board Policy 2.808 Purchase Orders and Contracts states:

All purchases made by the school system shall be by purchase order or formal contract, and no purchase shall be made nor payment approved unless covered by an approved purchase order.

Purchase orders will include the following essentials:

⦁ A specification which adequately describes to the supplier the characteristics and the quality standards of the item required;

⦁ A firm, quoted, net delivered price, whenever possible; and

⦁ Signature of purchasing agent.

Contracts shall be made only with responsible suppliers with the following considerations:

⦁ The supplier has the potential ability to perform successfully under the terms and conditions of a proposed procurement;

⦁ A system for contract administration shall be maintained to assure supplier conformance with terms, conditions, and specifications of the contract or purchase order, and to assure adequate and timely follow-up of all purchases;

⦁ Contracts shall contain such provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where suppliers violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

⦁ All contracts, including those of individual schools, will meet all requirements of state and federal laws, rules and regulations.]

**IV. Property Management Systems**

A. Property Classifications

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the District for financial statement purposes, or $5,000. 2 C.F.R. § 200.33. **However, Hickman County Schools will adhere to the more restrictive definition for equipment as outlined in Board Policy 2.702 (lines 4 & 5) as Defined by the Tennessee Department of General Services:**

**”Equipment is defined as all items with a unit cost of $5,000.00 or more and a minimum useful life expectancy of three years (including freight and installation charges).”**

Supplies means all tangible personal property other than those described in § 200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the District for financial statement purposes or $5,000, regardless of the length of its useful life. 2 C.F.R. § 200.94.

Computing devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. § 200.20.

Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

⦁ Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and

⦁ Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 C.F.R. § 200.12.

B. Inventory Procedure

Each year, each department is to complete an inventory list of all portable, reportable, and controllable items in each office. These inventories are kept on file in the Director of Schools’ office. HCBOE contract with a company for ordering technology equipment. Once an order is placed they deliver and set up the equipment at a specific location. A confirmation email is sent to Technology Director. The inventory is completed during installation it is an online document that is accessible by director and said company.

Board Policy 2.702 - Inventories

Administrative Procedure 2.702.1-Inventories

Board Policy 2.704 – Fixed Assets

C. Inventory Records

For each equipment and computing device purchased with federal funds, the following information is maintained:

* **Description of Property**
* **LEA ID**
* **Serial Number (if available)**
* **Title Holder**
* **Acquisition Date**
* **Cost**
* **Source of Funding**
* **FAIN (Federal Award Identification Number)**
* **Percentage of Federal Participation**
* **School**
* **Location/ Room number**
* **Teacher Name (optional)**
* **Use Program that is using the equipment and who is using the equipment (students, teachers, administrators, etc.)**
* **Condition**
* **Disposition Date**
* **Disposition Method and Sale Price**.

The Federal Programs office issues a separate tag for any materials purchased with federal funds. The tag contains the District name, Federal funds, and tag number assigned to item. Title I teachers and principals keep an inventory notebook listing every item in that school that was purchased with federal funds. The inventory is listed on forms provided by Federal Programs. At the end of each school year, Title teachers and Federal Programs Administrative Assistant complete a physical inventory to correlate with the digital copy. A hard copy is printed and Federal Programs keeps on file.

D. Physical Inventory

A physical inventory of the property must be taken and the results reconciled with the property records. Hickman County Schools conducts annual physical inventories of equipment items, both controllable and capitalizable.

Federal Programs personnel are responsible for taking inventory of federally owned equipment maintained by the school district and affixing property tags on the equipment.

Federal Programs staff from the central office will visit each school to check inventory of federally owned equipment at least once every two years with the goal of this occurring annually. Federal Programs will take note of the location of the equipment, assess its condition, and confirm the security of the location. Inventory, as well as any notes, will be compiled and submitted to the Federal Programs office and to the office of the Director of Schools as appropriate. If, after looking at the principal’s notes, corrective action is needed to better secure equipment, a solution will be implemented within thirty (30) days of the notice.

An inventory of federally owned equipment maintained by the school district shall be submitted to the Federal awarding agency if requested.

Board Policy 2.702 - Inventories

E. Property/Equipment Maintenance

In accordance with 2 C.F.R.313(d)(4), the District maintains adequate maintenance procedures to ensure that property is kept in good condition.

Principals/department heads shall be responsible for developing a schedule for regular maintenance of equipment. Maintenance of federally owned equipment shall be consistent with the procedures ensuring useful life of equipment and supplies in accordance with Board Policy.

Each employee of the system shall be responsible for the materials, equipment and supplies assigned to him/her or under their control Any equipment or supply requiring replacement or maintenance shall be reported to the principal or department head. In addition, he/she is responsible for the preservation and protection of materials, equipment and supplies not under his/her direct control when such are endangered and when the system employee having direct control is not present or is otherwise unable to act.

The Maintenance Supervisor shall be responsible for ensuring that all equipment requiring routine or regular maintenance is addressed in accordance with the equipment’s operator or owner manual. The Maintenance Supervisor shall also ensure that equipment and supplies shall be stored appropriately.

Employees and students must sign Acceptable Use agreements which include acknowledgement that inappropriate and illegal activities include damaging computers, computer systems or computer networks.

Students shall help maintain the school environment, preserve school property and exercise care while using school facilities.

F. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, and the District will not encumber the property without prior approval of the federal awarding agency and the pass-through entity. When no longer needed for the original program or project, the equipment may be used in other activities supported by the federal awarding agency, in the following order of priority: (1) activities under a federal award from the federal awarding agency which funded the original program or project; then (2) activities under federal awards from other federal awarding agencies.

During the time equipment is used on the project or program for which it was acquired, the equipment will also be made available for use on other projects or programs currently or previously supported by the federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the federal awarding agency that financed the equipment. Second preference is given to programs or projects under federal awards from other federal awarding agencies. Use for non-federally funded programs or projects is also permissible.

G. Disposal of Equipment

When it is determined that original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the shall contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions.

Generally, disposition of equipment is dependent on its fair market value (FMV) at the time of disposition. If the item has a current FMV of $5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency. If the item has a current FMV of more than $5,000, the federal awarding agency is entitled to the federal share of the current market value or sales proceeds.

If acquiring replacement equipment, the District may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

If authorized to sell federally purchased equipment with a fair market value of greater than $5,000, such equipment will be sold at bid or auction to the highest bidder. For equipment purchased with federal funds with a remaining fair market value exceeding $5,000, the District will refund the government its fair share of the proceeds from the disposition of the equipment.

Board Policy 3.300 - Equipment and Supplies Management

Board Policy 2.403 – Personal School Property Disposal

Board Policy 4.406 - Use of the Internet

Board Policy 6.311 - Care of School Property

F. Lost or Stolen Items

The District maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property. Equipment that is stolen is reported to local jurisdiction of law enforcement.

All District employees shall report all damage or loss of school property to the principal or designee immediately after such damage or loss is discovered. The principal shall call law enforcement officials in cases involving illegal entry, theft or vandalism. The principal shall notify the superintendent within 48 hours after each case of vandalism, theft, building damage or illegal entry. The principal or designee shall make a full and complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate. They should report the theft or loss of property, immediately, to the County Department of Finance by telephone, to be followed in writing. A police report should be obtained on all losses suspected of being stolen. School property is defined as buildings, buses, books, equipment, records, instructional materials or any other item under the jurisdiction of the Board.

When the person causing damage or loss has been identified and the costs of repair or replacement have been determined, the superintendent shall take steps to recover these costs. This may include recommending the filing of a complaint in court to recover damages. The Superintendent, or his/her representative, is authorized to sign a criminal complaint and to press charges against perpetrators of vandalism against school property. If the responsible person is a minor, recovery will be sought from the minor’s parent or guardian.

Board Policy 3.205 - Student Assignment

Board Policy 6.311 - Care of School Property

Board Policy 6.709 – Student Fees, Fines and Purchases

**V. Written Compensation Policies**

A. Time and Effort

**Time and Effort Standards**

All employees who are paid in full or in part with federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. C.F.R. § 200.430(i)(1). In addition, employees who are paid from state and local funds, but whose salaries are used for cost sharing or matching must also keep time and effort documentation. 2 C.F.R. § 200.430(i)(4).

Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. In accordance with 2 C.F.R. § 200.430(i)(1), these records must:

⦁ Be supported by a system of internal controls which provides reasonable assurance that

the charges are accurate, allowable, and properly allocated;

⦁ Be incorporated into official records;

⦁ Reasonably reflect total activity for which the employee is compensated, not exceeding

100% of compensated activities;

⦁ Encompass both federally assisted and all other activities compensated by the District

on an integrated basis;

⦁ Comply with the established accounting policies and practices of the District and

⦁ Support the distribution of the employee’s salary or wages among specific activities or

costs objectives.

Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to federal awards, but may be used for interim accounting purposes provided that the system for establishing the estimates produces reasonable approximations of the activity actually performed. 200.430(i)(1)(viii).

**Time and Effort Procedures**

In order to meet the above requirements, all employees who must complete time and effort forms must submit either a semi-annual certification or a personnel activity report (PAR) as required below. The type of form depends on the number of cost objectives that an employee works on.

A cost objective is a program, function, activity, award, organizational subdivision, contract, or work unit of which cost data are described and from which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. 2 C.F.R. § 200.28.

All employees who work on a single cost objective must complete a semi-annual certification. The semi-annual certification must be:

⦁ Completed at least every six (6) months;

⦁ Be signed by the employee or the supervisor with direct knowledge of the work being

performed;

⦁ Reflect an after-the-fact distribution of the actual activity; and

⦁ Account for the total activity for which each employee is compensated.

All employees who work on multiple cost objectives must complete PARs that support the distribution of their salaries /wages that meet the following standards:

⦁ Reflect an after-the-fact distribution of the actual activity;

⦁ Account for the total activity for which each employee is compensated;

⦁ Are prepared at least monthly & coincide with one or more pay periods; and

⦁ Are signed by the employee.

Federal program offices send a Certificate of Employment semi-annually to Title personnel for their signature. This certificate is also signed by the building principal, the federal program manager and the Director of Schools.

**Reconciliation and Closeout Procedures**

It is critical for payroll charges to match the actual distribution of time recorded on the monthly certification documents. Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to federal awards, but may be used for interim accounting purposes provided that the system for establishing the estimates produces reasonable approximations of the activity actually performed.

If using budget estimates for interim accounting purposes, EDGAR requires recipients to identify and enter into the records in a timely manner any significant changes in the corresponding work activity. Additionally, the recipient must have a system of internal controls to review after-the-fact interim charges made to a federal award based on budget estimates. All necessary adjustments must be made such that the final amount charged to the federal award is accurate, allowable, and properly allocated.

Federal budgets are reconciled monthly in ePlan. The Hickman County Finance Department reconciles expenditures and encumbrances monthly. The Board of Education receives monthly financial reports and updates on departmental expenditures. Is there anything that you all would like to add with regard to any adjustments, etc.?

**Employee Exits**

Board Policy 5.200 – Separation Practices for Tenured Teachers

Board Policy 5.201 – Separation Practices for Non-Tenured Teachers

Board Policy 5.202 – Suspension/Dismissal of Classified Employees

Board Policy 5.203 – Recommendations and File Transfers

B. Human Resources Policies

The District shall have human resource policies which at least cover:

(1) how employees are hired (2 C.F.R. § 200.430(a)(2));

Board Policy 5.100-Personnel Goals

Board Policy 5.102 – Personnel Classifications & Qualifications

Board Policy 5.104 – Equal Opportunity Employment

Board Policy 5.106 – Application & Employment

Board Policy 5.110 – Differentiated Pay Plan

Board Policy 5.112 – Extended Contracts

(2)the extent to which employees may provide professional services outside the District (2 C.F.R. § 200.430(c));

Board Policy 5.607 – Non-School Employment

(3) the provision of fringe benefits, including leave and insurance, (2 C.F.R. § 200.431

Board Policy 3.600 – Insurance Management

Board Policy 5.300 – Short Term Leaves of Absence

Board Policy 5.301 – Emergency and Legal Leave

Board Policy 5.302 – Sick Leave

Board Policy 5.303 – Personal and Professional Leave

Board Policy 5.304 – Long Term Leaves for Professional Personnel

Board Policy 5.3041-Leaves and Absences of Classified Personnel

Board Policy 5.305 – Family and Medical Leave

Board Policy 5.306 – Military Leave

Board Policy 5.307 – Physical Assault Leave

Board Policy 5.310 – Vacations & Holidays

(4) the use of recruiting expenses to attract personnel (2 C.F.R. § 200.463(b));

Board Policy 5.105 – Recruitment of Employees

and (5) reimbursement for relocations costs. 2 C.F.R. § 200.464.

Hickman County School District does not reimburse for relocation costs.

⦁ Record Keeping

⦁ Record Retention

The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.

The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). Consequently, the District retain records for a minimum of five (5) years from the date on which the final Financial Status Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be trained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.

Hickman County Schools keeps federal records for five (5) years after which time they are

shredded for disposal.

B. Collection and Transmission of Records

Records are kept both electronically and as paper copies within each department in the Hickman County Schools district. Records are transmitted electronically via ePlan to the state for monitoring, as well as provided physically when requested.

Board Policy 1.407 – School District Records

Board Policy 2.701 - Financial Reports and Records

C. Access to Records

The District provides the awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives the right of access to any documents, papers, or other records of the District which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the District's personnel for the purpose of interview and discussion related to such documents.

Board Policy 1.407 – School District Records

Board Policy 2.701 - Financial Reports and Records

D. Privacy

Employee records are public records, except for matters deemed confidential by law, and shall be open for inspection during regular business hours. In accordance with federal law, the district will release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school.

Board Policy 5.114-Personnel Records

Board Policy 5.118-Background Investigations

Board Policy 6.4001-Student Surveys, Analyses & Evaluations

Board Policy 6.600-Student Records

Board Policy 6.601-Annual Notification of Rights

Board Policy 6.602-Inspection & Correction Procedures

VII. Subrecipient Monitoring

In the event that the District awards subgrants to other entities, it is responsible for monitoring those grant subrecipients to ensure compliance with federal, state, and local laws. Monitoring is the regular and systematic examination of all aspects associated with the administration and implementation of a program. Each program office that awards a subgrant must have its own monitoring policy. This policy must ensure that any monitoring findings are corrected.

The District’s federal program directors work in the administration of subrecipient monitoring, if applicable. The Program Director works with the Subrecipient personnel to make sure all Grantee guidelines are met. If the Program Director finds they have not been met a plan of action is devised to bring the District and the Sub-recipient into compliance. The Deputy Director of Finance prepares and reviews financial reports for the fiscal aspect of Grant guidelines. If an issue is found by the Deputy Director of Finance, a plan of action is devised to bring the District and the Sub-recipient into compliance. If the Grant period has ended and the non-compliance issue is raised through the Grantor or an Auditor, the Districts Federal Program Director and Deputy Director of Finance will work together to develop a plan of action devised to bring Hickman County Schools and the Sub-recipient into compliance. This may result in a refund. If that is the case, the Deputy Director of Finance prepares a budget amendment to present to the School Board to resolve the issue. Once budgeted the refund can be processed and sent to the Grantor for resolution of the non-compliance issue.

VIII. Legal Authorities and Helpful Resources

The following documents contain relevant grants management requirements. Staff should be familiar with these materials and consult them when making decisions related to the federal grant.

