

# TENNESSEE SCHOOL FOR THE DEAF

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# TENNESSEE SCHOOL FOR THE DEAF

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## **STUDENT HANDBOOK**

For Students, Parents, & Staff

Tennessee School for the Deaf  
2725 Island Home Boulevard  
Knoxville, TN 37920-2700

865.579.2500 – Main Operator (V/TDD)

865.579.2484 – FAX

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

\*Extension Number: 865.579. (\_\_\_\_) 4 digits

\*Campus-wide phone numbers

Security

865.579.2502

865.579.2504 - Emergency

School Mascot: Vikings

School Colors: Purple and White

### **STATEMENT ON POSTING OF HANDBOOK**

A copy of the Tennessee School for the Deaf handbook  
is posted in the following offices on campus:

Superintendent

Director of Instruction

Director of Comprehensive Educational Resource Center

Director of Student Living

Principal's office in each school department:

Elementary, Middle, High School, Career Center/PSTP

Deans' Office

All Cottages

Copies of this handbook are given to:

Parents

Students

All TSD Employees

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## **STUDENT HANDBOOK**

### **CONTRIBUTORS**

Mr. Mark Battle, Chair, High School Principal

Dr. Steve Farmer, Director of Student Living

Mrs. Elaine Alexander, Director of Instruction

Mr. Stephen Candino, Visual Arts & Design Instructor

Mrs. Heather Lawson, Coordinator of Instruction Technology

Mr. Luke Benson, Athletic Director

Ms. Lisa Collins, Federal Programs Coordinator

Mrs. Megan Halliburton, Director of Social Services

Mr. Daniel Dooley, Facilities Management Assistant

Mrs. Sarah Presby, Behavior Specialist

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## HISTORY OF TSD

The **Tennessee School for the Deaf** was established in 1844 by an act of the State Legislature and opened its doors with nine students on June 1, 1845. The school was located in what is now known as the “LMU/Duncan School of Law” on Summit Hill Drive in Knoxville until 1924. It was then moved to its present location, a ninety-five acre campus located on the banks of the Tennessee River in South Knoxville. Throughout its history, TSD has endeavored to prepare students to meet the challenges of everyday living:

**Teaching every Student every Day**

## HANDBOOK INFORMATION

This handbook has been developed to give students, parents, and staff a guide for students’ behaviors and expectations while on school grounds and/or under the jurisdiction of the school, cottage, and school-sponsored activities. The type of behavior expected from each student, the consequences of failure to obey such standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged is found in this handbook. As the students continue to grow and mature, hopefully these guidelines will help form the basis for a successful transition into adult, independent living.

## MISSION STATEMENT

The mission of the Tennessee School for the Deaf is to provide a linguistically, culturally, and socially accessible learning environment in which both English and American Sign Language are valued, and where students are educated to become responsible, productive, and contributing citizens in a democratic, multicultural, and changing society. In addition to providing a quality of education for deaf students, the Tennessee School for the Deaf serves as a resource center for families, educators, Local Educational Agencies, and the state-wide community.

## GOALS

**Student Achievement** - to increase the relevance and effectiveness of student learning by broadening the utilization of student assessment data, improving curriculum and instruction methodologies, and providing student support systems.

**Parent and Community Involvement** - to extend the outreach of TSD through developing viable community and parent involvement partnerships.

**Human Resource Excellence** - to maximize professional excellence through implementing planned processes for staff enhancement, staff development, and collaborative staff involvement.

**Technological Effectiveness** - to increase the functional application of technology through improved instructional programs, management systems, and information systems.

**Resource Management** - to empower deaf and hard of hearing students to achieve their maximum potential through establishing TSD as a model resource center for the creation and dissemination of knowledge about the people it serves.

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## **ADMINISTRATION**

### **INTERIM SUPERINTENDENT**

Mrs. Elaine Alexander, Interim Superintendent: 865.579.2440 V, 865.978.6029 VP  
Mrs. Rebekah Haugen, Administrative Secretary: 865.579.2441 V, 865.978.6031 VP

### **INSTRUCTION**

Mrs. Elaine Alexander, Director: 865.579.2410 V, 865.978.6016 VP  
Ms. Margo Sanford, Secretary: 865.579.2411 V  
Mrs. Susie Helmbolt-Jones, Clerk: 865.579.2456 V  
Ms. Lisa Collins, Federal Programs Coordinator: 865.609.3345 V

### **STUDENT LIVING**

Mr. Scott Skelton, Director: 865.579.2426 V, 865.978.6022 VP  
Magan Eldridge, Secretary: 865.579.2425 V, 865.978.6032 VP  
Donna Breeden, Director of Transportation: 865.579.2489 V, 865.622.2272 VP

### **COMPREHENSIVE EDUCATIONAL RESOURCE CENTER (CERC)**

Mrs. Judi Brookshire, Director: 865.579.2452 V, 865.978.6021 VP  
Mrs. Brenda Lindsay, Secretary: 865.579.2453 V

### **BUSINESS OFFICE**

Ms. Betty Ann Brookshire, Director: 865.579.2408 V, 865.622.2772 VP  
Ms. Nancy Whitaker, Secretary: 865.579.2424 V

### **FACILITIES MANAGEMENT**

Mr. Oliver Lang, Director: 865.579.2418 V  
Mr. Daniel Dooley, Assistant: 865.579.2409 V

## **INSTRUCTIONAL DEPARTMENT**

### **ELEMENTARY SCHOOL**

Mrs. Lynn Andrick, Principal: 865.579.2497 V, 865.978.6017 VP  
Educational Assistants: Mrs. Trina Ellis, Ms. Amy Minolfo, Mrs. Kristy Solomon,  
Ms. Christy Stripling, Mrs. Justine Hardin: 865.579.2405 V, 865.978.6040 VP

### **MIDDLE SCHOOL**

Dr. Tom Stanton, Principal: 865.579.2417 V, 865.978.6027 VP  
Educational Assistants: Mrs. Loretta Ayers,  
Mrs. Ellie Bowling, Mr. James Morton: 865.579.2508 V, 865.978.6018 VP

### **HIGH SCHOOL**

Mr. Mark Battle, Principal: 865.579.2467 V, 865.978.6019 VP  
Educational Assistants: Mrs. Janice Berry, Ms. Christie Daugherty  
865.579.2445 V, 865.622.2287 VP

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## **TRANSITION SERVICES DEPARTMENT**

Mr. Theron Strickland, Principal: 865.579.2490 V, 865.978.6038 VP  
Educational Assistant: Mrs. Lisa Ristvedt-Harrison: 865.978.6037 VP

## **ATHLETICS**

Mr. Luke Benson, Athletic Director: 865.579.2427 V, 865.978.6025 VP

## **LIBRARY**

Mr. Sam Carter, Librarian: 865.579.2416 V/TDD

## **CAMPUS-WIDE SERVICES**

### **SECURITY**

Ms. Lisa Chance, Head of Security: 865.579.2504 V/TDD

### **AUDIOLOGY**

Dr. Crista Duncan, Audiologist, 865.579.2496 V/TDD  
Dr. Sheila Franklin, Audiologist, 865.579.2454 V/TDD

## **DIRECTOR OF SOCIAL SERVICES**

Mrs. Megan Halliburton, Licensed Master Social Worker, 865.579.2436 V/TDD

## **COUNSELING SERVICES**

Mrs. Jessica Sander, Elementary, 865.579.2479 V/TDD  
Mrs. Brittany Barcio, Middle School, 865.579.2505 V/TDD  
Mrs. LoAnn Price, High School, 865.579.2432 V/TDD  
Mrs. Sarah Presby, Behavior Specialist, 865.579.2428 V/TDD