⦁ Education Department General Administrative Regulations (EDGAR)

<http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>

⦁ Uniform Administrative Requirements, Cost Principles and Audit Requirements for

Federal Awards (2 C.F.R. Part 200)

http://www.eC.F.R..gov/cgi-bin/text-idx?SID=ccccf77e01c9e6d4b3a377815f411704

&node=pt2.1.200&rgn=div5

⦁ USDE’s Uniform Administrative Requirements, Cost Principles and Audit Requirements

for Federal Awards (2 C.F.R. Part 3474)

http://www.eC.F.R..gov/cgi-bin/text-idx?SID=ccccf77e01c9e6d4b3a377815f411704& tpl=/eC.F.R.browse/Title02/2C.F.R.3474\_main\_02.tpl

⦁ Federal program statutes, regulations, and guidance

http://www.ed.gov/

⦁ State regulations, rules, and policies

⦁ TN State Board of Education Rules and Regulations

District regulations, rules, and policies

[www.hickmank12.org](http://www.hickmank12.org)

Appendix B:

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in September** | Descriptor Term:  **Code of Ethics** | Descriptor Code:  **1.106** | Issued Date:  **03/06/17** |
| Rescinds:  **1.106** | Issued:  **08/04/08** |

**CODE OF ETHICS**

**HICKMAN COUNTY SCHOOL DISTRICT**

**Section 1. Definitions.**

(1) “School district” means Hickman County School District, which was duly created by a public or private act of the General Assembly and which includes all boards, committees, commissions, authorities, corporations, or other instrumentalities appointed or created by the school district or an official of the school district.

(2) “Official and employees” means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority, or corporation (whether compensated or not), or any officer, employee, or servant thereof, of the school district.

(3) “Personal interest” means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official’s or employee’s spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

**Section 2. Disclosure of personal interest in voting matters.** An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official’s or employee’s vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

**Section 3. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the school district’s central office. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

**Section 4. Acceptance of gifts and other things of value.** An official or employee, or an official’s or employee’s spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the school district that a reasonable person would understand was intended to influence the vote, official action or judgment of the official or employee in executing decision-making authority affecting the school district.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of school board officials or by an umbrella or affiliate organization of such statewide association of school board officials.

**Section 5. Ethics Complaints.** The school district may create a School District Ethics Committee (the “Ethics Committee”) consisting of three members who will be appointed to one-year terms by the Chairman of the Board of Education with confirmation by the board of education. At least two members of the committee shall be members of the board of education. The Ethics Committee shall convene as soon as practicable after its appointment and elect a chair and a secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be fled in the office of the director of schools, where they shall be open to public inspection.

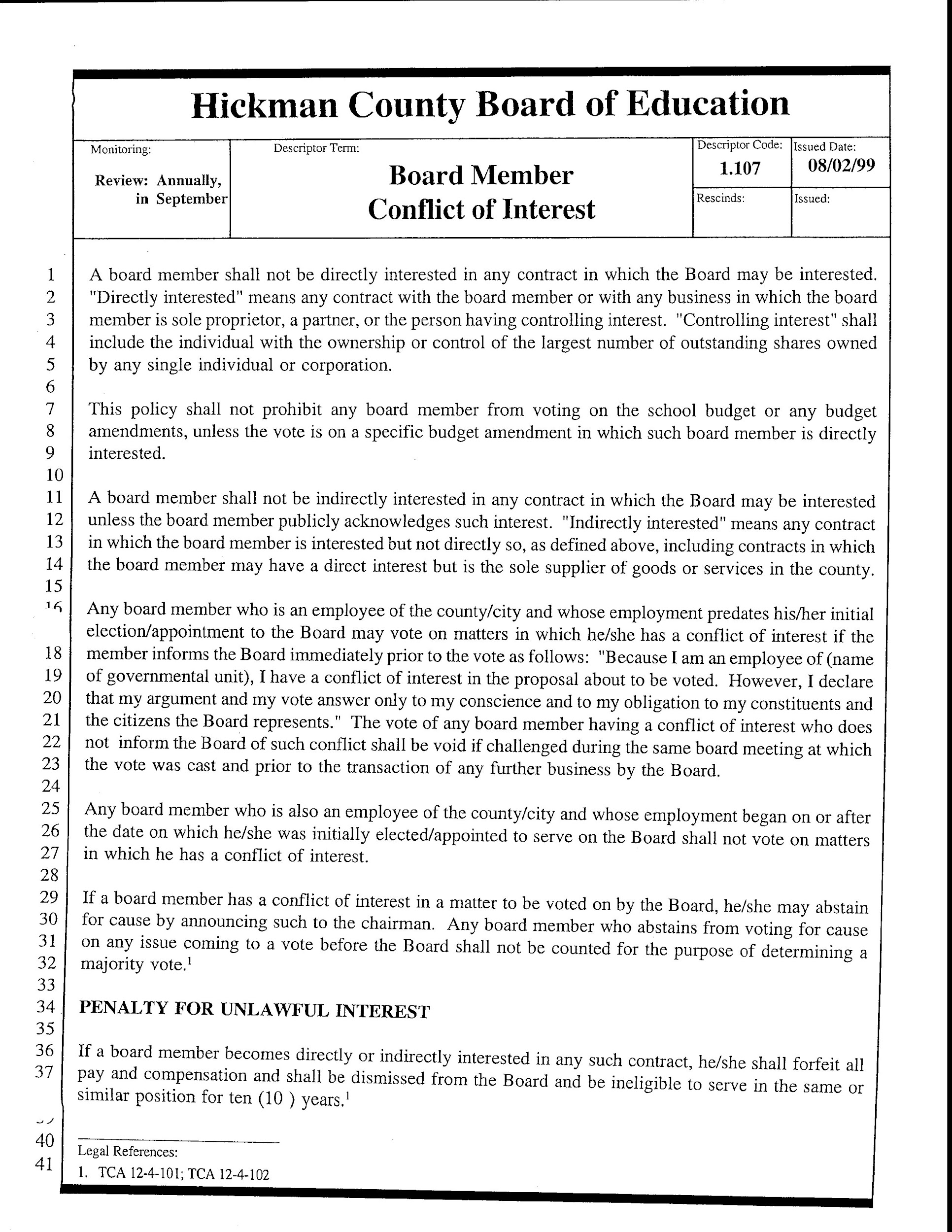
Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The School District Ethics Committee may investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee’s judgment, constitutes a violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

The Committee may:

1. refer the matter to the Board Attorney for a legal opinion and/or recommendations for action;
2. in the case of an official, refer the matter to the school board body for possible public censure if the board body finds such action warranted;
3. in the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;
4. in a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.



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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in September** | Descriptor Term:  **Nepotism** | Descriptor Code:  **1.108** | Issued Date:  **04/02/18** |
| Rescinds:  **1.108** | Issued:  **03/06/17** |

Whenever a person is considered by the director of schools for initial employment or transfer in the system and that person is related to a member of the Board, the director of schools, an administrator in the system, a county commissioner, or any appointed or elected county official, the relationship shall be publicly made known to the Board prior to the employment of such person.1

If a member of the Board has a relative who is an employee in the system, prior to voting on any matter of business that may have an effect upon the employment of the relative, the member shall declare such relationship. In making such a declaration, the member shall certify that his/her vote on the pending matter will be in the best interest of the school system.1

No person shall supervise or be supervised by an employee if he/she is related to the employee.

For purposes of this policy, the terms “related to” and "relative" include the following relationships: spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or any person who resides in the same household.2

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| Legal References | Cross References |
| 1. TCA 49-2-202(a)(3) 2. TCA 49-2-202(a)(3)(ii) | Supervision 5.108  Assignment/Transfer 5.115 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in July** | Descriptor Term:  **School District Records** | Descriptor Code:  **1.407** | Issued Date:  **08/07/17** |
| Rescinds:  **1.407** | Issued:  **05/01/17** |

The director of schools shall maintain all school district records required by law, regulation and board policy. Any citizen of Tennessee shall be permitted during business hours to inspect public records maintained by the school district unless otherwise prohibited by law. Any citizen of Tennessee may request in writing and receive copies of open public records subject to the payment of reasonable cost.1,2,3,4

No records pertaining to individual students will be released for inspection by the public or any unauthorized persons. In addition, information, records, and plans related to security and safety will not be released for public inspection.11

All requests to inspect or receive copies of records shall be submitted to Becky Coleman, the district’s public records request coordinator and records custodian.12

Prior to producing any record, the records custodian shall ensure confidential information is redacted. Original documents remain intact and confidential information in copies produced for a requestor shall be redacted. The director of schools shall develop a procedure to redact confidential information.

**REQUESTS FOR INSPECTION2**

Citizens requesting to inspect public records shall submit their request and a government issued photo identification card with the citizen’s address to the district’s public records request coordinator during normal business hours. Requests may be made in person, in writing, by telephone, fax, or electronic mail (email). The coordinator shall submit the information to the appropriate records custodian. The records custodian will contact the citizen and indicate when the records will be available to inspect.

If the records cannot be made available within seven (7) business days, the records custodian shall provide a records production letter indicating the time needed to complete the request.

If the request to inspect is denied, the records custodian shall provide the citizen with a records request denial letter indicating the basis for the denial.

**REQUESTS FOR COPIES2**

Citizens requesting copies of public records shall complete and submit the Records Request Form and a government issued photo identification card with the citizen’s address to the district’s public records request coordinator during normal business hours. The coordinator shall submit the Records Request Form to the appropriate records custodian.

The records custodian shall provide an estimate of the reasonable costs to produce the requested records. The Tennessee Comptroller of the Treasury, Office of Open Records Counsel Schedule of Reasonable Charges found at <https://www.comptroller.tn.gov/openrecords/forms.asp> shall be used to determine the reasonable cost. The records custodian will provide the citizen with an invoice detailing the charges. The citizen shall pay the estimated reasonable costs by cash, money order or cashier’s check prior to the district producing the copies.

If the records cannot be made available within seven (7) business days, the records custodian shall provide a records production letter indicating the time needed to complete the request.

If the request for copies is denied, the records custodian shall provide the citizen with a records request denial letter detailing the basis for the denial.

**FREQUENT AND MULTIPLE REQUESTS**

When the total number of requests for copies made by a requestor within a calendar month exceeds four (4), the requestor may be charged a fee for any and all labor that is reasonably necessary to produce copies of the requested records. Prior to charging a reasonable fee, the requestor shall be notified of this policy and provided with a Notice of Aggregation of Multiple Requestors form. The Tennessee Comptroller of the Treasury, Office of Open Records Counsel Schedule of Reasonable Charges found at <https://www.comptroller.tn.gov/openrecords/forms.asp> shall be used to determine the reasonable cost. Further, the names of persons inspecting records and the date of inspection shall be recorded.

**RECORDS RETENTION**

The director of schools and/or his designee(s) shall retain and dispose of school district records in accordance with the following guidelines:2,4

1. The director of schools and/or his/her designee(s) will determine if a particular record is of permanent or temporary value in accordance with regulations promulgated by County Public Records Commission and the Tennessee Institute for Public Services records manual;5,6
2. Temporary value records which have been kept beyond the required time may be recommended to the Public Records Commission for destruction;7,8
3. The records that the State Librarian and Archivist desire to preserve in their facilities will be transferred to the State Library and Archives. The temporary value records rejected by the State Library and Archives may be transferred to another institution or destroyed;7,8,9
4. Permanent records will be kept in some usable form (digital, printed, microfilm, etc.). If the director of schools desires to destroy the original permanent record, these records must be reproduced by microfilming or some other permanent reproduction method. Permission to destroy any original permanent record after microfilming follows the same procedure noted above for temporary records;6,8 and
5. The director of schools shall establish procedures to safeguard against the unlawful destruction, removal or loss of records.10

**DISTRICT PUBLIC RECORDS REQUEST COORDINATOR13**

Becky Coleman

Office of Information and Services   
931-729-3391 Ext 2225

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| Legal References | Cross References |
| 1. TCA 49-2-301(b)(1)(CC) 2. TCA 10-7-503 3. TCA 10-7-506(a) 4. TCA 49-2-104 5. TCA 10-7-401 6. TCA 10-7-406 7. TCA 10-7-404 8. TCA 10-7-413 9. TCA 10-7-414 10. TCA 39-16-504 11. TCA 10-7-504(p) 12. *Policy Related to Reasonable Charges a Records Custodian May Charge for Frequent and Multiple Requests for Public Records*, Tennessee Comptroller of the Treasury, *available at* <https://www.comptroller.tn.gov/openrecords/forms.asp>. 13. Public Acts of 2016, Chapter No. 722 | Financial Reports and Records 2.701 Personnel Records 5.114 Student Records 6.600 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Fiscal Management Goals** | Descriptor Code:  **2.100** | Issued Date:  **06/05/17** |
| Rescinds:  **2.100** | Issued:  **08/02/99** |

*General*

The Board shall practice sound fiscal management procedures which guarantee maximum use of all resources provided. The Board assumes responsibility, within its financial capabilities, for providing at public expense all items of equipment, supplies and services that may be required in the interest of education in the schools under its jurisdiction.1

In fiscal management, the Board seeks to achieve the following goals:

1. To engage in advance planning, with broad-based staff and community involvement;
2. To establish levels of funding which will provide quality education for the system’s students;
3. To use the available techniques for budget development and management;
4. To provide timely and appropriate information to all staff with fiscal management responsibilities; and
5. To establish efficient procedures for accounting, reporting, purchasing and delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.

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| Legal References | Cross References |
| 1. TCA 49-3-314(c)(1); Tennessee Internal School Uniform Accounting Policy Manual; Section 4-19 |  |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Line Item Transfer Authority** | Descriptor Code:  **2.201** | Issued Date:  **06/05/17** |
| Rescinds:  **2.201** | Issued:  **08/02/99** |

*Central Office*

Line-item transfers within major categories shall be made upon the recommendation of the director of schools and approval by the Board.

Transfer between major budget categories shall be made with the approval of the County Commission.1

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| Legal References | Cross References |
| 1. OP Tenn. Atty. Gen. 83-464 (Oct 26, 1983); Bandy v. State ex. rel. Sullivan County Board; 186 TN 11, 207 S. W. 2d 1011 (1948) |  |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Revenues** | Descriptor Code:  **2.400** | Issued Date:  **06/05/17** |
| Rescinds:  **2.400** | Issued:  **05/05/03** |

*General*

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

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

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

**FEES**

School fees are to be kept to a minimum and may be expended only for the purposes for which they were collected. The school shall not require any student to pay a fee to the school for any purpose, except as authorized by the Board. No fees shall be required of any student as a condition to attend the school or use its equipment.3 School fees shall be waived for students who receive free or reduced-price lunches.4  No student will be penalized for non-payment of any materials fee.

**EXTENDED SCHOOL PROGRAM**

Extended school funds shall be collected at the individual schools and receipted and deposited in the school bank account. The principal shall report the collections and pay the Board by school check.5

**FINES**

A student will be held responsible for the cost of replacing any materials or property which the student loses or damages,6 including textbooks, library books, equipment and buildings. All money collected as fines shall be placed in the systemwide school fund.

**TUITION INCOME**

Tuition collected from non-resident students shall be placed in the systemwide school fund.

**RENTAL INCOME**

The principal will collect and remit to the central office all money received for use of a particular school facility or other school property.