## **CLINIC**

Mrs. Debbie Rasbury, Head Nurse: 865.579.2420 V/TDD  
Dr. Wilson Powers, Physician  
FAX: 865.579.2476  
Emergency: 865.579.2566 V/TDD

## **FOOD SERVICES**

Mrs. Kathy Boyer, Food Service Manager: 865.579.2422 V/TDD

## **MEDIA**

Mr. Steve Magocs, Media Director: 865.579.2439 V/TDD  
Mr. Chris Hartranft, Technical Director: 865.579.2434 V/TDD  
Mr. Kenneth Byrd, Electronics Technician: 865.579.2470 V/TDD  
Mrs. Heather Lawson, Coordinator of Instruction Technology: 865.579.2464 V/TDD  
Mrs. Bekki Brine, Educational Assistant: 865.579.2414  
Mrs. Debbie Lowe, Educational Assistant: 865.579.2414

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## **OUTREACH**

Ms. Tina Prochaska, Communication Specialist: 865.579.2429 V/TDD  
Mrs. Paula Wagner, Parent Coordinator: 865.579.2507 V/TDD  
Mrs. Charis Davis, Communication Specialist: 865.579.2485 V/TDD

## **PSYCHOLOGY**

Mr. Joe Butt, Psychologist: 865.579.2423 V/TDD  
Ms. Leslie Ann Johnson, Secretary: 865.579.2468 V/TDD

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## PARENT AND STUDENT INFORMATION

### SCHOOL-PARENT COMPACT

The Tennessee School for the Deaf, and the parents of the students participating in activities, services, and programs funded by Title I, Part A of the Elementary and Secondary Education Act (ESEA) (participating children), agree that this compact outlines how the parents, the entire school staff, and the students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership that will help children achieve the State's high standards. This school-parent compact is in effect during school year 2016-2017.

### SCHOOL RESPONSIBILITIES

Tennessee School for the Deaf will:

1. Provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the participating children to meet the State's student academic achievement standards as follows: Tennessee School for the Deaf has highly qualified teachers who follow the Common Core State Standards. They use current techniques in the education provided for deaf students.
2. Hold parent-teacher conferences (at least annually in elementary schools) during which this compact will be discussed as it relates to the individual child's achievement. Specifically: all children at the Tennessee School for the Deaf are under an IEP. IEP meetings are held annually and at any time at the request of any of the IEP team members. Open House nights are held by the Elementary School, Middle School, and High School departments once a year. In addition, our football team hosts a Family Night, and Family Learning Vacations are also held each year for a weekend. Topics of interest to the parents are discussed at this meeting. Family Learning Vacation is held each spring and Parent Support Groups meet across the state monthly.
3. Provide parents with frequent reports on their children's progress. Specifically, the school will provide reports as follows: parents receive copies of the IEP. Interim reports are sent home every four weeks and a report card is sent every nine weeks.
4. Provide parents reasonable access to staff. Specifically, staff will be available for consultation with parents as follows: parents are always welcomed and encouraged on TSD's campus. We have a cottage that is designated to accommodate parents so that they can come and visit their student and student classes. IEP meetings are held at a convenient time for staff and parents. Parents of residential students are contacted weekly.
5. Provide parents opportunities to volunteer and participate in their child's class, and to observe classroom activities, as follows: parents have the opportunity to volunteer in all the school departments. We have parents on our TCSPS committees and on our School Wide Positive Behavior Supports Committee.

### ADDITIONAL REQUIRED SCHOOL RESPONSIBILITIES

Tennessee School for the Deaf will:



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- Provide information to parents of participating students in an understandable and uniform format, including alternative formats upon the request of parents with disabilities, and, to the extent practicable, in a language that parents can understand
- Provide to parents of participating children information in a timely manner about Title I, Part A programs (that includes a description and explanation of the school's curriculum, the forms of academic assessment used to measure children's progress, and the proficiency levels students are expected to meet)
- On the request of parents, provide opportunities for regular meetings for parents to formulate suggestions, and to participate, as appropriate, in decisions about the education of their children. The school will respond to any such suggestions as soon as practicably possible
- Provide to each parent an individual student report about the performance of their child on the State Assessment in at least math, language arts, and reading
- Provide each parent timely notice when their child has been assigned or has been taught for four (4) or more consecutive weeks by a teacher who is not highly qualified within the meaning of the term in section 200.56 of the title I Final Regulations (67 Fed. Reg. 71710, December 2, 2002)

## **OPTIONAL SCHOOL RESPONSIBILITIES**

To help build and develop a partnership with parents to help their children achieve the State's high academic standards, Tennessee School for the Deaf will:

1. Recommend to the local educational agency (LEA) the names of parents of participating children of Title I, Part A programs who are interested in serving on the State's Committee of Practitioners and School Support Teams.
2. Notify parents of the school's participation in Early Reading First, Reading First, and Even Start Family Literacy Programs operating within the school, the district, and the contact information.
3. Work with the LEA in addressing problems, if any, in implementing parental involvement activities in section 1118 of Title I, Part A.
4. Work with the LEA to ensure that a copy of the SEA's written complaint procedures for resolving any issue of violation(s) of a Federal statute or regulation of Title I, Part A programs is provided to parents of students and to appropriate private school officials or representatives.

## **PARENT RESPONSIBILITIES**

We, as parents, will support our children's learning in the following ways:

- Sign report cards
- Ensure that the student gets to school each day, on time, and ready to learn
- Review homework assignments and offer assistance when needed
- Demonstrate interest in the student's well-being by attending school functions and supporting the student's school activities
- Make every effort to attend parent-teacher conferences
- Monitoring attendance
- Make sure homework is completed
- Monitoring amount of television my child watches
- Volunteering in my child's classroom when applicable
- Participating, as appropriate, in decisions relating to my children's education

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- Promoting positive use of my child's extracurricular time
- Staying informed about my child's education and communicating with the school by promptly reading all notices from the school or the school district either received by my child or by mail and responding, as appropriate
- Serving, to the extent possible, on policy advisory groups, such as being the Title I, Part A parent representative on the school's School Improvement Team, the Title I Policy Advisory Committee, the District wide Policy Advisory Council, the State's Committee of Practitioners, the School Support Team, or other school advisory or policy groups.

In signing a contract, the parent shall agree to maintain within the parent's best efforts involvement with the child's education to the extent required by the contract.

If any obstacles or extenuating circumstances hinder and/or prevent me from a full commitment, I will offer an explanation to the appropriate administrator (s) or staff member (s).

## **Optional Additional Provisions**

- Involve parents in the planning, review, and improvement of the school's parental involvement policy, in an organized, ongoing, and timely way
- Involve parents in the joint development of any school wide program plan, in an organized, ongoing, and timely way
- Hold an annual meeting to inform parents of the school's participation in Title I, Part A programs, and to explain the Title I, Part A requirements, and the right of parents to be involved in Title I, Part A programs. The school will convene the meeting at a convenient time to parents, and will offer a flexible number of additional parental involvement meetings, such as in the morning or evening, so that as many parents as possible are able to attend. The school will invite to this meeting all parents of children participating in title I, Part A programs.