**GRANTS**

Grants for educational purposes made available by the state and/or federal government may be sought by the school system but only when the conditions of their availability are in harmony with the purposes and policies of the Board and the laws of the state and county. Principals may apply for and receive grants, but funds must be recorded in a separate restricted fund account.7

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| Legal References | Cross References |
| 1. TCA 49-2-110(a) 2. TCA 67-6-102 3. TCA 49-6-3001(a) ; TCA 49-2-110(b) 4. TCA 49-2-114 5. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-32 6. TCA 37-10-101; 102 7. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-31 | Student Activity Fund Management 2.900  Non-Resident Students 6.204  Student Solicitations/Fund-Raising 6.701  Student Fees and Fines 6.709 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Personal Property Sales** | Descriptor Code:  **2.403** | Issued Date:  **06/05/17** |
| Rescinds:  **2.403** | Issued:  **04/02/07** |

*General*

When equipment, books, materials, and other personal property no longer have an intended use by the system or are no longer capable of being used because of condition, the Board shall declare them surplus property and authorize their disposal.1

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| Legal References | Cross References |
| 1. TCA 49-6-2006; TCA 49-6-2007; TCA 49-6-2208; TCA 12-2-403(a)(1)-(4) Education Department General Administration Regulations (EDGAR) 43 Subtitle A Part 80.32   34 CFR 80.3-52 | Inventories 2.702 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Financial Reports and Records** | Descriptor Code:  **2.701** | Issued Date:  **08/02/99** |
| Rescinds: | Issued: |

**FINANCIAL REPORTS**

*Central Office*

The Executive Committee shall submit to the Board at each regular Board meeting a report of all business transacted since the last regular meeting.1

A report indicating all receipts and expenditures will be given quarterly to the County Commission.2 Each report will show the amount of the annual appropriation, the amount expended by account to date, the amount encumbered and the free balance in each account.

The director of schools shall submit monthly financial reports to the Board and to state and federal agencies as required.3

*Individual Schools*

Each principal shall submit to the director of schools at the end of each calendar month on a prescribed form the receipts, expenditures and cash balance of all accounts under his jurisdiction. These reports shall be made available to the Board at its request.

**FINANCIAL RECORDS**

*General*

The director of schools shall maintain all financial records as required by regulation and applicable state and federal law.The Board, from time to time, may determine to extend the retention time for certain records.4

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Legal References: Cross Reference:

1. TCA 49-2-206(5) School Board Records 1.407

2. TCA 49-2-301(b)(11)(S)

3. TCA 49-2-301(b)(1)(Z)

4*. Tennessee Internal School Uniform Accounting Policy Manual*; Section 4-21

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Inventories** | Descriptor Code:  **2.702** | Issued Date:  **09/09/10** |
| Rescinds:  **2.702** | Issued:  **04/02/07** |

*General*

The director of schools shall establish an accurate inventory procedure for all school real and personal (e.g., material and equipment) property, and this system shall be implemented at each school facility. Equipment is defined as all items with a unit cost of $5,000.00 or more and a minimum useful life expectancy of three years (including freight and installation charges)\*. Minor sensitive equipment is defined as having a value of $100.00 to $5,000.00 (technology equipment and related support equipment).1 Administrative personnel shall ensure that a physical count of all such property is taken at the end of each fiscal year, and this inventory shall be properly entered on the appropriate records for accounting purposes.2

Each school shall maintain a complete inventory with a duplicate maintained in the central office.

**EQUIPMENT PROCURED WITH FEDERAL DOLLARS**

The director shall establish procedures for administrators to follow which meet all federal accountability guidelines, including guidelines for the purchasing, inventorying, security and disposition of all equipment purchased with federal funds.3

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Legal References: Cross References:

1. ED - 5091 Education Department - Fed. Personal Property Sales 2.403

2. Tennessee Internal School Uniform Accounting Policy Manual; Section 4-13 Security 3.205

3. EDGAR 43 Subtitle A Part 80.32 Education Department General Admin. Regulation Equipment & Supplies Management 3.30

34 CFR 80.3-52

\* As defined by Tennessee Department of General Services

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Expenditure of Funds** | Descriptor Code:  **2.800** | Issued Date:  **08/07/17** |
| Rescinds:  **2.800** | Issued:  **08/31/15** |

*Central Office*

All expenditures shall be approved by the Board or the director of schools when authorized. No expenditures shall be made except on an approved purchase order or contract. Employees of this system shall not create or authorize creation of a deficit in any fund. No expenditure may be authorized or made which exceeds the appropriation of any fund of the budget as adopted or amended, and expenditures or encumbrances will not be authorized, made, or incurred in excess of any fund balance. The director of schools shall develop federal grant expenditure and cash management procedures that comply with all federal laws and regulations.1

*Individual Schools*

Internal activity funds shall not be expended without written approval by the membership of the group. All such expenses shall be in accordance with the *Tennessee Internal School Uniform Accounting Policy* *Manual*. Restricted account expenditures require the account sponsor's approval prior to expense. No checks shall be written to employees from the internal school activity fund account. Any supplemental compensation owed to the Board for extracurricular activities must be processed through the director of schools' office in the same manner as salary and other payroll payments. The Board shall invoice the school for reimbursement. Substitute teachers' salaries related to restricted class and club accounts shall be paid by the Board and shall be reimbursed by the school from the appropriate class or club account.2

Employees who authorize or contract for any obligation in violation of this policy shall assume personal responsibility for the payment of the obligation, shall be subject to dismissal from employment, and shall be subject to applicable civil and criminal proceedings. Any obligation, authorization for expenditure, or expenditure made in violation of the law and this policy shall be illegal and void.3

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| Legal References |  |
| 1. 2 C.F.R. § 200.403; Cash Management Improvement Act, 31 C.F.R. Part 205 2. *Tennessee Internal School Uniform Accounting Policy Manual*, Section 5-22 3. *Tennessee Internal School Uniform Accounting Policy Manual Section 5-17* |  |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Expenses and Reimbursements** | Descriptor Code:  **2.804** | Issued Date:  **08/02/99** |
| Rescinds: | Issued: |

*Central Office*

Annually the Board shall review expense allowances and reimbursement guidelines.

**SCHOOL PERSONNEL**

School personnel who incur expenses in carrying out their authorized duties will be reimbursed upon submission of an approved voucher and supporting receipts.

Expenses for travel will be reimbursed when the travel has the advance authorization of the director of schools. The director of schools may grant this authorization without prior board action when the travel expense has been anticipated and incorporated into the operational budget of the particular program involved.

Mileage will be paid at a rate authorized by the Board.

The Board shall be responsible for all expenses pertaining to staff development. Student activity funds shall not be used for this purpose.1

**BOARD MEMBERS**

The members of the Board shall be paid for transportation, lodging, meals and other pertinent expenses when traveling on business for the Board. Salary and other benefits shall be determined by the County Commission. 2Attendance at conventions or other educational meetings or travel for other school purposes shall be authorized in advance by the Board. 3

Expenses shall be submitted to the director of schools' office within thirty (30) days of the date of completion of such travel. The rate of payment shall be the same as the rate for members of the professional staff.

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Legal References:

1.  *Tennessee Internal School Uniform Accounting Policy Manual*, Section 5-20

2. TCA 49-2-202(d)

3. TCA 49-2-2001(c)

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Purchasing** | Descriptor Code:  **2.805** | Issued Date:  **08/07/17** |
| Rescinds:  **2.805** | Issued:  **08/31/15** |

*General*

The school system will purchase competitively and seek maximum educational value for every dollar expended. Authorization to purchase shall be provided by the Board. The director of schools shall serve as purchasing agent for system-wide purchasing.1 Principals shall serve as purchasing agents for individual schools.

Purchases made by anyone not authorized by the appropriate officials shall become the personal responsibility of the persons making the purchase agreement. The Board will not, under any circumstances, be responsible for payment for any materials, supplies, or services purchased by unauthorized individuals or in an un-prescribed manner.

No school shall be obligated to pay for any expenditure made by a student or a teacher or by any other employee unless he/she first receives a written purchase order from the proper office or unless prior written permission or arrangements are made with the principal.

The Board shall purchase locally whenever the conditions are comparable or when it is most practical under the circumstances.

*Individual Schools*

The director of schools must approve the following purchases:

1. a single piece of equipment costing more than five thousand dollars ($ 5,000.00);
2. one that is to be attached to or one that requires alteration of the building; or
3. one that will become a permanent fixture.

*Central Office*

**ROUTINE PURCHASES**

Routine purchases shall include expenditures for supplies, salaries, and routine expenditures required for the operation of the school system. These expenditures shall be anticipated and provided for in the budget and will normally be authorized by the Board at the beginning of the fiscal year. The director of schools or his/her designee shall make all routine purchases without further Board authorization; however, the Board shall be promptly informed if any substantial variation from budgeted estimates occurs or becomes necessary.

**SPECIAL PURCHASES**

Special purchases are those which are not routine and which may or may not be specifically identified by line item in the budget. Examples of special purchases are all capital expenditures such as for vehicles, buildings, major contracts, purchases of major equipment, items for long-term use and supplies of an unusual quantity or nature. All purchases in this category shall require specific prior Board approval on an item-by-item basis. In its approval, the Board may place constraints on the director of schools requiring Board evaluation and/or approval at various steps in the procurement process. This will be determined by the Board on an individual basis depending on the nature of the procurement action.

**EMERGENCY PURCHASES**

Emergency purchases are those which are necessary to avert hazards which threaten health or safety, to protect property from damage or to avoid major disruption of educational activities. If within budgetary limits and deemed essential, emergency purchases may be made by the director of schools. However, if the purchase is of such significant magnitude as to impact on the integrity of the budget, the chairman shall call a special or emergency meeting of the Board to deal with the matter. In any event, the Board shall be advised promptly of all emergency purchases.

**PURCHASING OF SURPLUS PROPERTY**

The director of schools and other employees designated by the Board shall be authorized to act for the Board in acquiring federal surplus property through the Tennessee General Services Department for surplus property and in entering into agreements, certifications and covenants of compliance concerning the use of federal surplus property.

Further, the director of schools is authorized to purchase any needed items through suppliers approved on the state bid list.

**COOPERATIVE PURCHASING**

The Board, at its option, will join in cooperative purchasing with other school systems to take advantage of lower prices for bulk purchasing and to reduce the cost involved in bidding whenever such buying appears to be to the benefit of the system.

**ONLINE PURCHASING 2**

The Board recognizes that online purchasing may provide opportunities for savings, but extra precaution should be used to ensure that accounting procedures are followed. Online purchasing shall be permitted with the following requirements:

1. Prior authorization must be obtained from the director of schools before setting up new online accounts, and schools shall maintain a list of accounts.
2. Online purchases must be for school purposes and made in accordance with established policies and procedures. School employees are prohibited from making personal purchases even with the intent of reimbursing the school system. School employees are prohibited from using a school's tax exempt status for personal purchases of any kind.3
3. The availability of money for the fund/account in question should be determined before Purchase Orders are approved.
4. All Purchase Orders must be properly filled out and approved prior to a purchase.
5. Price quotes should be obtained where possible and/or practical and retained with other purchase documentation.

**PURCHASING WITH FEDERAL GRANT FUNDS4**

Before grant funds are obligated or expended, the director or his designee shall review the cost of a proposed expenditure and determine if it is an allowable use of federal grant funds.4 The director will minimize the time that elapses between the transfer and disbursement of funds once an expenditure is approved.

No person officially connected with or employed by the school system may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict of interest arises when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. Upon discovery of any potential conflict, the director shall disclose the potential conflict to the federal awarding agency in writing.5

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| Legal References |  |
| 1. TCA 49-2-206(3); TCA 6-36-115 2. *Tennessee Internal School Uniform Accounting*   *Procedure Manual*; Section 4-9; 4-12   1. TCA 49-2-608(1) 2. 2 C.F.R. § 200.403 3. 2 C.F.R. § 200.112 |  |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Bids and Quotations** | Descriptor Code:  **2.806** | Issued Date:  **10/02/06** |
| Rescinds:  **2.806** | Issued:  **08/02/99** |

***General***

All purchases of supplies, materials, equipment and contractual services shall be purchased and/or bid under the same criteria as (*the local governmental body*).1

**EXEMPTIONS FROM COMPETITIVE BIDDING**

Contracts for legal services, educational consultants, insurance purchased through a plan authorized and approved by any organization or governmental entities representing cities and counties2 and similar services by professional persons or groups of high ethical standards shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity.3

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Legal References:

1. Public Acts 2006, Public Chapter 567

2. TCA 29-20-407

3. TCA 12-4-106

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in January** | Descriptor Term:  **Purchase Orders and Contracts** | Descriptor Code:  **2.808** | Issued Date:  **08/07/17** |
| Rescinds:  **2.808** | Issued:  **08/02/99** |

*General*

All purchases made by the school system shall be by purchase order or formal contract, and no purchase shall be made nor payment approved unless covered by an approved purchase order. Purchase orders will include the following essentials:

1. A specification which adequately describes to the supplier the characteristics and the quality standards of the item required;
2. A firm, quoted, net delivered price, whenever possible; and
3. Signature of purchasing agent.

Contracts shall be made only with responsible suppliers with the following considerations:

1. The supplier has the potential ability to perform successfully under the terms and conditions of a proposed procurement;
2. Procurement records or files for purchases in amounts in excess of $10,000 shall provide at least the following pertinent information: justification for procurement in lieu of advertising, contractor selection, and the basis for the cost or price of negotiated.
3. A system for contract administration shall be maintained to assure supplier conformance with terms, conditions, and specifications of the contract or purchase order, and to assure adequate and timely follow-up of all purchases;
4. Contracts shall contain such provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where suppliers violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
5. All contracts, amounts for which are in excess of $10,000, shall contain suitable provisions for termination including the manner by which it will be effected and the basis for settlement.
6. All contracts, including those of individual schools, will meet all requirements of state and federal laws, rules, and regulations.1

The purchasing agent shall advertise for bids and let contracts following authorization of purchase by the Board.

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| Legal References | Cross References |
| 1. TCA 49-2-203(a)(3); *Tennessee Internal School Uniform Accounting Policy Manual*, Section 5-10; TCA 49-2-206(b)(2) | Purchasing 2.805 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in October** | Descriptor Term:  **Equipment and Supplies  Management** | Descriptor Code:  **3.300** | Issued Date:  **11/06/17** |
| Rescinds:  **3.300** | Issued:  **04/02/07** |

*General*

All equipment and materials placed in school buildings by any group or organization become the property of the Board. The Board reserves the right to transfer property to other schools if the school in which it was originally placed is discontinued or if there is no longer any need for the equipment or materials were originally placed.

The director of schools shall develop procedures promoting the useful life of equipment and supplies by establishing a thorough, effective and economical operations and maintenance program and providing adequate insurance coverage. Equipment management shall be in accordance with federal and state laws, regulations and guidelines.

Each employee of the system shall be responsible for the materials, equipment and supplies assigned to him. In addition, he/she is responsible for the preservation and protection of materials, equipment and supplies not under his/her direct control when such are endangered and when the system employee having direct control is not present or is otherwise unable to act.

*Technology*

All technology hardware and related technology peripherals must remain within the school to which it has been assigned, except when a principal makes a request to take technology hardware and/or peripherals off campus for a specific school related purpose, and the request is approved by the appropriate supervisor and by the technology coordinator.

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Cross Reference

Inventories 2.702

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Insurance Management** | Descriptor Code:  **3.600** | Issued Date:  **08/06/18** |
| Rescinds:  **3.600** | Issued:  **11/06/17** |

*General*

The insurance program shall provide coverages in a minimum of the following broad categories:

1. Property: Buildings and contents against fire, extended coverage, vandalism and malicious mischief, boiler and machinery explosion, and vehicles;
2. Liability: Board members, Director of Schools, and employees resulting from discharging their duties, and students participating in work-based learning;1
3. Workers’ compensation; and
4. Fidelity: Blanket bond and fiscal agent’s bond as required by statute.

The Director of Schools shall continually review the insurance program to ensure that adequate protection is being provided at a reasonable price.