## **STUDENT RESPONSIBILITIES**

We, as students, will share the responsibility to improve our academic achievement and achieve the State's high standards. Specifically, we will:

- Do my homework every day and ask for help when needed
- Read at least 30 minutes every day outside of school time
- Give to my parents or the adult who is responsible for my welfare all notices and information received by me from my school every day

## **ACCESS TO STUDENT RECORDS**

Parents have full access to information that is collected and maintained regarding their children. Due to the diversity of services offered at TSD, it is necessary to maintain personally identifiable student information in several locations. The following list describes the types and locations of records kept on students:

### **School Department Files**

Educational records, work samples, report cards, progress reports, and achievement scores are kept in the individual student files in the principal's office of the department where the child is enrolled and in the Director of Instruction's office.

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## **Comprehensive Educational Resource Center (CERC) Files**

Diagnostic records including psychological, audiological, guidance and counseling, social work, and visual screening reports along with preschool progress notes, staffing summaries, and copies of correspondence to parents regarding CERC matters are maintained in CERC files.

## **Clinic Files**

Cumulative medical records including medical history, physical exam reports, immunization records, and treatment logs are maintained at the clinic.

## **Main School Files**

Designed to provide cumulative student information, these files contain all pertinent information contained in the instructional files, CERC files, and student living files, in addition to copies of correspondence to and from the Superintendent's office. Upon graduation or withdrawal from TSD, a copy of the child's transcript is placed in the main school file.

Parents wishing to view their child's files may arrange to do so by contacting the Director of CERC and making an appointment. If after inspecting the records the parent believes that information in the records is inaccurate, misleading, or in violation of the child's rights, the parent may request that the information be amended. The Tennessee School for the Deaf shall then consider the request and decide whether to amend the information.

A review team composed of the Superintendent (or his designee), the supervisor of the department in which the child is enrolled, and the person(s) who wrote the report(s) in question shall then review the report(s) in question and determine appropriate action. Should the parent be dissatisfied with the decision, the parent has a right to attach an addendum to the report that states their concerns or request a due process hearing.

## **NONDISCRIMINATION POLICY**

It is the policy of the Tennessee School for the Deaf not to discriminate on the basis of sex, race, national origin, creed, age, marital status, or disability in its educational programs, activities, or employment policies as required by the Title VI and VII of the 1964 Civil Rights Act, Title IX of the 1972 Educational Amendments and Section 504 of the Federal Rehabilitation Act of 1973.

Inquiries regarding compliance with ADA, Title VI, and Section 504 may be directed to Oliver Lang at (865) 579-2418. Inquiries regarding compliance with Title VII and Title IX may be directed to Judi Brookshire at (865) 579-2452. Persons wishing to do so may directly register their concerns with the Office of Civil Rights at (404) 562-6350.

## **ADDRESS CHANGES**

Parents should notify the office of CERC in writing if there is a change of address, home, or work numbers.

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## **REQUIRED ANNUAL NOTICE**

### **To Parents and Guardians of All TSD Students**

Asbestos-containing materials are located on the TSD campus in several areas accessible to students. All these areas are being properly maintained in accordance to Federal guidelines to prevent a hazardous situation for the students. Exact locations are specified in the Asbestos Management Plan, which is available at the school for public inspection. This notification serves to meet the requirements established by the Environmental Protection Agency.

### **DISCIPLINE POLICY (TCA 49-1-214, TCA 49-6-4002)**

The Tennessee School for the Deaf offers many educational programs to meet the needs of deaf and hard-of-hearing students. To be successful in these programs, students must behave responsibly. Responsible behavior begins by understanding what is good and what is not. The TSD Discipline Policy outlines what will happen if a student misbehaves.

The rules at TSD protect the rights of students and provide fair treatment for all students. However, one student's rights end when that student's actions interfere with another student's rights. If they do not behave responsibly, students will lose privileges. Each student is responsible for his/her own behavior and must accept what happens if their behavior is not acceptable according to the discipline policy.

Any staff person at TSD may enforce the discipline policy with any of the students at TSD. This includes all activities on campus, such as athletic and recreational activities, cottage activities, public events, and other extracurricular activities and all off-campus activities under the direct supervision of the Tennessee School for the Deaf.

### **Authority**

The administration, faculty, and staff of the Tennessee School for the Deaf are vested with considerable legal authority. With this authority comes great responsibility. In addition to educating the child, school personnel are charged with providing a safe and healthy environment for student learning and achievement. In order to achieve this mandate, the school has developed the Code of Student Conduct that outlines the expectations for students as well as their rights and responsibilities.

In implementing student conduct procedures, the Tennessee School for the Deaf follows guidelines and mandates from the Individuals with Disabilities Education Act (IDEA), State Board of Education Rules, Tennessee Education Laws, and Department of Education policies and procedures. In addition, operational policies are developed and implemented by department head in compliance with these mandates and approved by the Superintendent.

### **THE CODE OF STUDENT CONDUCT**

The Code of Student Conduct addresses the responsibilities and expected conduct of students attending the Tennessee School for the Deaf. The code requires adherence to all applicable law and specifically prohibits disrespectful and/or disruptive conduct.

- Every member of the TSD community is entitled to an environment that is pleasant, orderly, and safe and everyone is expected to share in the responsibility for fostering this type of environment.
- The Tennessee School for the Deaf will provide every student a free and appropriate public education (FAPE).

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- TSD students will not lie, cheat, or steal nor tolerate those who do.
- TSD is a drug, alcohol, and tobacco free environment.
- Students will demonstrate respect for the authority vested to the faculty, staff, and administration of TSD.

The faculty, staff, and administration shall apply this code uniformly and fairly to each student at the school without partiality or discrimination.

## **GRIEVANCE PROCEDURES FOR STUDENTS**

### **PURPOSE**

The purpose of this policy is to establish the procedures for fair and equitable resolution, differences, issues, complaints, and grievances relating to students.

### **APPLICATION**

This applies to all students enrolled at TSD.

### **DEFINITIONS:**

A **grievance** is a complaint filed by any member of the student body.

**Days** means school days when students have regularly scheduled classes (not including weekends/holidays).

An **informal procedure** is a written complaint filed by a TSD student.

**Non-grievable** matters are:

- Matters over which TSD does not have control.
- Matters of trivia such as incidents which have not resulted in physical, emotional, or mental injury.
- Rumors or gossip perpetuated by students if determined not to be harassment.
- Matters which have not injured or deprived an individual student but are of a group nature: grievances which pertain to groups of students should be directed to the appropriate dean or principal (where the issue is most relevant).

**Grievable** matters consist of any matters not specifically excluded under non-grievable matters.

### **POLICY**

Students have the right to present their complaints or grievances in an environment free of fear, interference, or punishment. Violations of this right should be reported to the Superintendent by anyone, student or staff member, having knowledge thereof. Violators will be subject to disciplinary action. Individuals reporting incidents of alleged child abuse by a TSD employee are not required to follow the following procedure if the accused is active in the procedure. The following procedure should be followed:

### **PROCEDURES**

- a. If the student does not understand what is grievable or how these procedures work, the student should seek clarification and counsel from the appropriate guidance counselor. The guidance counselor should guide the student through the procedures. In the event the student is unable to understand the procedures because of age or intellectual handicap, the counselor or sponsor should assist the student to whatever extent necessary to allow the student equal opportunity to make his/her grievance known.

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- b. If the student feels his/her grievance is related to discrimination, he/she is to submit the grievance directly to the appropriate coordinator defined in these paragraphs. Otherwise, procedures outlined in the following and subsequent paragraphs should be followed.