**GROUP HEALTH**

The Board may provide group health insurance for all full-time employees.2 The Director of Schools, after consultation with personnel, shall recommend carriers of insurance for programs in which the Board makes partial or full payments. The Board shall approve all insurance carriers.

The Director of Schools/designee shall develop procedures to ensure the privacy of HIPAA protected information.3

**ANNUITIES**4

Board-approved companies for tax-sheltered annuities shall include all companies presently having contracts with employees.

The addition of a company to the list of Board-approved companies shall be considered on written request of agents of the company.

Written request for a change in annuity deductions shall be reported to the payroll office on or before the first day of the month in which such change is to be effective.

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| Legal References | Cross References |
| 1. Public Acts of 2018, Chapter No. 991 2. TCA 49-2-209 3. 45 CFR § 164.306, 164.316 4. TCA 49-2-208 | Payroll Procedures 2.802 Work-Based Learning 4.211 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in November** | Descriptor Term:  **Use of the Internet** | Descriptor Code:  **4.406** | Issued Date:  **01/08/18** |
| Rescinds:  **4.406** | Issued:  **03/06/17** |

The Board supports the right of staff and students to have reasonable access to various information formats and believes that it is incumbent upon staff and students to use this privilege in an appropriate and responsible manner.

**Employees**

Before any employee is allowed use of the district's Internet or intranet access, the employee shall sign a written agreement, developed by the director/designee that sets out the terms and conditions of such use. Any employee who accesses the district's computer system for any purpose agrees to be bound by the terms of that agreement, even if no signed written agreement is on file.

The director of schools shall develop and implement procedures for appropriate Internet use which shall address the following:

1. Development of the Network and Internet Use Agreement.
2. General rules and ethics of Internet access.
3. Guidelines regarding appropriate instruction and oversight of student Internet use.
4. Prohibited and illegal activities, including but not limited to the following:1
   * Sending or displaying offensive messages or pictures
   * Using obscene language
   * Harassing, insulting, defaming or attacking others
   * Damaging computers, computer systems or computer networks
   * Hacking or attempting unauthorized access to any computer
   * Violation of copyright laws
   * Trespassing in another's folders, work or files
   * Intentional misuse of resources
   * Using another's password or other identifier (impersonation)
   * Use of the network for commercial purposes
   * Buying or selling personal items on the Internet

**Students**

The director of schools shall develop and implement procedures for appropriate Internet use by students. Procedures shall address the following:

1. General rules and ethics of Internet use.
2. Prohibited or illegal activities, including, but not limited to:1
   * Sending or displaying offensive messages or pictures
   * Using obscene language
   * Harassing, insulting, defaming or attacking others
   * Damaging computers, computer systems or computer networks
   * Hacking or attempting unauthorized access
   * Violation of copyright laws
   * Trespassing in another's folders, work or files
   * Intentional misuse of resources
   * Using another's password or other identifier (impersonation)
   * Use of the network for commercial purposes
   * Buying or selling on the Internet

**INTERNET SAFETY MEASURES** 3

Internet safety measures shall be implemented that effectively address the following:

* + Controlling access by students to inappropriate matter on the Internet and World Wide Web
  + Safety and security of students when they are using electronic mail, chat rooms, and other forms of direct electronic communications
  + Preventing unauthorized access, including "hacking" and other unlawful activities by students on-line
  + Unauthorized disclosure, use and dissemination of personal information regarding students
  + Restricting students' access to materials harmful to them

The director of schools/designee shall establish a process to ensure the district's education technology is not used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

* + Utilizing technology that blocks or filters Internet access (for both students and adults) to material that is obscene, child pornography or harmful to students
  + Maintaining and securing a usage log
  + Monitoring on-line activities of students

The Board shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate, its Internet safety measures.

A written parental consent shall be required prior to the student being granted access to electronic media involving district technological resources. The required permission/agreement form, which shall specify acceptable uses, rules of on-line behavior, access privileges and penalties for policy/ procedural violations, must be signed by the parent/legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be executed each year and shall be valid only in the school year in which it was signed unless parent(s) provide written notice that consent is withdrawn. In order to rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the director of schools with a written request.

**E-MAIL**

Users with network access shall not utilize district resources to establish electronic mail accounts

through third-party providers or any other nonstandard electronic mail system. All data including e-mail communications stored or transmitted on school system computers shall be monitored. Employees/students have no expectation of privacy with regard to such data. E-mail correspondence may be a public record under the public records law and may be subject to public inspection.2

**INTERNET SAFETY INSTRUCTION** 4

Students will be given appropriate instruction in internet safety as a part of any instruction utilizing computer resources. The director shall provide adequate in-service instruction on internet safety. Parents and students will be provided with material to raise awareness of the dangers posed by the internet and ways in which the internet may be used safely.

**SOCIAL NETWORKING**

1. District staff who have a presence on social networking websites are prohibited from posting data, documents, photographs, or inappropriate information that is likely to create a material and substantial disruption of classroom activity.
2. District staff are prohibited from accessing personal social networking sites on school computers or during school hours except for legitimate instructional purposes.
3. The board discourages district staff from socializing with students on social networking websites. The same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium is unacceptable when done through the use of technology.

**VIOLATIONS**

Violations of this policy or a procedure promulgated under its authority shall be handled in accordance with the existing disciplinary procedures of this District.

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| Legal References | Cross References |
| 1. TCA 39-14-602 2. TCA 10-7-512 3. Children's Internet Protection Act (Public Law 106-554) 4. TCA 49-1-221 | Use of Electronic Mail (e-mail) 1.805  Web Pages 4.407 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Personnel Goals** | Descriptor Code:  **5.100** | Issued Date:  **04/02/18** |
| Rescinds:  **5.100** | Issued:  **08/02/99** |

The general purpose of the administration shall be to coordinate and supervise, under Board policies, the creation and operation of an environment in which students learn most effectively. The Board shall rely on the director of schools to provide the professional administrative leadership.

The Board of Education shall clearly specify its requirements and expectations of the director of schools, then holding the director of schools accountable by evaluating how well those requirements and expectations have been met. In turn, the director of schools shall clearly specify requirements and expectations for all administrators who report to him, then holding each accountable by evaluating how well requirement and expectations have been met.

Major goals of administration will be:

1. To manage the system’s various resources effectively and efficiently;
2. To provide professional advice and counsel to the Board and to advisory groups established by Board action; and
3. To assure effective learning programs by:
   1. Keeping abreast of current educational developments;
   2. Arranging for staff development;
   3. Coordinating efforts to improve learning programs, facilities, equipment, and materials; and
   4. Providing access to the decision-making process to staff, students, parents, and others.

The Board recognizes that high morale in the teaching staff is essential if education of the finest quality is to prevail for the pupils of the school system. Teaching is a profession, and the interest of the educational program is best served when mutual understanding, cooperation and communication exist among the Board, the administration, and the instructional staff.

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|  | Cross References |
|  | School District Goals 1.700 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Classification and Qualifications** | Descriptor Code:  **5.102** | Issued Date:  **04/02/18** |
| Rescinds:  **5.102** | Issued:  **07/12/04** |

**ADMINISTRATIVE AND SUPERVISORY PERSONNEL**

All administrative and supervisory positions in the school system are established initially by the Board, by state law, or State Board Rule, Regulations, and Minimum Standards.

To be considered for certificated administrative or supervisory positions, the applicant must show the following qualifications:

1. Professional teaching certification; and
2. Administrative or supervisory certification and experience in accordance with state law and State Board Rules and Regulations in the appropriate area based on the minimum of a master's degree.

Non-certified administrative and supervisory personnel shall possess sufficient training and experience to perform the services required and such additional qualifications as the Board and director shall determine.

**PROFESSIONAL PERSONNEL**

The professional staff members are the personnel whose employment status *requires* certification in accordance with the rules and regulations of the State Board of Education. 1

It is the responsibility of the employee to secure a certificate and to maintain its validity and for registering it with the Board. Teaching contracts are automatically invalid if a certificate is allowed to lapse.

**SUPPORT PERSONNEL**

The non-certificated staff members are personnel whose regular employment does not require certification in accordance with rules and regulations of the State Department of Education. Non-certificated personnel include the following employees: bookkeepers, secretaries, clerks, maintenance employees, custodial employees, cafeteria employees, teacher assistants and bus personnel.

**FULL TIME EMPLOYMENT**

Full time employment is defined as working a minimum of thirty hours per week for a minimum of thirty-six weeks. Benefits are not available to part time employees except as recommended by the director and approved by the Board.

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Equal Opportunity Employment** | Descriptor Code:  **5.104** | Issued Date:  **04/02/18** |
| Rescinds:  **5.104** | Issued:  **08/02/99** |

Opportunity for employment, as well as continuation and advancement in employment, shall be afforded equally to members of all races, creeds, colors, sexes, religions, ages, national origins, and individuals with disabilities or veteran status with regard only for qualifications for the positions involved.1

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| Legal References | Cross References |
| 1. U.S. Constitution, Amendment XIV; Title VII, Civil Rights Act of 1964; Title VI, Civil Rights Act of 1964; Title IX, Education Amendments of 1972; Age Discrimination Act of 1967; Section 504 of the Rehabilitation Act of 1973; and 42 USCA § 12101-12213 | Section 504 & ADA Grievance Procedures 1.802 Discrimination/Harassment of Employees 5.500 Complaints and Grievances 5.501 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Recruitment of Employees** | Descriptor Code:  **5.105** | Issued Date:  **04/02/18** |
| Rescinds:  **5.105** | Issued:/  **08/02/99** |

The authorization of all school system positions rests with the Board. Personnel employment shall be within the discretion of the director of schools.1

The director of schools is responsible for the development of a program for the recruitment of licensed personnel.2

Identification of personnel needs shall be the responsibility of the director of schools, supervisors, and building principal. Effort shall be made to include representation of academic and professional experience, age, ethnic backgrounds, race, and sex.

Vacancies will be advertised locally and through the closest placement offices. A deadline for receiving applications will be established and disseminated with the vacancy notice.

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| Legal References | Cross References |
| 1. TCA 49-2-301(b)(1)(EE); TCA 49-2-203(a)(1) 2. TRR/MS 0520-01-02-.14 | Equal Opportunity Employment 5.104  Assignment/Transfer 5.115 Staff Positions 5.116 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Application and Employment** | Descriptor Code:  **5.106** | Issued Date:  **08/06/18** |
| Rescinds:  **5.106** | Issued:  **04/02/18** |

**APPLICATION**

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

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

Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant. The Board shall reimburse the applicant if a position is offered and accepted.4

*Professional Employees*

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

No person shall be employed:

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

*Support Employees*

No person shall be employed:

1. Who has any contagious or communicable disease in such form that might endanger the health of the children;8
2. Who has been identified by the Department of Children’s Services as a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect, or who poses an immediate threat to the health, safety, or welfare of children;7
3. Who is listed on the state’s abuse of vulnerable persons registry maintained by the Department of Health;7
4. Who has not complied with the Immigration Reform and Control Act of 1986;11
5. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
6. Who does not receive a satisfactory background check.10

**EMPLOYMENT**

*Professional Employees*

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

*Initial Employment*

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

*Support Employees*

After checking references and receiving written recommendations from principals and/or supervisors, the Director of Schools shall hire and assign qualified applicants.

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| Legal References | Cross References |
| 1. TCA 49-5-406 2. State Board of Education Policy 5.501 3. TCA 49-5-406 (a)(2)(A) 4. TCA 49-5-413(c) 5. Public Acts of 2018, Chapter No. 938 6. TCA 49-5-403; TCA 49-5-101 7. TCA 49-5-413(e) 8. TCA 49-5-404; TRR/MS 0520-01-03-.08(2)(f) 9. TCA 49-5-405 10. Public Acts of 2018, Chapter No. 1006 11. Immigration Reform and Control Act of 1986; Pub. L. No. 99-603, 100 Stat. 3359 | Orientation and Probation 5.107 Compensation Guides & Contracts 5.110  Background Investigations 5.118  Recommendations and File Transfers 5.203 Qualifications and Duties of the Director of Schools 5.802 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Differentiated Pay Plan** | Descriptor Code:  **5.1101** | Issued Date:  **05/07/18** |
| Rescinds:  **5.1101** | Issued:  **05/01/17** |

Annually, the director of schools shall recommend a differentiated pay plan to the board for approval.1 The plan shall follow the guidelines established by the State Board of Education and will reflect the needs of the district.

Whenever possible, the differentiated pay plan shall include an annual monetary bonus for high performing teachers, based on performance metrics, such as evaluation scale level. This bonus plan shall be effectively communicated to teachers immediately after the differentiated pay plan is approved.  This communication will include:

1. The formula used to determine the amount of the bonus.
2. What goals the teachers need to meet to achieve different levels of bonus, and what actions they can take on their part to meet their goals.
3. The date the bonus will be paid to the teachers.

Once approved by the board, the differentiated pay plan shall be submitted to the Tennessee Department of Education for review and approval.

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| Legal References | Cross References |
| 1. TCA 49-3-306(h) |  |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Extended Contracts** | Descriptor Code:  **5.112** | Issued Date:  **05/07/18** |
| Rescinds:  **5.112** | Issued:  **12/01/14** |

Annually, the director of schools shall be responsible for conducting a needs assessment to determine the focus of extended contract activities. The assessment shall be conducted by an extended contract committee, which shall advise on or certify to the need for speciﬁc programs served through extended contracts. The committee shall consist of teachers and administrators.

Extended contract opportunities shall be available to all educators.

The director of schools shall be responsible for devising a plan for Board approval consistent with the needs assessment. The plan shall include as a minimum:

1. A description of each program and a discussion of the beneﬁts of the program as required by state law;
2. Time frames within which the program(s) shall be operated;
3. The number of students who will beneﬁt from the program;
4. A list of additional duties which may be assigned to educators;
5. The number and special qualiﬁcations of employees desired for each program; and
6. Local costs to be involved in the program.

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|  | Cross References |
|  | Extended School Day/Year Programs 1.8012  Summer School 4.204 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Personnel Records** | Descriptor Code:  **5.114** | Issued Date:  **05/07/18** |
| Rescinds:  **5.114** | Issued:  **12/01/08** |

The director of schools or his designee(s) shall be authorized to maintain personnel records and to permit inspection of the same. The following personnel records shall be maintained for all employees as appropriate:

1. Employee applications and contracts;
2. Professional certificates and other documents required by state and federal laws and regulations;1
3. Evaluations;
4. Cumulative information files:
   1. Age
   2. Experience
   3. Qualifications
   4. Salary
   5. Physical exams
   6. Sex
   7. Race
   8. Names of schools and grades taught
5. INS Form I-9.2

The following guidelines shall be followed:

1. Information contained in personnel records shall be limited to job-related matters;
2. The director of schools shall be responsible for notifying all employees of the types of records kept and uses made of such records;
3. Employees shall be granted an opportunity to respond in writing to material placed in records;
4. Employee records are public records, except medical records, and shall be open for inspection during regular business hours;3
5. In accordance with federal law, the district shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school.4
6. Members of the public may not obtain the home telephone number, personal cell phone number, bank account information, social security number, residential street address, or driver license information (except where driving or operating a vehicle is considered to be a part of the employee’s duties), of an employee or of the immediate family members or household members of an employee, unless release of this information is expressly authorized by the employee.5
7. A record of the person inspecting and the date of inspection shall be recorded; and
8. Copies of records may be made under rules determined by the director of schools.6

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| Legal References | Cross References |
| 1. TCA 49-2-301(b)(1)(M) 2. Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359 3. TCA 10-7-503, 504 4. 20 USCA § 6311(g)(2) 5. TCA 10-7-504(f)(1) 6. TCA 10-7-506; TCA 49-2-301(b)(1)(CC); TCA 8-50-108 | School District Records 1.407 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Background Investigations** | Descriptor Code:  **5.118** | Issued Date:  **08/06/18** |
| Rescinds:  **5.118** | Issued:  **05/07/18** |

*General*

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

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

**APPLICANTS AND EMPLOYEES**

To ensure the safety and welfare of students and staff, the district shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other positions that require proximity to children. Further, applicants who (1) have been identified by the Department of Children’s Services as perpetrators of child abuse, severe child abuse, child sexual abuse, or child neglect, or who pose an immediate threat to the health, safety, or welfare of children; or (2) who are listed on the state’s abuse of vulnerable persons registry maintained by the Department of Health shall not be employed.2 Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant. The Board shall reimburse the applicant if the position is offered and accepted.3

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

**USE AND DISSEMINATION**

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

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

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

**RETENTION AND SECURITY**

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

**DISPOSAL OF CHRI**

When CHRI is no longer needed, it shall be destroyed by burning, shredding or other method rendering the information unreadable. Record destruction must be conducted under the supervision of the director of schools.

**MISUSE**

Employees who misuse CHRI or violate this policy shall be subject to disciplinary action up to and including termination. Any employee with knowledge of misuse shall immediately report a violation to the director of schools.

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| Legal References | Cross References |
| 1. Public Acts of 2018, Chapter No. 1006 2. TCA 49-5-406(a)(1); TCA 49-5-403;   TCA 49-5-413(a)(2), (e)   1. TCA 49-5-413(c) 2. 34 USCA § 40316 | School Volunteers 4.501 Application and Employment 5.106 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Separation Practices for Tenured Teachers** | Descriptor Code:  **5.200** | Issued Date:  **06/04/18** |
| Rescinds:  **5.200** | Issued:  **07/07/14** |

**SUSPENSION PENDING AN INVESTIGATION 1**

The director of schools may suspend a teacher at any time that may seem necessary, pending investigation or ﬁnal disposition of a case before the board or an appeal. If the matter under investigation is not the subject of an ongoing criminal investigation or a department of children's services investigation, and if no charges for dismissal have been made, a suspension pending investigation shall not exceed ninety (90) days in duration. Under no circumstances shall the director of schools suspend a teacher with pay. If vindicated or reinstated, the teacher shall be paid full salary for the period of suspension.

**SUSPENSION OF THREE DAYS OR LESS 2,3,4**

A director of schools/designee may suspend a teacher for incompetence, inefﬁciency, neglect of duty, unprofessional conduct and insubordination. Before an employee is suspended he/she shall be: (1) provided with written notice, including the reasons for the suspension along with an explanation of the evidence; (2) given an opportunity to respond to the director at a conference, if requested within ﬁve (5) days; and (3) given a written decision of the suspension within ten (10) days. Both parties may be represented by counsel at the conference, which shall be recorded.

Under no circumstances shall a director of schools suspend a tenured teacher with pay. If reinstated, the tenured teacher shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

**DISMISSAL OR SUSPENSIONS GREATER THAN THREE DAYS 5**

The Board shall maintain a list of qualiﬁed individuals who have indicated a willingness to act as impartial hearing ofﬁcers, as deﬁned under Tennessee law.

When charges are made against a tenured teacher, charging the teacher with offenses which may justify dismissal or a suspension greater than three days, the charges shall be made in writing, speciﬁcally stating the offenses which are charged and shall be signed by the party or parties making the charges.

If, in the opinion of the Board, the charges are of such nature as to warrant the release or a suspension greater than three days of the teacher, the director of schools shall give the teacher a written notice of this decision, a copy of the charges against the teacher, and a copy of a form provided by the Commissioner of Education advising the teacher of his/her legal duties, rights and recourse.

A tenured teacher who has been given notice of charges against him/her may within thirty (30) days after receipt of notice give written notice to the director of schools of his/her request for a hearing.

The director of schools shall, within ﬁve (5) days after receipt of request, assign a hearing ofﬁcer from the list maintained by the Board.

The hearing ofﬁcer shall notify the parties, or their attorney, of the ofﬁcer’s assignment and direct the parties or the attorneys for the parties, or both, to appear before the hearing ofﬁcer for simpliﬁcation of issues and the scheduling of the hearing. That hearing shall be set no later than thirty (30) days following receipt of the initial request for a hearing. In the discretion of the hearing ofﬁcer, all or part of any prehearing conference may be conducted by telephone if each participant has an opportunity to participate, be heard, and to address proof and evidentiary concerns. The hearing ofﬁcer is empowered to issue appropriate orders and to regulate the conduct of the proceedings.

Either party may appeal to the Board of Education an adverse ruling by giving written notice of appeal within ten (10) working days of the hearing ofﬁcer’s delivery of the hearing ofﬁcer’s written ﬁndings and conclusions. The director of schools shall prepare a copy of the proceedings, including all transcripts and evidence, documentary or otherwise, and transmit the same to the Board within twenty (20) days of the receipt of the notice of appeal.

The Board shall hear the appeal on the record, and no new evidence may be submitted by either party. The appealing party may appear before the Board to argue why the adverse ruling should be over- turned. In no event should such argument last more than ﬁfteen (15) minutes, unless the Board should vote to extend additional time. At the conclusion of the hearing, any member of the Board may vote to sustain the decision of the Hearing ofﬁcer, send the record back for additional evidence, revise the penalty or reverse the decision. The Board shall render its decision within ten (10) working days after the conclusion of the hearing. In the event that the decision of the Board is appealed to the Chancery court, the Board shall transmit the entire record prepared by the director and reviewed by the Board to the Chancery court for its review.

**RESIGNATION**

A teacher shall give the director of schools notice of resignation at least thirty (30) days before the effective date of the resignation. A teacher who fails to give such notice, in the absence of justiﬁable extenuating circumstances, shall forfeit all tenure status. The Board may waive the thirty (30) days’ notice requirement and permit a teacher to resign in good standing.

The conditions under which it is permissible to break a contract with the Board are as follows:

1. The incapacity on the part of the teacher to perform the contract as evidenced by the certiﬁed statement of a physician approved by the Board;
2. The release by the Board of the teacher from the contract which the teacher has entered into with the Board.6

Any teacher on leave shall notify the director of schools in writing at least thirty (30) days prior to the date of return if the teacher does not intend to return to the position from which he/she has taken leave. Failure to render such notice may be considered a breach of contract.7

Upon a breach of contract, the Board, upon a motion recorded in its minutes, may ﬁle a complaint with the Commissioner and request the suspension of a teacher’s certiﬁcate. After the Commissioner has provided the teacher an opportunity for defense during a hearing, the Commissioner may suspend the certiﬁcate for no less than thirty (30) and no more than three hundred sixty-ﬁve (365) days.8

**RETIREMENT**

Retirement shall mean a termination of services under conditions which will allow the employee to draw beneﬁts from retirement plans and/or social security beneﬁts. Employees eligible for retirement beneﬁts may elect to retire at any age according to the provisions of the retirement system.

Central ofﬁce personnel shall assist employees in securing retirement beneﬁts; however, it shall be the responsibility of the retiring employee to provide veriﬁcation of eligibility in writing from TCRS to the central ofﬁce. It shall be the responsibility of the retiring employee to ﬁle for beneﬁts.

Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year without loss of retirement beneﬁts. Retired teachers may substitute teach for an additional ninety (90) days if the director of schools certiﬁes in writing to the Board that no other qualiﬁed personnel are available to substitute teach. 9

The director of schools may employ teachers retired for at least one year for full-time employment as a kindergarten through twelfth grade teacher on a year-to-year basis. Retirement beneﬁts will not be lost or suspended under certain conditions, which include but are not limited to the following: 10

1. The director of schools of the employing system must certify in writing that no other qualiﬁed individuals are available to ﬁll the position;
2. The Commissioner of Education must certify that the employing school system serves an area that lacks qualiﬁed teachers to serve in the position to be ﬁlled;
3. The retired teacher must hold a valid license and shall not be entitled to tenure status;
4. The retired teacher shall not be eligible to accrue additional retirement beneﬁts, accrue leave or receive medical insurance coverage; and
5. The salary paid to the retired member shall not be less than the rate of compensation set by the Board for teachers with no experience ﬁlling similar positions, nor more than eighty-ﬁve percent (85%) of the rate of compensation set by Board for teachers with comparable training and years of experience ﬁlling similar positions.

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| Legal References |  |
| 1. TCA 49-5-511(a)(3) 2. TCA 49-2-301 (b)(1)(EE), TCA 49-5-512(d) 3. TCA 49-5-511(a)(2) 4. TCA 49-5-511 through 513 5. TCA 49-5-512, 513 6. TCA 49-5-508 7. TCA 49-5-706 8. TCA 49-5-411 9. TCA 8-36-805 10. TCA 8-36-821 |  |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Separation Practices for Non-Tenured Teachers** | Descriptor Code:  **5.201** | Issued Date:  **06/04/18** |
| Rescinds:  **5.201** | Issued:  **08/07/17** |

**SUSPENSION PENDING AN INVESTIGATION** 1

The director of schools may suspend a teacher at any time that may seem necessary, pending investigation or ﬁnal disposition of a case before the board or an appeal. If the matter under investigation is not the subject of an ongoing criminal investigation or a department of children's services investigation, and if no charges for dismissal have been made, a suspension pending investigation shall not exceed ninety (90) days in duration. Under no circumstances shall the director of schools suspend a non-tenured teacher with pay. If vindicated or reinstated, the non-tenured teacher shall be paid full salary for the period of suspension.

**SUSPENSION OF THREE DAYS OR LESS** 2

A director of schools/designee may suspend a teacher for incompetence, inefﬁciency, neglect of duty, unprofessional conduct and insubordination. Before an employee is suspended he/she shall be: (1) provided with written notice, including the reasons for the suspension along with an explanation of the evidence; (2) given an opportunity to respond to the director at a recorded conference, if requested within ﬁve (5) days; and (3) given a written decision of the suspension within ten (10) days. Both parties may be represented by counsel at the conference, which shall be recorded.

**DISMISSAL OR SUSPENSION GREATER THAN THREE DAYS**

The director of schools may dismiss or suspend for more than three days any non-tenured teacher **during the contract year** for incompetence, inefﬁciency, insubordination, improper conduct or neglect of duty after giving the non-tenured teacher, in writing, due notice of the charges.

The director of schools shall give the non-tenured teacher an opportunity for a full and complete hearing before an impartial hearing ofﬁcer. 2

The Board will appoint an impartial hearing ofﬁcer to conduct such hearings. The hearing ofﬁcer will hear the case and the employee shall have the right to:

1. be represented by counsel;
2. call and subpoena witnesses;
3. examine all witnesses; and
4. require that all testimony be given under oath.

Factual ﬁndings and decisions in all dismissal cases shall be reduced to written form and delivered to the affected employee within ten (10) working days following the close of the hearing. The employee may appeal the decision to the Board within ten (10) working days of the hearing ofﬁcer rendering the written decision to the employee. Written notice of appeal to the Board shall be given to the director of schools. Within twenty (20) days' of receipt of notice, the director shall prepare a copy of the proceedings, transcript, documentary and other evidence presented and provide the Board a copy of the same.

The Board shall hear the appeal. No new evidence shall be introduced. The non-tenured teacher may appear in person or be represented by counsel and argue why the decision should be modiﬁed or reversed. The Board shall take one of the following actions:

1. sustain the decision;
2. send the record back if additional evidence is necessary; or
3. revise the penalty or reverse the decision.

Before any decision to dismiss is made, a majority of the membership of the Board shall concur in sustaining the charges. The Board shall render a decision on the appeal within ten (10) working days after the conclusion of the hearing.

The director of schools shall also have the right to appeal any adverse ruling by the Hearing Ofﬁcer in same manner as the non-tenured teacher.

Within twenty (20) days after receipt of notice of the decision of the Board, either party may appeal to the chancery court in the county where the school system is located. The Board shall provide the entire record of the hearing to the court.

**NONRENEWAL**

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

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

The director of schools is under no obligation to re-employ non-tenured teachers at the end of their con- tract period. If the director of schools determines not to renew the contract of a non-tenured teacher,1 the following action shall be taken:

1. The Board shall be notiﬁed at the next regular board meeting; and
2. Written notice of non-renewal shall be hand delivered or sent to the employee by registered mail so that it will be received by the employee within five (5) business days following the last instructional day for the school year.3

**RESIGNATION**

A teacher shall give the director of schools notice of resignation at least thirty (30) days before the effective date of the resignation.4 The Board may waive the thirty (30) days-notice requirement and permit a teacher to resign in good standing.

The conditions under which it is permissible to break a contract with the Board are as follows:

1. The incapacity on the part of the teacher to perform the contract as evidenced by the certiﬁed statement of a physician approved by the Board;
2. The release by the Board of the teacher from the contract which the teacher has entered into with the Board.

Any teacher on leave shall notify the director of schools in writing at least thirty (30) days' prior to the date of return if the teacher does not intend to return to the position from which he/she has taken leave. Failure to render such notice may be considered a breach of contract.5

Upon a breach of contract, the Board, upon a motion recorded in its minutes, may ﬁle a complaint with the Commissioner and request the suspension of a teacher’s certiﬁcate. After the Commissioner has provided the teacher an opportunity for defense during a hearing, the Commissioner may suspend the certiﬁcate for no less than thirty (30) and no more than three hundred sixty-ﬁve (365) days.6

**RETIREMENT**

Retirement shall mean a termination of services under conditions which will allow the employee to draw beneﬁts from retirement plans and/or social security beneﬁts.

Employees eligible for retirement beneﬁts may elect to retire at any age according to the provisions of the retirement system. Central ofﬁce personnel shall assist employees in securing retirement beneﬁts; however, it shall be the responsibility of the retiring employee to provide veriﬁcation of eligibility in writing from TCRS to the central ofﬁce. It shall be the responsibility of the retiring employee to ﬁ le for beneﬁts.

Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year without loss of retirement beneﬁts. Retired teachers may substitute teach for additional days if the director of schools certiﬁes in writing to the board that no other qualiﬁed personnel are available to substitute teach.7

The director of schools may employ teachers retired for at least one year for full-time employment as a kindergarten through twelfth grade teacher on a year-to-year basis. Retirement beneﬁts will not be lost or suspended under certain conditions, which include but are not limited to the following:8

1. The director of schools of the employing system must certify in writing that no other qualiﬁed individuals are available to ﬁll the position;
2. The Commissioner of Education must certify that the employing school system serves an area that lacks qualiﬁed teachers to serve in the position to be ﬁlled;
3. The retired teacher must hold a valid license and shall not be entitled to tenure status;
4. The retired teacher shall not be eligible to accrue additional retirement beneﬁts, accrue leave or receive medical insurance coverage; and
5. The salary paid to the retired member shall not be less than the rate of compensation set by the Board for teachers with no experience ﬁlling similar positions, nor more than eighty-ﬁve percent (85%) of the rate of compensation set by Board for teachers with comparable training and years of experience ﬁlling similar positions.