Types of discrimination and appropriate coordinators are:

- i. Discrimination on the basis of race, color, sex, religion, or national origin should be reported directly to the Title IX Coordinator. If the student is not satisfied after consulting the Title IX Coordinator, the student may file a complaint directly to the Office of Civil Rights, the address for which will be provided by the Director of Instruction, the CERC office, the Student Living office or the Superintendent's office.
- ii. Discrimination on the basis of handicap should be reported directly to the Section 504 Coordinator. If the student is not satisfied after consulting the Section 504 Coordinator, the student may file a complaint directly to the Office of Civil Rights, the address for which will be provided by the Student Living office, the Director of Instruction office, the CERC office, or the Superintendent's office.
- c. For grievances other than those related to discrimination, the following should be followed: Any TSD student may elect to file a formal or informal grievance.
  - i. Step IA.

An informal grievance is initiated by approaching (preferably by appointment) the TSD employee at the lowest possible administrative level in the department where the issue is most relevant. If the student is not satisfied with the response, the student may go to the next administrative level up to and including the Superintendent.
  - Step IB.

A formal grievance is initiated by first discussing the grievance with the immediate supervisor of the department where the issue is most relevant. If the grievance is instructionally related the supervisor is the teacher. If the grievance is related to any aspect other than instruction the supervisor is the cottage supervisor or assistant supervisor. The objective of this meeting is to resolve the matter quickly and informally. The student may appear alone at the meeting or be accompanied by another person. The supervisor may also elect to have another person at this meeting. The student must request this meeting within five (5) days after the occurrence of the act or the student's acquisition of the knowledge upon which the grievance is based. The student must notify the supervisor that the meeting is the first step of grievance. Within (5) days after the student meets the supervisor and presents the grievance, the supervisor will personally respond to the student with whatever has been accomplished to resolve the matter.
  - ii. Step II (formal procedure)

If, as a result of the discussion between the student and the supervisor, the matter is not resolved to the satisfaction of the student, the student may, within five (5) days from the supervisor's response, initiate a formal complaint in writing. If the matter is instructionally related, the student will submit the form to the principal. If the matter is related to any aspect other than instruction the student will submit the form to the dean. The principal or dean, as appropriate, will meet with the student within ten (10) days after receiving the written grievance. Within five (5) days of the meeting with the student, the principal or dean will provide to the student a written response describing whatever decisions, actions, etc., have been taken to resolve the matter and also indicating a schedule date, time, and location for the student to receive an explanation in person.



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iii. Step III (formal procedure)

If the student is not satisfied with the response he/she receives as a result of Step II above, he/she may, within five (5) days of the date scheduled for the personal explanation further submit his/her grievance to the Director of Instruction (if the matter is instructionally related) or the Director of Student Living (if the matter is related to any aspect other than instruction). The Director of Instruction or Director of Student Living, as appropriate, will meet with the student within ten (10) days after receiving the written grievance. Within ten (10) days of the meeting the Director of Instruction or the Director of Student Living will provide the student a written response describing whatever decisions, actions, etc., have been taken to resolve the matter. A copy of this response will be provided to all involved persons and/or offices.

iv. Step IV (formal procedure)

If the student is not satisfied with the response he/she receives as a result of Step III above, he/she may, within five (5) days after receiving the response submit his/her grievance to the Superintendent's Office and request a hearing before a full Administrative Team of the School.

The Team will, within ten (10) days of receipt of the written grievance and request for hearing set a date for the hearing and notify the student of the date, time, and location. The Director of Instruction or Director of Student Living, as appropriate, will submit a resume of previous discussions, decisions, actions, etc., to the Team. The student may be accompanied by counsel at this hearing and a complete transcript of the proceedings will be made. The student will be provided a complete transcript of the proceedings and a description of whatever decisions, actions, etc., result from the proceedings.

d. In the event the student fails to follow the procedures outlined above by the time limit specified in each step, the grievance will be presumed to be dropped and the matter will be considered settled according to the response provided at the previous step.

e. In the event the school representative fails to follow the procedures outlined above or abide by the time limit specified in any step, the student has the right to proceed immediately to the next step.

f. Any time limit may be extended by written agreement between the student and the school representative involved at the step concerned.

## **STUDENT VEHICLES**

Students wishing to drive to and from school must receive prior approval from the Director of Student Living Office. Without this approval, students will not be allowed to drive a vehicle on school property.

Students must provide a copy of a valid Tennessee Driver's License and proof of insurance to the Director of Student Living. Students may park their vehicles only in those spaces specifically identified. For residential students once they are on campus they must surrender their keys to the Director of Student Living or his designee. Day students must give their keys to the building principal or designee.

Students may not leave campus in their own vehicle before the close of the school day without prior approval. All requests to drive off campus must be in writing and approved by the appropriate administrator before departure. At no time shall a student be permitted to ride with another student without written permission from both parents and proper administrative approval. Failure to abide by the rules for maintaining a vehicle on campus or violation of campus traffic rules as well as failure to maintain good behavior and conduct may result in the loss of driving privileges on campus.

# TENNESSEE SCHOOL FOR THE DEAF

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## **DAY STUDENTS**

Students who do not reside in the cottage and are provided transportation by the school system, their parents, or who drive themselves to school each day are considered day students.

Whenever possible, day students are encouraged to participate in all of the school functions and activities that are scheduled after school hours. This includes: athletics, recreational programs, social events, cottage activities/events, and special events.

Day students, with prior approval from the Director of Student Living, may stay in their assigned cottage during the school week in order to promote socialization and encourage participation in extra-curricular activities. When approving these requests the following will be considered: space available, appropriateness of activity, and student behavior.

Day students will be assigned to an appropriate cottage and whenever they are on campus for after-school activities, they will be under the supervision of that cottage staff and must follow all cottage rules.

Please refer to page 57 for more detailed information.

## **COUNTY SCHOOL BUS RIDERS**

School bus transportation is provided by the student's local education authority (LEA). TSD, in cooperation with the LEA, may assist in the follow-up to incidents that may occur on the school bus. The LEA maintains the authority for the transportation of their students from pick-up to unloading. Questions, concerns, and suggestions regarding transportation services are to be directed to the Special Education Director/Supervisor of the appropriate school district.

The safety of all children is the primary concern for both TSD and the LEA. School personnel will work diligently to ensure the safety of all riders. Similarly, parents and children must take an active role in school bus safety. School bus transportation is a privilege that may be suspended. School bus rules will be strictly enforced.

If bus privileges are suspended, this is a form of suspension and any absences will be considered unexcused. Parents must make arrangements for their children to get to and from school.

## **DRESS CODE**

School dress and grooming shall be modest, moderate, and decent. Apparel or appearance which distracts students from learning or presents a safety hazard is inappropriate for school. The definition of appropriate dress shall vary with the age of the student, the program of instruction, and the heating/cooling system of the building.

**Students have the right:** to dress as they choose as long as their dress meets the approved dress and grooming regulations, does not disrupt school activities, is not obscene or defamatory, and does not endanger the physical health or safety of themselves or others.

**Students have the responsibility:** to dress and groom in such a manner so as to reflect cleanliness, modesty, safety, and good taste; become familiar with and adhere to approved dress and grooming regulations of their school program.

*In matters of opinion, the judgment of teachers, cottage staff, and administrators will prevail.*



# TENNESSEE SCHOOL FOR THE DEAF

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Students who do not present themselves appropriately for class will be referred to the principal's office for further attention.