*(Note: Nonrenewal of non-tenured teachers after the contract year is not suspension or dismissal and does NOT follow the suspension/dismissal procedures outlined in this policy. Rather, nonrenewal of non-tenured teachers after the contract year follows the nonrenewal procedures outlined in this policy.)*

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| Legal References | Cross References |  |
| 1. TCA 49-5-511(a)(3) 2. TCA 49-2-301(b)(1)(GG); TCA 49-5-512(d) 3. TCA 49-5-409 4. TCA 49-5-508 5. TCA 49-5-706 6. TCA 49-5-411(b)(4) 7. Public Acts of 2017, Chapter No. 287 8. TCA 8-36-821 | Recommendations and File Transfers 5.203 |  |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Separation Practices for Non-Certified Employees** | Descriptor Code:  **5.202** | Issued Date:  **06/04/18** |
| Rescinds:  **5.202** | Issued:  **12/05/11** |

**SUSPENSION**

A director of schools/designee may suspend an employee at any time when deemed necessary.1 Before an employee is suspended s/he shall be: (1) provided with reasons for the suspension; (2) given an opportunity to respond; and (3) given a written decision of the suspension.

Under no circumstances shall a director of schools suspend an employee with pay. If reinstated, the employee shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

**DISMISSAL**

All non-certified (classified) employees are employed at the will of the director. The director of schools may dismiss any non-certified employee during the contract year for any reason.

**RESIGNATION**

Support personnel shall give the immediate supervisor written notice of resignation at least two (2) weeks (ten (10) working days) in advance of the effective date of voluntary termination. The ten (10) working days may be waived by the director of schools for justifiable reason.

The immediate supervisor shall forward copies the day received to the director of schools' office. The payroll office will prepare final payment for the next appropriate scheduled pay day.

**RETIREMENT**

Retirement shall mean a termination of services under conditions which will allow the employee to draw benefits from retirement plans and/or social security benefits.

Employees eligible for retirement benefits may elect to retire at any age according to the provisions of the retirement system.

Central office personnel shall assist employees in securing retirement benefits; however, it shall be the responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to the central office. It shall be the responsibility of the retiring employee to file for benefits.

Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year without loss of retirement benefits.

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| Legal References | Cross References |  |
| 1. TCA 49-2-301(b)(1)(EE)—(FF) | Recommendations and File Transfers 5.203 |  |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Recommendations and File Transfers** | Descriptor Code:  **5.203** | Issued Date:  **08/06/18** |
| Rescinds:  **5.203** | Issued:  **06/04/18** |

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

These requirements shall not apply if:

1. The information giving rise to probable cause has been properly reported to the appropriate law enforcement agency; and
2. The matter has been officially closed in one of the following ways:  
   1. The prosecutor or police have investigated the allegations and notified school officials that there is insufficient information to establish probable cause;
   2. The employee, contractor, or agent has been charged and either acquitted or exonerated; or
   3. The case remains open, and there have been no charges or indictment filed within four (4) years of the date the information was reported to the law enforcement agency.

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

The director of schools shall develop administrative procedures to enforce this policy and comply with federal law.

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| Legal References | Cross References |
| 1. 20 USCA § 7926; Public Acts of 2018, Chapter No. 938 | Application and Employment 5.106  Separation Practices for Tenured Teachers 5.200 Separation Practices for Non-Tenured Teachers 5.201 Separation Practices for Non-Certified Employees 5.202 Child Abuse and Neglect 6.409 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Short Term Leaves of Absence** | Descriptor Code:  **5.300** | Issued Date:  **06/04/18** |
| Rescinds:  **5.300** | Issued:  **08/02/99** |

Short term leaves of absence shall consist of the following: Emergency, legal, sick, personal, and professional leave.1

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| Legal References | Cross References |
| 1. TRR/MS 0520-1-2-.04(8) | Emergency & Legal Leave 5.301  Sick Leave 5.302  Personal & Professional Leave 5.303  Vacations and Holidays 5.310 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Emergency and Legal Leave** | Descriptor Code:  **5.301** | Issued Date:  **06/04/18** |
| Rescinds:  **5.301** | Issued:  **10/03/16** |

**EMERGENCY LEAVE**

An immediate supervisor may grant a certified employee emergency leave during the workday for a sudden, unexpected occurrence demanding immediate attention. Leave shall be taken as personal leave,1 sick leave or leave without pay. The employee who uses emergency leave shall confirm said leave on appropriate forms the day after returning to work.

Principals or administrative supervisors shall keep a tally of the amount of time individual employees are released under this policy and when the total time reaches one (1) day, the employee shall be charged with one (1) day of applicable leave.

**JURY DUTY**

When a teacher is summoned for jury duty s/he shall appear in court and specify a seven (7) day period within twelve months that s/he will be available for jury duty. The following procedures shall regulate the leave for jury duty for teachers:

1. The teacher shall present written evidence that s/he had been summoned to serve on a jury;   
 and,

2. The teacher shall be entitled to the usual compensation, less the amount paid by the court.3

**COURT APPEARANCES**

If an employee appears in state court because of a personal interest, whether as a plaintiff, defendant or witness or voluntarily appears in behalf of family or friends, or when an employee is required to appear in court either as a defendant or plaintiff in a civil case, personal leave or leave without pay shall be granted in accordance with the established board policies on leaves.

*Support Personnel*

Support personnel called for jury duty or who serve as court witnesses shall present the subpoena or other documents which give reporting instructions to the immediate supervisor. The employee shall obtain a form indicating the days served and the court pay to be received from the court's clerk for submitting to the payroll office. The employee shall receive the usual compensation less the amount paid by the court.3

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Legal References

1. TCA 49-5-711 (c)(1)(2); OP Tenn. Atty. Gen. 81-5 (Jan. 9, 1981)
2. TCA 22-1-103 (a)(3)
3. TCA 22-4-108 (b)(1)

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Sick Leave** | Descriptor Code:  **5.302** | Issued Date:  **06/04/18** |
| Rescinds:  **5.302** | Issued:  **09/13/99** |

**LICENSED PERSONNEL**

The time allowed for sick leave for professional personnel shall be one (1) day for each month employed during the school year and shall accumulate for an unlimited number of days.1

Sick leave shall be defined as: illness of a teacher from natural causes or accident, quarantine, or illness or death of a member of the immediate family of a teacher, including the teacher's wife or husband, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law.2

A signed statement listing the cause of absence shall be provided by the employee on forms furnished by the director of schools and shall promptly be given to the immediate supervisor in support of all claims for sick leave pay. A falsified statement shall be grounds for dismissal.

A certificate from the physician on forms furnished by the Board may be required in support of any claim for sick leave pay.1

In case of doubt, the Board of Education shall have final authority as to who is entitled to leave under this section and the time for which the leave may be allowed.3

A teacher in need of sick leave shall be allowed to use unearned sick leave up to the amount of days which such teacher may accumulate during the remainder of the school year in which he is employed. Such advance use of sick leave shall be charged to sick leave accumulated in the same school year.4

Upon termination of the employment of such teacher-before-such-days are earned or at the end of the school year, there shall be deducted from the final salary of each teacher an amount based on his daily rate of pay sufficient to cover the excess sick leave days used by him and if such final salary is insufficient for this purpose the teacher shall be liable for reimbursement of any amount in excess of his final salary.4

The principal shall notify the director of schools' office at once if an employee is sick beyond the limit of his/her sick leave accumulation. The substitute teacher, beyond this point, must have a certificate or permit and must be paid according to the state salary scale.

Permanent, cumulative sick leave records for each active professional employee shall be kept in the director of schools' office.

A teacher, upon employment, may transfer his/her accumulated sick leave from another Tennessee school system, provided that the director of schools of the system in which the accumulated leave was held provides notarized verification.1

Sick leave for maternity purposes may be taken during the period of physical disability only. A teacher may use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive parents are teachers only one parent may request leave. Written verification from the adoption agency or other entity handling the adoption shall be required before the leave is granted.1

**SUPPORT PERSONNEL**

Sick leave shall be the same for support personnel as for certified employees.

The time allowed (days earned) for sick leave shall be one (1) day for each month an employee is employed except bus drivers, who shall earn one half (1/2) day for each month employed.

Sick leave shall be cumulative for all earned days not used.

At the termination of the employment of any employee, all unused sick leave accumulated by the employee shall be terminated.

The immediate supervisor may require a physician's certificate stating the reason for absence.

Frequent and misuse of sick leave by an individual are sufficient grounds for requiring a physician's certificate stating the reason for absence.

A teacher, upon employment, may transfer his/her accumulated sick leave from another Tennessee school system, provided that the director of schools of the system in which the accumulated leave was held provides notarized verification.1

Sick leave for maternity purposes may be taken during the period of physical disability only. A teacher may use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive

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| Legal References | Cross References |
| 1. TCA 49-5-710(a)(1) 2. TRR/MS 0520-01-02-.04(2) 3. TCA 49-5-710(a)(5) 4. TCA 49-5-710(a)(2) | Workers’ Compensation 3.602  Short Term Leaves of Absence 5.300  Family and Medical Leave 5.305 Physical Assault Leave 5.307 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Personal and Professional Leave** | Descriptor Code:  **5.303** | Issued Date:  **06/04/18** |
| Rescinds:  **5.303** | Issued:  **08/02/99** |

Personal and professional leave shall be granted in accordance with laws of the State of Tennessee and rules and regulations of the State Board of Education.

Certified employees shall earn personal and professional leave at the rate of one day for each half-year employed for a total of two (2) days per year. Employees may have their days of personal leave prior to having earned it. Any personal and professional leave remaining unused at the end of a year shall be credited to sick leave.1

If, at the termination of services, any employee has been absent for more days than leave has been earned, an amount sufficient to cover the excess days used shall be deducted from the employee’s final salary payment.

Subject to the following conditions, personal leave may be taken at the discretion of the employee:

1. Except in emergency, each employee shall give the principal at least one day’s notice in writing of intent to take leave;
2. The approval of the principal of the school shall be required:2
3. If more than ten percent (10%) of the teachers in any given school request its use on the same day;
4. If requested during any prior established student examination period;
5. If requested on the day immediately preceding or following a holiday or vacation period.

Professional leave is a short, temporary absence for the purpose of attending workshops and other meetings relating to school business or serving on boards and commissions which meet during daytime hours when appointed by a mayor, city council, county executive or county commission.3

Requests shall be submitted to the principal at least five (5) days prior to requested leave of absence.

In addition, certified employees shall be granted leave to serve on any board or commission of the state when the appointment is made by the Governor or General Assembly. Such leave shall not be counted against any other accumulated leave credits. The employee shall notify the principal at least five (5) days prior to leave being taken.

Support Personal may use two (2) leave days per school year as "personal leave". Personal leave may be used for religious holidays, deaths not covered by sick leave, civic duties, personal business, or for attendance of professional meetings excluding optional in-service meetings).

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| Legal References | Cross References |
| 1. TCA 49-5-711(a); TRR/MS 0520-01-02-.04(3) 2. TCA 49-5-711(c)(1) 3. TCA 49-5-205 | Short Term Leaves of Absence 5.300 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Long-Term Leaves of Absence for Professional Personnel** | Descriptor Code:  **5.304** | Issued Date:  **06/04/18** |
| Rescinds:  **5.304** | Issued:  **11/03/03** |

Any person holding a position requiring a license to teach shall be granted leave for military service, legislative service, maternity, adoption, recuperation of health, educational improvements or other sufficient reason without loss of accumulated leave credits, tenure status, or other fringe benefits.1 All leaves shall be requested in writing at least thirty (30) days in advance on forms provided by the director of schools. The 30-day notice may be waived or reduced by the director of schools upon submission of a certified statement by a physician. The application for leave forms shall require:

1. A description of the type of leave requested;

2. The requested dates for beginning and ending the leave; and

3. A statement of intent to return to the position from which leave is granted.1

Each request for leave must be acted upon by the director of schools within fifteen (15) days. Each applicant shall be notified in writing of the action of the director and the beginning and ending dates of the leave which is granted.2 All leaves, except military leave, shall be from a specific date to a specific date. However, any leave may be extended by the director of schools upon written request from the teacher. Military leave shall be granted for whatever period may be required. The procedure and condition for extending a leave are the same as those used when originally requesting and granting the leave.3

Positions vacated for less than twelve (12) months by teachers on leave shall be filled with an interim teacher while the teacher is on leave. If the teacher returns from leave within 12 months, the interim teacher shall relinquish the position. If the leave exceeds twelve (12) months, the teacher shall be placed in the same or a comparable position upon return.4

Part-time leaves may be granted by the director of schools upon written request for the same conditions as for full-time leave.

Any teacher on leave shall notify the director of schools at least thirty (30) days prior to the date of return if the teacher does not intend to return to the position from which he/she is on leave. Failure to give such notice shall be considered breach of contract.5

**PAY AND BENEFITS**

All leave granted in conformance with this policy shall be without pay except as may be covered by sick leave in the case of maternity and recuperative leaves. All benefits provided by the Board terminate at the beginning date of the leave. Employees shall have the opportunity to continue participation, at their own expense, in group insurance plans subject to restrictions of the insuring carriers.

If the leave qualifies as FMLA leave, the Board shall keep the employee under its group health insurance plan only, provided the employee participates in the group health insurance plan and chooses to remain in the group health insurance plan, for the first twelve weeks of the leave. After such time, the employee shall have the opportunity to continue participation, at their own expense, in the group insurance plan subject to restrictions of the insuring carrier.

Employees who take leave under the provisions of the Family Medical Leave Act (FMLA) shall have the same portion of their insurance premiums paid by the Board as is paid for active employees. This leave is limited to twelve (12) weeks and subject to the restrictions and conditions of the Family and Medical Leave Act.

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| Legal References | Cross References |
| 1. TCA 49-5-702 2. TCA 49-5-703 3. TCA 49-5-704 4. TCA 49-5-705 5. TCA 49-5-706 | Family and Medical Leave 5.305 Military Leave 5.306 Physical Assault Leave 5.307 Sabbatical Leave 5.308 Legislative Leave 5.309 Interim Employees 5.700 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Long-Term Leaves of Absence for Support Personnel** | Descriptor Code:  **5.3041** | Issued Date:  **08/06/18** |
| Rescinds:  **5.3041** | Issued:  **06/04/18** |

**LONG TERM LEAVES OF ABSENCE**

Support personnel shall be granted a long term leave of absence for sufficient reason without pay or loss of accumulated leave credits. All leaves shall be requested in writing at least thirty (30) days in advance on forms provided by the director of schools upon submission of a certified statement by a physician. The application for leave forms shall require:

1. A description of the type of leave requested:

2. The requested dates for the beginning and ending the leave; and

3. A statement of intent to return to the position from which leave is granted.1

Each request for leave must be acted upon by the director of schools within fifteen (15) days. Each applicant shall be notified in writing of the action of the director and the beginning and ending dates of the leave which is granted. All leaves, except military leave, shall be from a specific date to a specific date. However, any leave may be extended by the director of schools upon written request. Military leave shall be granted for whatever period may be required. The procedure and condition for extending a leave are the same as those used when originally requesting and granting the leave.

Part-time leaves may be granted by the director of schools upon written request for the same conditions as for full-time leave.

Any employee on leave shall notify the director of schools at least thirty (30) days prior to the date of return if the employee does not intend to return to the position from which he is on leave.

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| Legal References | Cross References |
| 1. TCA 49-5-702 | Family and Medical Leave 5.305 Military Leave 5.306 Physical Assault Leave 5.307 Sabbatical Leave 5.308 Legislative Leave 5.309 Interim Employees 5.700 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Family and Medical Leave** | Descriptor Code:  **5.305** | Issued Date:  **08/06/18** |
| Rescinds:  **5.305** | Issued:  **06/04/18** |

**PURPOSE**

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

**ELIGIBILITY**

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

**GENERAL PRINCIPLES**

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

1. the birth of a child;
2. the placement of a child with the employee for adoption or foster care;
3. a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her job position;
4. the care of a spouse, child, parent, or next of kin of the employee who has a serious health condition; and
5. any qualifying circumstances arising out of the fact that a spouse, child, or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces.