Students in violation of the dress code will be required to return to the cottage to change into appropriate school wear. Parents of day students will be contacted to be informed of the inappropriateness of their child's appearance and may be asked to come and pick their child up from school.

Examples of **inappropriate** or unsafe clothing include:

**Clothes which expose the midriff or shoulders** – garments with spaghetti straps, belly shirts, muscle shirts, halters, tank tops, elastic or mesh tube tops, cut-off tops, shirts with words that draw attention to the chest.

**Clothes that are too tight or too short** – dresses, skirts, mini-culottes, shorts

**Clothing with offensive pictures or logos** – shirts, t-shirt, sweatshirts, or jackets that display offensive pictures or logos, obscenities, pornography, racial slurs, lewd pictures, or other controversial symbols or graphics including alcohol, drug, or tobacco images.

**Headwear** – Hats, caps, visors, combs, picks, and bandanas. (No bandanas worn or carried. Caps worn outside must have the bill turned forward at all times)

**Pants** – rolled up pant legs, pants which sag, pants which drag the ground, pants which are excessively large, sweatpants, pants with word(s) written across the buttocks, pants with holes above the knees will not be permitted in school.

**Shoes** – flip-flops, slides, or house slippers. Appropriate footwear should be worn for recess, physical education, athletics, recreation, and play.

**Gothic or Gang Type Clothing** – trench coats, excessive wearing of black, gang colors, or garments associated with gangs.

**Pajamas or Lounge Wear** – Students may not wear clothing that is designed for sleeping or lounging, such as yoga and fleece pants, to school.

**Underwear** – Students will not wear underwear as outer wear. Underwear must be concealed; straps and bands should not be visible at any time.

**Leggings** – are considered underwear to be worn with long tops or dresses that cover the buttocks or they will be deemed unacceptable.

**Jewelry or Accessories** – that represent or suggest obscenities, pornography, drugs, gangs or weapons. Wallet chains shall not be worn.

## **Methods for Determining Appropriateness**

Clothing is determined to be too short if the clothing does not exceed the length of his/her fingertips when their arms are hanging down at their side (skirts, shorts, and dresses).

If the waistline is exposed when the student's arms are raised above their head the garment is too short or small.

## **Consequences for violation include:**

First offense consequences are:

# TENNESSEE SCHOOL FOR THE DEAF

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- Conference with student;
- Notification of parent or cottage staff;
- Student sent back to cottage to change inappropriate attire.

Second offense consequences are:

- Conference with student;
- Notification of parent or cottage staff;
- Student sent back to cottage to change inappropriate attire;
- Lunch detention or “other consequence” determined by the principal.

Third and subsequent offense consequences are:

- Conference with student;
- Notification of parent or cottage staff;
- Student sent back to cottage to change inappropriate attire;
- Considered willful disobedience and will result in In-School Restriction (ISR).

## **ATTENDANCE POLICY**

All Tennessee School for the Deaf students are expected to attend regularly scheduled classes. Unexcused absences over ten (10) days per semester will adversely affect the student’s grades and ability to earn credit for the various courses.

*All absences must be accounted for with a note from parent and/or physician.*

*Five (5) absences (excused or unexcused) during a semester will generate a letter to the parent(s) indicating that there is a concern with the student’s attendance in school.*

*Ten (10) absences (excused or unexcused) during a semester will result in an IEP meeting to discuss attendance and consequences for less than satisfactory attendance. The student’s LEA will receive copies of letters regarding school attendance.*

## **Tardiness**

Punctuality is a key factor in student achievement. It is important that students are on time to maximize their opportunity for success and educational growth. All students are tardy after 8:00 am. Students must be in school and in class before 10:30 AM to count as a full day’s attendance. If tardy, the student will receive a participation grade of “0” in those classes missed. Students arriving late must sign-in in the principal’s office and receive a pass from the office.

## **Excused Absence**

Students with excused absences will be allowed to make up all missed work according to the timeline established by each individual teacher. The student will be allowed two make-up days for every one day of excused absence. Work turned in beyond this timeline will be scored as “0”.

The following reasons for absence will be excused:

- Religious holiday
- Illness (requires note from doctor/parent)
- Doctor appointment (requires note from doctor)
- Dentist appointment (requires note from dentist)
- Death in the family (bereavement)
- Emergency situation

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- School sanctioned activity
- Discretion of the principal/Director of Instruction
- Court
- Nurse dismissal

## **Unexcused Absence**

All other types of absences are unexcused and will result in students receiving a grade of “0” for participation and for any graded work due for each class/day missed. An absence without documentation will be considered unexcused until such time as the student/parent presents written documentation.

## **Inclement Weather**

In the event of inclement weather that results in a delay or cancellation, TSD will notify the local news, WBIR. For day students, if the county your student resides in is closed, then the absence will be excused.

## **Early dismissal**

Students are to turn in their early dismissal requests to the principal’s office before 8:15 AM. The request must contain the student’s name, grade, time of dismissal, and telephone number where parent can be reached, and a parent/guardian signature. Parents may be called to verify the request. The student must report to the principal’s office to receive an “early dismissal” pass before he or she leaves campus. If it should become necessary for a student to leave campus during the school day he or she must sign-out in the principal’s office.

## **FOOD SERVICE PROGRAM**

The cafeteria at TSD serves a nutritional breakfast and lunch for all of our students. Elementary students are also provided a morning snack. There is no charge for meals and snacks served to the students attending TSD. These expenses are covered by the State of Tennessee.

Students may bring lunches from home. Sodas or carbonated drinks **may not** be consumed during the lunch period due to federal regulations.

Family members and other visitors are welcome to join us for lunch. A meal ticket must be purchased at the main office through the switchboard operator. The cost for each meal ticket is \$3.00.

# TENNESSEE SCHOOL FOR THE DEAF

## CAMPUS-WIDE POLICIES AND PROCEDURES

### SCHOOL WIDE POSITIVE BEHAVIOR SUPPORTS (SWPBS) AT TSD

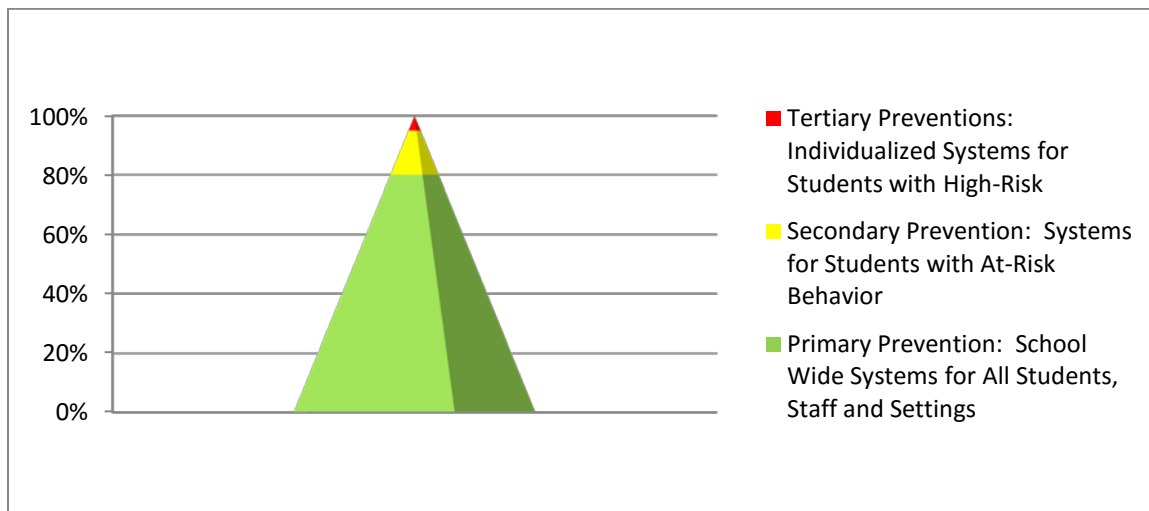
SWPBS is a three tiered continuum of support based on principles of applied behavior analysis and includes a set of research-based strategies used to increase predictability, structure and compliance and to decrease problem behaviors by teaching new skills and making changes in the environment. SWPBS places an emphasis on teaching and reinforcing expected behaviors across campus and departments.

TSD has adopted the following three rules for all departments: elementary, middle, high school and student living.

- T – Take Responsibility**
- S – Show Respect**
- D – Do the Safe Thing**

These rules define our expectations for behavior at our school and they will be posted throughout the school and campus. Primary interventions and strategies are used for all students and office discipline data is collected from incidents. Teachers and staff then use evidence-based practices to problem solve, plan and evaluate student behavior data in order to increase student learning and decrease disruptions.

### CONTINUUM OF SCHOOL-WIDE INSTRUCTIONAL AND POSITIVE BEHAVIOR SUPPORT



### DEFINITIONS OF SWPBS TERMS

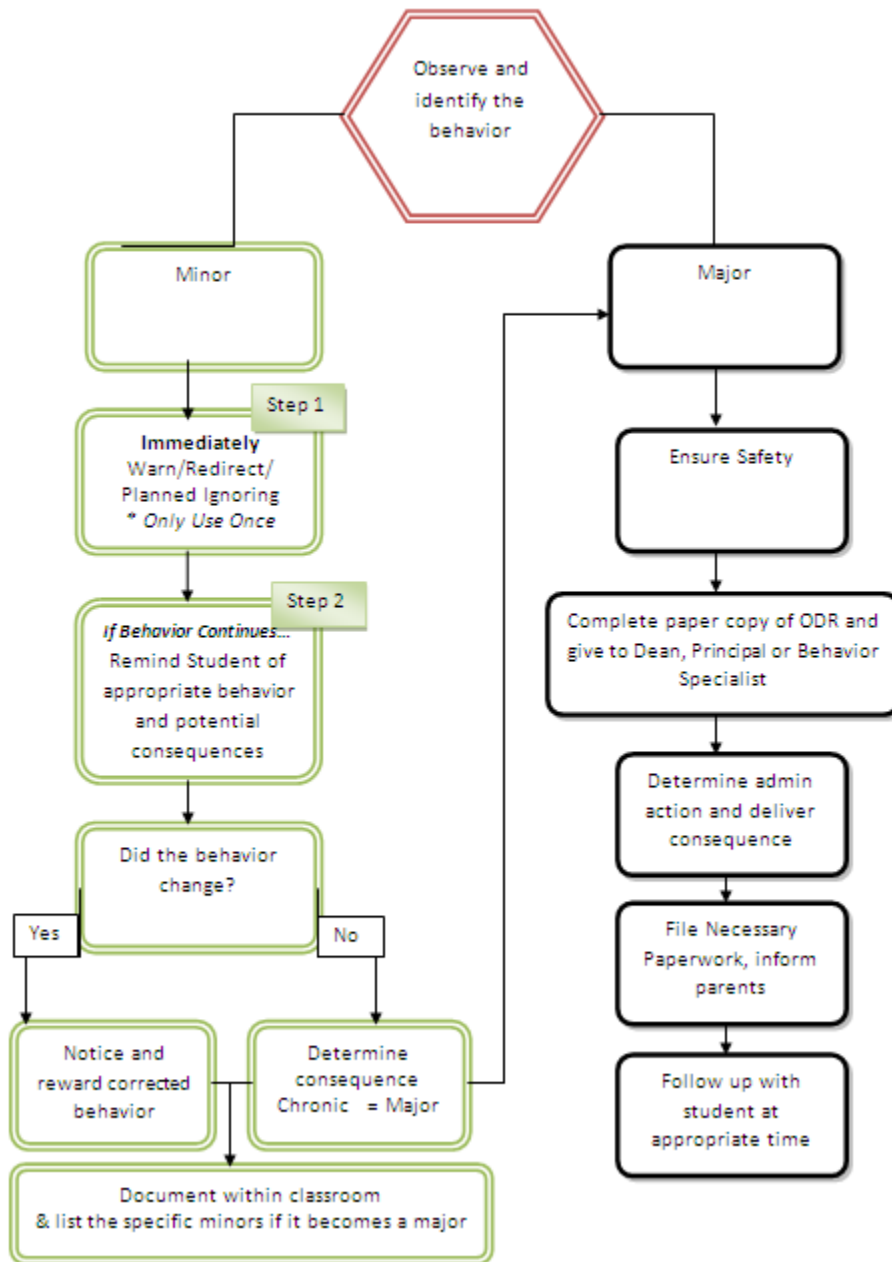
**Minor Offenses:** Misbehaviors that can be handled on the spot with little to no interruption

**Major Offenses:** Violations that require attention of the administrative staff and are documented using Office Discipline Referral forms

**Office Discipline Referral (ODR):** Data collection tool that documents major offenses that includes: time, date, student, location, referring staff, possible motivation, and narrative

# TENNESSEE SCHOOL FOR THE DEAF

## SWPBS CONSEQUENCES FLOW CHART



# TENNESSEE SCHOOL FOR THE DEAF

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## SWPBS GENERAL DEFINITIONS OF PROBLEM BEHAVIORS\*

### MINORS

Minor Problem Behavior	Definition
Defiance/Disrespect/Non-Compliance	Student engages in brief or low-intensity failure to respond to adult requests
Disruption	Student engages in low-intensity, but inappropriate disruption
Dress Code Violation	Student wears clothing that is near, but not within, the dress code guidelines
Inappropriate Language	Student engages in low intensity instance of inappropriate language
Physical Contact/ Physical Aggression	Student engages in non-serious, but inappropriate physical contact
Property Misuse	Student engages in low-intensity misuse of property
Tardy	Student arrives after class has started
Technology Violation	Student engages in non-serious, but inappropriate use of cell phone, pager, music/video players, camera and/or computer

### MAJORS

Major Problem Behavior	Definition
Abusive Language/Inappropriate Language/ Profanity	Student delivers verbal/signed messages that include swearing, name calling or use of words in an inappropriate way
Arson	Student plans and/or participates in malicious burning of property
Bomb Threat/ False Alarm	Student delivers a message of possible explosive materials being on-campus, near campus and/or pending explosion
Defiance/ Insubordination/ Non-compliance	Student engages in refusal to follow directions
Disrespect	Student delivers socially rude and/or dismissive messages to adults or students
Disruption	Student engages in behavior causing a sustained interruption in a class or activity
Dress Code Violation	Student wears clothing that does not fit within or near dress code guidelines
Fighting	Student is involved, with mutual participation, in an incident involving physical violence
Forgery/Plagiarism	Student has signed a person's name without that person's permission or claims someone else's work as their own
Gang Affiliation Display	Student uses gesture, dress, and/or speech to display affiliation with a gang
Harassment	The delivery of disrespectful messages in any format related to gender, ethnicity, sex, race, religion, disability, physical features, or other protected class
Bullying	The delivery of any message that involves intimidation, teasing, taunting, threats, or name-calling
Gambling	Students are engaged in the act of gambling if they play for stakes in the hope of winning payment