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

**MATERNITY/PATERNITY LEAVE**

1. *Relationship between FMLA leave and Tennessee Maternity Act leave*- FMLA leave shall run concurrently with leave provided under the Tennessee Maternity Act, which affords eligible employees leave for a period not to exceed four (4) months for the adoption, pregnancy, childbirth and nursing of a newborn child.3
2. *Teachers’ Leave*- In accordance with state law, any teacher who goes on maternity leave shall be allowed to use all or a portion of the teacher's accumulated sick or annual leave for maternity leave purposes. In order to be eligible to use sick leave, written request of the teacher accompanied by a statement from the teacher’s physician verifying pregnancy shall be submitted. Upon verification by a written statement from an adoption agency or other entity handling an adoption, a teacher may also be allowed to use accumulated leave for adoption of a child. If both adoptive parents are teachers employed by the district, however, only one (1) parent is entitled to use such leave.4

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

**LEAVE FOR A SERIOUS HEALTH CONDITION**6

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

**LEAVE FOR MILITARY FAMILY MEMBERS**

1. *Qualifying Exigency Leave*7- Eligible employees are entitled to up to twelve (12) workweeks of leave because of any “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee, as defined under the FMLA, is on active duty, or has been notified of an impending call to active duty, or has been notified of an impended call to active duty status, in the Armed Forces. Qualifying exigencies may include:
   1. issues arising from the service member’s short notice deployment;
   2. military events and related activities (e.g. official ceremonies, support programs);
   3. making or updating financial and legal arrangements, attending counseling;
   4. taking up to fifteen (15) days leave to spend time with a covered service member who is on short-term rest and recuperation leave during deployment; or
   5. attending post-deployment activities.
2. *Military Caregiver Leave*8- An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member or covered veteran with a serious injury or illness is entitled to up to twenty-six (26) workweeks of leave in a “single twelve (12) month period.” A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in out-patient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

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

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

**INTERMITTENT LEAVE**9

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

**RESTRICTIONS**

1. Notice Requirements
   1. *Employee Notice*10- For foreseeable leave, the employee shall provide the director of schools with at least thirty (30) days written notice before the beginning of the anticipated leave.
   2. *District Notice*- Once it has been established that the leave requested qualiﬁes for FMLA, the director of schools/ designee shall notify the employee within three (3) business days (absent extenuating circumstances) that any leave taken pursuant to state leave statutes (paid vacation leave, personal leave, sick leave, or workers’ compensation) shall run concurrently with FMLA leave.11 The notice may be given orally or in writing. If the notice is oral, it shall be conﬁrmed in writing, no later than the following pay day.12
2. Certification Requirement13
   1. The director may require that a request for leave be supported by certiﬁcation issued by a health care provider with the following information:
      1. the date on which the serious health condition commenced;
      2. the probable duration of the condition;
      3. the appropriate medical facts within the knowledge of the health care provider regarding the condition; and
      4. a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed.
   2. If there is any reason to doubt the validity of the certiﬁcation provided, the director may require, at the expense of the school system, an opinion of a second health care provider.
3. Period Near the End of an Academic Term (Professional Employees)14
   1. If leave is taken more than ﬁve (5) weeks prior to the end of the term, the director of schools may require the employee to continue taking leave until the end of the term if the leave is at least three (3) weeks of duration and the return of employment would occur during the three (3) week period before the end of the term.
   2. If the leave is taken ﬁve (5) weeks prior to the end of the term, the director of schools may require the employee to continue taking leave until the end of the term if the leave is greater than two (2) weeks duration and the return to employment would occur during the two (2) week period before the end of the term.

**REQUIREMENTS OF THE BOARD**15

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

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| Legal References | Cross References |
| 1. *Hinson v. Tecumseh Products Co*., 2000 U.S. App. LEXIS 26778, at \*1—10 (6th Cir. Oct. 17, 2000) 2. Federal Family and Medical Leave Act 1993, 29 U.S.C.A. § 2601, 2611—2619 3. TCA 49-5-702; TCA 4-21-408 4. TCA 49-5-710(a)(2); Public Acts of 2018, Chapter No. 907 5. 29 CFR § 825.120(a)(3) 6. 29 CFR § 825.113 7. 29 CFR § 825.126 8. 29 CFR § 825.124; 29 CFR § 825.127 9. 29 CFR § 825.202 10. 29 CFR § 825.302-825.304 11. 29 CFR § 825.207 12. OP Tenn. Atty Gen 94-006 (Jan 13, 1994); *Plant v, Morton International, Inc*., 212 F. 3d 929, 932 (6th Cir. 2000) 13. 29 CFR § 825.305-825.313 14. 29 CFR § 825.602 15. 29 U.S.C.A. § 2614 | Sick Leave 5.302 Long Term Leaves 5.304 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Military Leave** | Descriptor Code:  **5.306** | Issued Date:  **06/04/18** |
| Rescinds:  **5.306** | Issued:  **05/05/08** |

Employees who are members of any reserve component of the Armed Forces of the United States shall be granted leave of absence for all periods of military service during which they are engaged in the performance of duty or training in the service of the state or the United States. Reservists who anticipate military duty during the school year must give written notice to the director of schools, within thirty (30) days of the beginning of the school year, of the dates of the anticipated duty. While performing such duty or training, the employee shall be paid his/her regular salary up to a maximum of twenty (20) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty.1 An employee called to active duty by the governor to enforce the laws of the state shall be paid his/her regular salary for such time as he/she is engaged in the performance of his/her duty, and any time spent in active state duty shall not count against the twenty-day period of leave allowed for military service.2

Request for leaves and extension of leaves shall conform to state law and board policy governing all leaves of absence. Failure to comply with applicable laws and policies shall constitute grounds for dismissal.

The employee shall supply a copy of the orders for duty, including the dates of departure and return it to the director of schools prior to, or simultaneous with, requesting leave.

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| Legal References | Cross References |
| 1. TCA 8-33-109; TCA 49-5-702(a); Public Acts of 2018; Chapter No. 886 2. TCA 58-1-106(d); TCA 58-1-109 | Long Term Leaves of Absence 5.304 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Physical Assault Leave** | Descriptor Code:  **5.307** | Issued Date:  **06/04/18** |
| Rescinds:  **5.307** | Issued:  **08/05/13** |

A teacher who is absent from assigned duties as a result of personal injury caused by physical assault or other violent criminal acts committed in the course of the teacher's employment duties, shall receive workers' compensation or comparable benefits without loss of accumulated or granted sick, personal or professional leave.1

The school system shall continue to pay the teacher’s full benefits including, but not limited to health insurance benefits, until the earlier of the date on which the teacher is released by the teacher's physician to return to work or the date on which the teacher is determined by the teacher's physician to be permanently disabled from returning to work.2

A signed statement listing the cause of the absence shall be provided by the employee on forms furnished by the director of schools and shall promptly be given to the immediate supervisor in support of all claims. A certificate from the physician on forms furnished by the director of schools may also be required to verify the extent of the injury.3

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| Legal References | Cross References |
| 1. TCA 49-5-714(a) 2. TCA 49-5-714(b) 3. TRR/MS 0520-01-02-.04(5)(b) | Worker's Compensation 3.602 Sick Leave 5.302  Long Term Leaves of Absence 5.304 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in February** | Descriptor Term:  **Vacations and Holidays** | Descriptor Code:  **5.310** | Issued Date:  **06/04/18** |
| Rescinds:  **5.310** | Issued:  **08/01/05** |

**VACATIONS**

Full-time support personnel shall have ten (10) vacation days per year. The time of vacation must be approved by the director of schools and immediate supervisor.1

**HOLIDAYS**

Support personnel, if on active payroll at the time, shall be entitled to the following holidays:

Memorial Day

July 4

Labor Day

Thanksgiving (3 days)

December 24

December 25

New Year’s

Good Friday

Equivalent days, as approved by the director of schools, may be taken when these days fall on weekends or school is in session.

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| Legal References | Cross References |
| 1. TCA 5-23-104 | School Calendar 1.800 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Conflict of Interest** | Descriptor Code:  **5.601** | Issued Date:  **07/02/18** |
| Rescinds:  **5.601** | Issued:  **08/02/99** |

**ADMINISTRATIVE PERSONNEL**

Administrative and supervisory personnel shall have no financial interest, directly or indirectly, in supplying books, maps, school furniture, or apparatus for the schools or to act as agent for any author, publisher, bookseller, or dealer in school furniture or apparatus, however a spouse or family member of a principal, teacher or other school administrative employee may participate in business transactions with the school system where a sealed competitive bid system is used, provided that the employee does not have discretion in the selection of bids or specifications.1

It shall be a misdemeanor for the director of schools to take any other contract under the Board, to perform any other service for additional compensation, to act as principal or teacher in any school, or to become the owner of a school warrant other than that allowed for his/her service as director of schools or as secretary to the Board.2

**PROFESSIONAL AND SUPPORT PERSONNEL**

Employees of the Board will not engage in, or have financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as members of the school staff. This includes but is not limited to the following:

1. School employees may not purchase for sale to students any goods or equipment or render any service to the school system on a commission basis;1
2. Employees who have patented or copyrighted any device, publication, or other item will not receive royalties for use of such item in the school system;
3. Employees will not engage in any type of work where the source of information concerning a customer, client, or employer originates from information obtained through the school system;
4. The Board shall make no purchase of supplies, materials, or equipment from a school system employee; and
5. Employees shall not solicit for the purpose of selling instructional supplies, equipment and reference books in a territory that includes the parents of the children of the school in which the employee is assigned.

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| Legal References | Cross References |
| 1. TCA 49-6-2003 2. TCA 49-2-301(c) | Purchasing 2.805 Bids and Quotations 2.806 Purchase Orders and Contracts 2.808 Employee-Developed Materials 4.405  Staff Gifts and Solicitations 5.605 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Non-School  Employment** | Descriptor Code:  **5.607** | Issued Date:  **08/06/18** |
| Rescinds:  **5.607** | Issued:  **06/04/01** |

**PROFESSIONAL PERSONNEL**

A given professional position may require additional hours during evenings or other times when offices may be closed. Outside employment is regarded as employment for compensation which is not within the duties and responsibilities of the employee’s regular position with the school system.

An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time that the responsibilities of the position require, nor will an employee use any district facilities, equipment or materials in performing outside work. This includes the Board's computer systems and networks and any configuration of hardware and software. The systems and networks include all of the computer hardware, operating system software, stored text and data files. This includes but is not limited to, electronic mail, local databases, externally accessed databases (such as the Internet), CD-ROM, optical media, clip art, digital images, digitized information, communications technologies, and new technologies as they become available. The Board reserves the right to have all technology resource activity monitored.

The Board's technology resources will be used only for learning, teaching and administrative purposes

consistent with the Board's mission and its goals. Commercial use of the Board's system is strictly prohibited.

When the periods of work are such that certain evenings, days or vacation periods are duty-free, the employee may use such off-duty time for the purposes of remuneration, provided all the following conditions are met:

1. The work in no way interferes with the degree of effectiveness of his/her work in the school system;

2. The work in no way reflects detrimentally upon the school system or its prestige;

3. Such outside obligations do not prevent the individual from assuming duties required by the regular position; and

4. The individual does not receive remuneration for work which is customarily within his/her regular position.1

A teacher employed full time by the Hickman County Board of Education may be employed and paid by the same or another institution for additional part-time work, outside the teacher’s regular hours, not to exceed four hundred (400) clock hours out of any nine-month period.

If such additional part-time work is or includes teaching in an institution of higher education, such teacher shall be limited to teaching no more than two (2) courses per quarter or semester.

Such employment shall be approved by the governing board of each institution or system.1

**SUPPORT PERSONNEL**

Support personnel shall not be prohibited from holding employment outside the school system so long as such employment does not interfere with regular and overtime scheduled duties for the school system.

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| Legal References |  |
| 1. TCA 49-5-410 |  |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Student Assignments** | Descriptor Code:  **6.205** | Issued Date:  **10/01/18** |
| Rescinds:  **6.205** | Issued:  **08/31/15** |

**TO SCHOOLS**

Students, including those in kindergarten, shall attend the school to which they are assigned.1

Parents who are dissatisﬁed with the assignment of their children may, within ten (10) days after the assignment, make application to the Board for a hearing requesting a transfer to another school.2

**TO CLASSES**

The principal shall be responsible for assigning all students to classes.

Students who enter the system from another school system are to be placed by the principal in the grade and/or level as indicated by records from the former school. If the student's placement is inappropriate in the grade or level assigned, he/she may be reassigned by the principal to another grade level. Parents shall be kept advised.

The principal shall separate an alleged victim of child sexual abuse from an alleged perpetrator if the abuse allegedly occurred while the child was under the supervision or care of the school. If available and appropriate, a child shall be reassigned if a request is made by the child’s parent or custodian and the perpetrator has been: (1) substantiated by the department of children’s services; (2) adjudicated by a juvenile court to have committed the child sexual abuse; or (3) criminally charged.3

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| Legal References | Cross References |
| 1. TCA 49-6-3102, 3103; Public Acts of 2018, Chapter No. 1004 2. TCA 49-6-3201 3. TCA 49-6-3102(h) | Transfers Within the System 6.206 Homeless Students 6.503 Students in Foster Care 6.505 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Care of School Property** | Descriptor Code:  **6.311** | Issued Date:  **01/07/19** |
| Rescinds:  **6.311** | Issued:  **08/02/99** |

Students shall help maintain the school environment, preserve school property and exercise care while using school facilities.

All district employees shall report all damage or loss of school property to the principal or designee immediately after such damage or loss is discovered. The principal or designee shall make a full and complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.

School property is defined as buildings, buses, books, equipment, records, instructional materials or any other item under the jurisdiction of the Board.

When the person causing damage or loss has been identified and the costs of repair or replacement have been determined, the director of schools shall take steps to recover these costs. This may include recommending the filing of a civil complaint in court to recover damages. If the responsible person is a minor, recovery will be sought from the minor’s parent or guardian.1

In addition, the district may withhold the grades, diploma, and/or transcript of the student responsible for vandalism or theft or otherwise incurring any debt to a school until the student or the student’s parent/guardian has paid for the damages.2 When the minor and parent are unable to pay for the damages, the district shall provide a program of voluntary work for the minor. Upon completion of the work, the student’s grades, diploma, and/or transcripts shall be released. Such sanctions shall not be imposed if the student is not at fault.

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| Legal References | Cross References |
| 1. TCA 37-10-101 2. TRR/MS 0520-01-03-.03(13) | Visitors to the School 1.501 Security 3.205 Student Fees and Fines 6.709 |

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| **Hickman County Board of Education** | | | |
|  | Descriptor Term:  **Student Surveys, Analyses, and Evaluations** | Descriptor Code:  **6.4001** | Issued Date:  **12/03/18** |
| Rescinds:  **6.4001** | Issued:  **05/04/15** |

Surveys, analyses, and evaluations for research purposes shall be allowed by the Board when the project is viewed as contributory to a greater understanding of the teaching-learning process, the project does not violate the goals of the Board, and the disruption of the regular school program is minimal. The director of schools shall develop administrative procedures for approving requests for conducting surveys, analyses, or evaluations by agencies, organizations or individuals. The requests shall outline what is to be done, who is to be involved and how the results will be used and distributed.1

Prior to the dissemination of a survey, analysis, or evaluation to students, parents/guardians shall be notified of their ability to review the materials. Such notification shall include information indicating the purpose of the survey, analysis, or evaluation as well as who will have access to the results. Following such notification and prior to the administration of the survey, analysis, or evaluation, parents/guardians may opt their child out of participation.