## TENNESSEE SCHOOL FOR THE DEAF

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Inappropriate Display of Affection	Student engages in inappropriate, consensual verbal and/or physical gestures/contact, of a sexual nature to another student or adult
Inappropriate Location/ Out of Bounds	Student is in an area that is outside of boundaries (as defined by activity and/or department)
Lying/ Cheating	Student delivers message that is untrue and/or deliberately violates rules
Other	Not listed, but behavior that significantly halts or interrupts student learning
Physical Aggression	Student engages in actions that involve serious physical contact where injury may occur
Property Damage/ Vandalism	Student participates in an activity that results in destruction or disfigurement of property
Skip Class	Student leaves or misses class without permission
Truancy	Student receives an “unexcused absence” for a ½ day or more
Theft	Student moves, passed on, or is in possession of someone else’s property without permission.
Technology Violation	Student engages in inappropriate use of cell phone, pager, music/video players, camera and/or computer
Use/ Possession of Alcohol	Student is in possession of or is using alcohol
Use/ Possession of Combustibles	Student is in possession of substances/objects readily capable of causing bodily harm and or property damage
Use/ Possession of Drugs	Student is in possession of or using illegal drugs/substances or imitations
Use/ Possession of Tobacco	Student is in possession of or using tobacco
Use/ Possession of Weapons	Student is in possession of knives and/or guns (real or look alike) or other objects readily capable of causing bodily harm

***\*For more detailed information about what determines a chronic violation and examples of minors and majors, contact the department principal or dean.***

# TENNESSEE SCHOOL FOR THE DEAF

## DISCIPLINARY ACTIONS

### LEVELS OF CONSEQUENCES

	Level	Disciplinary Options	
<b>M I N O R S</b>	<b>1</b>	<b>Classroom Level Interventions</b> Teachers use the following interventions to help the students change behavior in the classroom. If these interventions are successful, referral to the school administration may not be necessary.	
		Warning Letter of apology Loss of privileges Use of Life Space Interview worksheet Seat change Parent contact	Staff conference with student Mentoring In-class time-out Arranged break in another class/cottage Reinforcement of appropriate behaviors Written reflection about incident
	<b>2</b>	<b>Appropriate when Level 1 consequence/intervention has been ineffective</b> Teachers use the following interventions to help students change behavior in the classroom. In some cases, referral to school administrator may be necessary.	
		Phone call/letter to parent/guardian Simple classroom behavior contract Teacher and/or administrator conference After-School Detention	Cottage – No Sign Out Conflict resolution Response/Cost (spill it, clean it up)
<b>M A J O R S</b>	<b>3</b>	<b>Appropriate when Level 2 consequence/intervention has been ineffective</b> <b>Office Referral (ODR) Required</b>	
		Parent/guardian notification After-school detention Campus clean-up In-School Suspension (1 – 5 days)	Cottage Restriction (1 – 5 days) Community Service Staffing
	<b>4</b>	<b>Appropriate when Level 3 consequence/intervention has been ineffective</b> <b>Office Discipline Referral (ODR) Required</b> <b>Parent/guardian Notification Required</b>	
		In-School Suspension (1 – 5 days) Cottage Restriction (1 – 5 days) Restricted Activity Class/Cottage change Eye Contact and/or Escort	Staffing Individual Education Plan (IEP) Meeting Functional Behavior Assessment (FBA) Behavior Intervention Plan (BIP)
	<b>5</b>	<b>Appropriate when Level 4 consequence/intervention has been ineffective</b> <b>Office Discipline Referral (ODR) Required</b> <b>Parent/guardian Notification Required</b>	
Suspension (1 – 10 days) Staffing		Manifestation IEP Referral back to LEA	



# TENNESSEE SCHOOL FOR THE DEAF

## CONSEQUENCES

Offense/Infraction		Level of Consequence					Reportable to Police
		1	2	3	4	5	
<b>Absence (unlawful)</b> <i>Excessive absences may result in loss of credit for the semester.</i>		●	●	●			
<b>Alcohol and Other Drugs</b>	<i>Possession</i>			●	●	●	●
	<b>1<sup>st</sup> Offense</b> <i>Consumption</i>			●	●	●	●
	<i>Distribution</i>					●	●
	<b>2<sup>nd</sup> Offense</b> <i>Possession with intent to distribute</i>					●	●
<b>Assault:</b> <i>Student on Staff</i>						●	●
<i>Student on Student</i>						●	●
<b>Bomb Threat</b>						●	●
<b>Bullying</b>				●	●	●	If violent
<b>Cyber-bullying</b>				●	●	●	If violent
<b>Cell Phone Misuse</b> ( <i>see Electronic Device Misuse pg 37</i> )		●	●	●	●	●	
<b>Cheating</b> ( <i>May fail or not receive credit for assignment or course</i> )				●	●		
<b>Computer Misuse:</b> <i>Criminal Behavior</i>						●	●
<i>Malicious Modification</i>				●	●	●	
<i>Mischievous Modification</i>				●	●		
<i>Mischievous Use</i>		●	●	●			
<b>Conduct Prejudicial to Good Order</b>						●	If illegal act
<b>Destruction of Property/Vandalism</b>			●	●	●	●	Value dependent
<b>Disability Harassment</b>			●	●	●	●	
<b>Disrespect Toward Others</b>			●	●	●	●	
<b>Disruption to Classroom/School</b>			●	●	●		If violent
<b>Disruptive Clothing or Appearance</b>			●	●	●		
<b>Electronic Device Misuse</b>			●	●	●	●	If illegal
<b>Extortion/Strong Arming/Blackmail</b>					●	●	●
<b>False Fire Alarm</b>				●	●	●	And Fire Marshal
<b>False Information/Accusation</b>			●	●	●		
<b>Fighting</b> <i>First Offense:</i> <i>Second Offense:</i> <i>Third Offense:</i>				●	●	●	If causes injury
<b>Fireworks/Explosives</b>				●	●	●	And Fire Marshal
<b>Forgery</b>			●	●	●		
<b>Gambling</b>			●	●	●		
<b>Harassment/Intimidation</b>				●	●	●	●
<b>Hazing</b>					●	●	●

# TENNESSEE SCHOOL FOR THE DEAF

Offense/Infraction		Level of Consequence					Reportable to Police
		1	2	3	4	5	
<b>Inappropriate Actions:</b> <i>Use of Inappropriate Language</i>			●	●	●		
	<i>Inappropriate Physical Contact</i>			●	●	●	If causes injury
	<i>Inappropriate Sexual Activity</i>				●	●	If illegal
<b>Inciting or Participating in a School Disturbance</b>				●	●	●	If causes injury
<b>Insubordination</b>			●	●	●	●	
<b>Leaving an Area and/or Leaving Class and/or School Grounds without Permission</b>				●	●	●	If unable to locate or unknown whereabouts
<b>Plagiarism</b> ( <i>May fail or not receive credit for assignment or course</i> )				●	●	●	
<b>Possession and/or Use of Dangerous or Illegal Items</b>					●	●	If illegal
<b>Putting Substances in Another Person's Food or Drink or on a Person's Body</b>						●	If illegal
<b>Setting Fire(s)</b>					●	●	And Fire Marshal
<b>Sexting</b>			●	●	●	●	●
<b>Sexual Assault</b>						●	●
<b>Sexual Harassment</b>				●	●	●	If illegal
<b>Stealing and/or Theft</b>				●	●	●	Value dependent
<b>Tardiness</b>		●	●	●			
<b>Threat to Staff and/or Student(s)</b> ( <i>Physical, Written, or Verbal</i> )					●	●	●
<b>Tobacco</b> <i>Possession, Distribution, Use</i>	<i>1<sup>st</sup> Offense</i>			●			
	<i>2<sup>nd</sup> Offense</i>			●			
	<i>3<sup>rd</sup> Offense</i>			●			●
	<i>4<sup>th</sup> Offense</i>					●	●
<b>Trespassing</b>					●	●	●
<b>Unsafe Action(s)</b>					●	●	●
<b>Weapons</b> ( <i>including look-a-like guns</i> ) <i>Possession of:</i>	<i>Firearm</i>					●	●
	<i>Knife (1-1/2" or smaller blade)</i>			●	●	●	●
	<i>Knife (blade longer than 1-1/2")</i>					●	●
	<i>Weapon (other than knife or firearm)</i>			●	●	●	●
	<i>Use of Weapon to Cause or Attempt to Cause Injury</i>					●	●
	<i>Laser Pointer</i>			●	●	●	