The director of schools shall develop procedures for granting such parental requests and to implement the other provisions of this policy.1

No student shall be required, as part of any program, to submit to a survey, analysis or evaluation that reveals information concerning: 1,2

1. mental or psychological problems of the student or the student's family;

2. sexual behavior or attitudes;

3. illegal, anti-social, self-incriminating, or demeaning behavior;

4. critical appraisals of other individuals with whom respondents have close family relationships;

5. legally privileged relationships;

6. income; or

7. the collection of student biometric data involving the analysis of facial expressions, EEG brain

wave patterns, skin conductance, galvanic skin response, heart-rate variability, pulse, blood

volume, posture, and eye-tracking3

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.5

The collection of the following student data is strictly prohibited:4

1. political affiliation or voting history;
2. religious practices; and
3. firearm ownership*.*

**COLLECTING, DISCLOSING OR USING INFORMATION FOR MARKETING**5

In general, the district will not collect, disclose or use personal student information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

If any collected information is to be marketed or sold, parents will be directly notified at least annually at the beginning of the school year of the specific or approximate dates when such information will be collected. Parents, upon request, may inspect any instrument used to collect personal information for the purpose of marketing or selling that information before the instrument is administered or distributed to the student. All parents and students of appropriate age may decline to provide the information requested.

This portion of the policy does not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for or to students or educational institutions to the extent allowed by law, such as the following: 4

1. College or other postsecondary education recruitment or military recruitment.

2. Book clubs, magazines and programs providing access to low-cost literary products.

3. Tests and assessments used by elementary schools and secondary schools to provide

cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about

students (or to generate other statistically useful data for the purpose of securing such tests

and assessments) and the subsequent analysis and public release of the aggregate data from

such tests and assessments.

4. The sale by students of products or services to raise funds for school-related or education

related activities.

5. Student recognition programs.

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| Legal References | Cross References |
| 1. TCA 49-2-211 2. 20 USCA § 1232h 3. TCA 49-1-706 4. TCA 49-1-705 5. 20 USCA § 1232h(c)(1); 20 USCA § 1232h(c)(4) | Testing Programs 4.700 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in May** | Descriptor Term:  **Student Records** | Descriptor Code:  **6.600** | Issued Date:  **07/07/14** |
| Rescinds:  **6.600** | Issued:  **08/02/99** |

A cumulative record shall be kept for each student enrolled in school. The folder shall contain a health record, attendance record, and scholarship record; shall be kept current; and shall accompany the student through his/her school career.1

The name used on the record of the student entering the school system must be the same as that shown on the birth certiﬁcate, unless evidence is presented that such name has been legally changed. If the parent does not have, or cannot obtain a birth certiﬁcate, then the name used on the records of such student shall be as shown on documents which are acceptable as proof of date of birth.

The name used on the records of a student entering the system from another school must be the same as that shown on records from the school previously attended unless evidence is presented that such name has been legally changed as prescribed by law.

When a student transfers to another school within the system, copies of the student’s records, including the student’s disciplinary records, shall be sent to the transfer school.7

When a student transfers to a school outside the system, copies of the student’s records, including the student’s disciplinary records, shall be sent to the transfer school.7

All records shall be remitted in accordance with the Family Education Rights and Privacy Act (FERPA).

**ACCESS TO STUDENT RECORDS**

Student records shall be conﬁdential. Authorized school ofﬁcials shall have access to and permit access to student education records for legitimate educational purposes.2 A “legitimate educational interest” is the ofﬁcial’s need to know information in order to:

1. Perform required administrative tasks;
2. Perform a supervisory or instructional task directly related to the student’s education;
3. Perform a service or beneﬁt for the student or the student’s family such as health care, counseling, student job placement, or student ﬁnancial aid.

Authorized school ofﬁcials may release information from or permit access to a student’s education record without the parent(s) or eligible student’s\* prior written consent in the following instances:

To comply with a judicial order or lawfully issued subpoena. The school system will make a reasonable effort to notify the student’s parent(s) or the eligible student before making a disclosure;

1. If the disclosure is an item of directory information;
2. To comply with the requirements of child abuse reports to the extent known by the school ofﬁcials including the name, address, and age of the child; the name and address of the person responsible for the care of the child, and the facts requiring the report;3
3. When certain federal and state ofﬁcials need information in order to audit or enforce legal con- ditions related to federally-supported education programs in the school system;
4. When the school system has entered into a contract or written agreement for an organization to conduct scientiﬁc research on the system’s behalf to develop tests or improve instruction, provided that the studies are conducted in a manner which will not permit the personal identiﬁcation of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purpose for which the study was conducted;
5. To appropriate ofﬁcials if the parent(s) claim the student as a dependent as deﬁned by the Internal Revenue Code;
6. To accrediting organizations to carry out their accrediting functions;
7. When a student seeks or intends to enroll in another school district or a post-secondary school. Parent(s) of students or eligible students have a right to obtain copies of records transferred under this provision;4
8. To ﬁnancial institutions or government agencies that provide or may provide ﬁnancial aid to a student in order to establish eligibility, to determine the amount of ﬁnancial aid, to establish conditions for the receipt of ﬁnancial aid, and to enforce ﬁnancial aid agreements.
9. To make the needed disclosure in a health or safety emergency when warranted by the serious- ness of the threat to the student or other persons, when the information is necessary and needed to meet the emergency, when time is an important and limiting factor, and when the persons to whom the information is to be disclosed are qualiﬁed and in a position to deal with the emergency.
10. To the Attorney General or his designee for ofﬁcial purposes related to the investigation or prosecution of an act of domestic or international terrorism. An educational agency that, in good faith, produces education records in accordance with an order issued under this Act shall not be liable to any person for that production.5
11. To any agency caseworker or other representative of a state or local child welfare agency or tribal organization authorized to access the student's educational records when such agencies or organizations are legally responsible for the care and protection of the student.6

Authorized school ofﬁcials may release information from a student’s education record if the student’s parent(s) or the eligible student gives written consent for the disclosure. The written consent must include:

1. A speciﬁcation of the records to be released;
2. The reasons for the disclosure;
3. The person, organization, or class of persons or organizations to whom the disclosure is to be made;
4. The signature of the parent(s) or eligible student;
5. The date of the consent and, if appropriate, a date when the consent is to be terminated. The student’s parent(s) or the eligible student\* may obtain a copy of any records disclosed under this provision.

The school system will maintain an accurate record of all requests to disclose information from or to permit access to a student’s education records. The system will maintain an accurate record of infor- mation it discloses and access it permits. The system will maintain this record as long as it maintains the student’s education record.

The record will include at least:

1. The name of the person or agency that makes the request;
2. The interest the person or agency has in the information;
3. The date the person or agency makes the request; and
4. Whether the request is granted and, if it is, the date access is permitted or the disclosure is made.

*\* The student becomes an "eligible student" when he/she reaches age 18 or enrolls in a post-secondary school, at which time all of the above rights become the student's right.*

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| Legal References | Cross References |
| 1. USCA 20-1232g; TCA 10-7-503; TCA 10-7-504 2. TCA 10-7-504(a)(4); 20 USC 1232g 3. TCA 37-1-403 4. TRR/MS 0520-1-3-.03(11)(e) 5. USA Patriot Act of 2001 § 507 6. Uninterrupted Scholars Act of 2013 7. TCA 49-6-3001(c)(1) | School Board Records 1.407 Promotion and Retention 4.603 Attendance 6.200 Child Custody/Parental Access 6.209 Disciplinary Hearing Authority 6.317 AIDS 6.404 |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in May** | Descriptor Term:  **Student Records Annual Notification of Rights** | Descriptor Code:  **6.601** | Issued Date:  **04/06/15** |
| Rescinds:  **6.601** | Issued:  **06/03/02** |

Within the ﬁrst three weeks of each school year, the school system shall notify parent(s) of students and eligible students\* of each student's privacy rights.1 For students enrolling after the above period, this information shall be given to the student’s parent(s) or the eligible student at the time of enrollment.2 The notice shall include the right of the student’s parent(s) or the eligible student to:6

1. Inspect and review the student’s education records;
2. Seek correction of items in the record which are believed to be inaccurate, misleading or in violation of the student’s rights, including the right to a hearing upon request;
3. File a complaint with the appropriate state or federal ofﬁcials when the school system violates laws and regulations relative to student records;
4. Obtain a copy of this policy and a copy of the student's educational records;
5. Exercise control over other people’s access to the records, except when prior written consent is given, or under circumstances as provided by law or regulations, or where the school system has designated certain information as “directory information.” Parent(s) of students or eligible students have two weeks after notiﬁcation to advise the school system in writing of items they designate not to be used as directory information. The records custodian shall mark the appropriate student records for which directory information is to be limited, and this designation shall remain in effect until it is modiﬁed by the written direction of the student’s parent(s) or the eligible student.

**DIRECTORY INFORMATION**

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone number, e-mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in ofﬁcially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.3

Student directory information for 11th and 12th graders shall be made available upon request to persons or groups which make students aware of occupational and educational options, including ofﬁ- cial recruiting representatives of the military forces of the State and the United States.4

\*The student becomes an “eligible student” when he/she reaches age 18 or enrolls in a post-secondary school, at which time all of the above rights become the student’s rights.5

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| Legal References |  |
| 1. 34 CFR 99.4; 34 CFR § 99.7 2. 34 CFR § 99.7; TCA 10-7-504 3. 34 CFR § 99.3 4. TCA 49-6-406; 10 U.S.C.§503(c) 5. 34 CFR § 99.5 6. TCA 49-1-704 |  |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in May** | Descriptor Term:  **Student Records Inspection & Correction Procedure** | Descriptor Code:  **6.602** | Issued Date:  **04/06/15** |
| Rescinds:  **6.602** | Issued:  **08/02/95** |

**INSPECTION PROCEDURE 5**

Parent(s) of students and eligible students\* may inspect and review the student’s education records upon written request.1

Parent(s) or eligible students shall submit to the records custodian a request which identiﬁes as precisely as possible the record(s) to inspect, and this inspection must be completed within 45 days from the receipt of the request.

The right to inspect and review educational records includes the right to a response from school ofﬁcials concerning requests for explanation and interpretation of the data. School ofﬁcials shall presume that the parent has the authority to inspect and review records relating to his/her child unless the school sys- tem has been advised that the parent does not have the authority under applicable state law governing guardianship, separation, and divorce.2

When a record contains information about students other than the parent’s child or the eligible student, the parent(s) or eligible student may not inspect and review that information.2

**FEES FOR COPIES**

A reasonable fee for copies provided to parent(s) or eligible students shall be determined by the director of schools. If the fee represents an unusual hardship, it may be waived in part or entirely by the records custodian.3

**CORRECTION PROCEDURES**

Parent(s) of students or eligible students may seek to change any part of the student's record they believe to be incorrect.4 The director of schools shall develop an acceptable procedure to establish an orderly process to review and potentially correct an education record.

*\*The student becomes an “eligible student” when he/she reaches age 18 or enrolls in a post-secondary school, at which time all of the above rights become the student’s rights.*

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| Legal References |  |
| 1. 34 CFR § 99.10 2. 34 CFR § 99.4 3. TCA 10-7-506; 34 CFR § 99.11 4. 34 CFR § 99.20; 21; 22 5. TCA 49-1-704 |  |

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| **Hickman County Board of Education** | | | |
| Monitoring:  **Review: Annually, in May** | Descriptor Term:  **Student Fees and Fines** | Descriptor Code:  **6.709** | Issued Date:  **03/06/17** |
| Rescinds:  **6.709** | Issued:  **08/02/99** |

School fees are defined as follows:1

1. Fees for activities that occur during regular school hours, including field trips;

2. Fees for activities and supplies required to participate in all courses offered for credit or grades;

3. Equipment and supplies required to participate in interscholastic athletics and marching band, if taken for credit;

4. Fees or tuition for courses taken for credit or grade during summer school;

5. Fees required for graduation ceremonies;

6. Fees for a copy of the student's records; and

7. Refundable deposits for locks or other security devices required for protection of school property when used in conjunction with courses taken for credit or a grade.

School fees are not:1

1. Fines for overdue library books;

2. Fines for the abuse of school parking privileges and other school rules developed for the safe and efficient operation of the school;

3. Charges for lost, damaged, or destroyed textbooks, library books, workbooks, or other school property;

4. Charges for debts owed the school;

5. Refundable deposits for locks or other security devices required for protection of school property when used in not-for-credit extracurricular activities;

6. Costs to participate in not-for-credit extracurricular activities, including athletics; and

7. Tuition for non-resident students.

No fee will be charged any student as a condition to attending school,2 but students shall be responsible for normal school supplies, such as pencils and paper.

School fees shall be waived for students who receive free or reduced-price school lunches.The application for determining eligibility for free or reduced-price lunches or a form supplied by the State Department of Education shall be used to verify student eligibility for fee waivers.

At the beginning of the school year, each principal shall be responsible for providing to all students and their parents or guardians written notice of the required student fees and the process for fee waiver for students who receive free or reduced-price lunches. The parent or guardian of an eligible student must sign the appropriate application for free or reduced-price lunches and the waiver of school fees, but may pay for all or a portion of the school fees.

Written notice of approval or denial of request for fee waivers shall be provided to all parents or guardians. Any denial shall contain specific grounds for denial and an opportunity for the parent or guardian to meet with appropriate school personnel.

Persons collecting fees shall be provided a list containing only the names of those students eligible for waivers and for whom they are responsible for collecting fees. Any records related to this program which identify particular students shall be maintained in strictest confidence.

Prior to the beginning of school each year, the Board, upon the recommendation of the principals and superintendent, shall approve all student fees for the upcoming school year. Additional fees may be approved during the year as needed. The superintendent shall be responsible for maintaining copies of all correspondence relating to this program.

No employee may charge a student for any service rendered on the school premises. Tutoring one's own student for pay is prohibited.

**FINES**

Students who destroy, damage, or lose school property, including but not limited to buildings, school buses, books, equipment, and records, will be responsible for the actual cost of replacing or repairing such materials or equipment.2

The grades, grade cards, diploma or transcript of a student who is responsible for vandalism or theft or who has otherwise incurred a debt to a school may be held until the student or the student's parent/guardian has paid for the damages. When the student and parent are unable to pay the debt, the district shall provide a program of voluntary work for the minor. Upon completion of the work, the student's grades, diploma, and/or transcripts shall be released. Such sanctions shall not be imposed if the student is not at fault.4

Failure to remit the cost of replacing or repairing such materials or to make satisfactory arrangements with the administration for payment may result in suspension of the student. If payment is not remitted, the matter will be referred to the Board for final disposition.

Textbooks are available free to students as a loan. Parent(s) will accept full responsibility for the proper care, preservation, return, or replacement of textbooks issued to the student(s). The condition of each book and a book number shall be recorded by the teacher issuing it.

The life of the book is considered to be six (6) years. Charges for lost books will be the remaining life of the book. Damage fines will be based on the wear beyond that normally expected for one year. For one year's wear there will be no charge.

Fines may be assessed for overdue, damaged, or lost library books. In no event will the fine exceed the current cost of replacing the book.

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Legal References: Cross References:

1. TCA 49-2-114 Revenues 2.400

2. TCA 49-6-3001(A); TCA 49-2-110(c) Textbook Selection, Distribution and Care 4.401

3. TCA 37-10-101 through TCA 37-10-102 Care of School Property 6.311

4. TRR/MS 0520-1-3-.03(13)