## Student Suspensions Out-of-School (TCA 49-6-3401)

When a student's behavior is such that he/she continues to disrupt the learning process or the behavior is serious enough to warrant temporary removal, the Director of Instruction may recommend suspending a student out-of-school for up to ten (10) days annually.

# TENNESSEE SCHOOL FOR THE DEAF

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If the suspension is for more than ten (10) days, written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days shall be given. All appeals must be filed, orally, or in writing, within five (5) days after receipt of the notice the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student. The appeal shall be to the Student Disciplinary Hearing Authority (SDHA) at TSD.

## DEFINITION OF TERMS

**Insubordination and Aggressive Behaviors** A student who refuses to demonstrate proper respect for an adult or who deliberately disobeys school rules and/or the legal and proper directions of school personnel is considered insubordinate.

Insubordination carries with it a wide range of consequences depending on the level and degree of misconduct.

**Sarcasm and put-downs** are denigrating comments, made to ridicule the skill or behaviors of another person. The intent of such caustic language is to criticize and diminish the worth of others.

**Bullying and intimidation** are distinguished from sarcasm and put-downs in that these behaviors are more severe in intent and consequences.

**Explicit threats** are defined as comments or behaviors that may threaten another with embarrassment, revelation of confidences, or even bodily harm if his or her demands are not met.

**Physical assault** is a serious breach of group safety and can have long-term, negative consequences. This behavior is aggressive physical contact of person toward another.

**Passive-aggressive** behavior is the purposeful, intentional withholding of appropriate participation, and active shutting down of involvement. It can be thought of as a largely nonverbal “crossing of the arms” in order to display deliberate nonparticipation.

**Negativism and refusal** are signaled more overtly by word and deed, the desire to avoid participation. The student may openly refuse to be part of an activity, to follow instructions, or complete homework assignments. Skipping class, coming late to class, or walking out of class are also indicators of this behavior.

**Disruptiveness** encompasses active resistance behaviors more extreme than negativism, such as openly and energetically ridiculing the teacher, other students, or the class activity. Disruptiveness may be shown by gestures, movements, noises, or other distracting nonverbal behaviors meant to criticize or display hostility.

## **Bullying, Intimidation, Harassment, and Hazing**

In accordance with TCA 49-6-4502 Bullying, intimidation, harassment, and hazing means any act that substantially interferes with a student's educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school function, and that has the effect of:

- (1) Physically harming a student or damaging a student's property;
- (2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
- (3) Causing emotional distress to a student or students or
- (4) Creating a hostile educational environment.

# TENNESSEE SCHOOL FOR THE DEAF

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At the Tennessee School for the Deaf the following definition also includes anyone who harasses or ridicules another person on the basis of their disability.

Bullying, intimidation, harassment, and hazing means any intentional or reckless act in Tennessee, on or off school property, by one (1) student acting alone or with others which is directed against any other student that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety.

Bullying, intimidation, harassment, and hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

A student may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of bullying, intimidation, harassment, or hazing.

A student who has been found to have committed an act of bullying, intimidation, harassment or hazing is subject to swift and appropriate consequences as identified in the student handbook. A student who falsely accuses another student of bullying, intimidation, harassment, or bullying will also be subject to appropriate disciplinary action.

Staff members who ignore or do not properly handle or report bullying, intimidation, harassment, or hazing behavior may be subject to disciplinary action.

**Public Display of Affection** In addition to the school and cottage programs the TSD campus shares facilities with a number of other state agencies. The Tennessee School for the Deaf also entertains a number of visitors and guests to the campus on a daily basis. Every member of the TSD community is expected to conduct themselves in a manner that will bring praise and positive comments to themselves and the school. Therefore, students will refrain from public displays of affection.

For the purposes of this policy the following conduct is not permitted:

- Excessive hugging
- Kissing on the lips or cheeks
- Excessive body contact
- Groping or inappropriate touching
- Graffiti, signs, or posted notes/comments

## **DATING**

Tennessee School for the Deaf students will be allowed to date one another and participate in planned social events and programs within certain guidelines.

Parents may establish rules for their child's dating but cannot set aside the guidelines and standards established by the school.

## **Age Differences**

Without regard to parent permission, students in the following circumstances will not be allowed to date.

- Age difference is three years or more between the two students.
- Middle School and High School students will not be allowed to date regardless of the age factor.

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Students who violate the Dating Policy will be subject to the consequences of the Inappropriate Sexual Conduct Policy.

## **Inappropriate Sexual Conduct**

Appropriate social interactions are strongly encouraged and students are expected to conduct themselves in a socially responsible manner at all times. Conduct or behavior of a sexual nature is never allowed on the campus of TSD or during any school approved function or activity. Students who are caught in any type of sexual behavior will be punished accordingly.

## **SEXUALLY EXPLICIT MATERIALS**

Pornographic materials will not be allowed on campus or in a student's possession while on a school sanctioned activity. It is the policy of the Tennessee School for the Deaf that students who are in possession of or transfer, share, download, attempt to download, or produce sexually explicit materials are in violation of school policy.

### **Definition**

Sexually Explicit Materials includes a wide range of content-including nudity, romance, and depictions of sex and intercourse, as well as a variety of sexual proclivities (rape, bondage, bestiality, and so on).

### **Printed Material**

Magazines, books, photographs, drawings, videos, DVDs and other types of materials that depict or describe sexually explicit materials are forbidden and students are subject to disciplinary action.

## **SEXUAL HARASSMENT**

Sexual harassment is unwelcome behavior of a sexual nature. It is a violation of federal law Part 1604.11-Section 703 of Title VII of the Civil Rights Act of 1964, as amended in 1972. The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces Title VII. Title VII applies to the work environment.

Student to student Sexual Harassment is covered under Title IX of Federal Law, and has been addressed by the U.S. Department of Education's Office for Civil Rights (OCR), the NEA and others. Schools, colleges, and universities that do not act immediately to stop this form of harassment can be sued for substantial monetary damages. This applies to all schools, elementary through college, that receive federal funding. It includes athletics, field trips, extra-curricular programs, bus and plane transportation and all regular classroom activities. It protects both male and female students (and school employees) from sex discrimination. It prohibits sexual harassment even when the harasser and person harassed are the same sex.

### **Definitions**

Sexual harassment is "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to the advances are made a term or condition of a student's participation in school activities.

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- Submission is used as the basis for educational decisions affecting the individual.
- Such conduct interferes with an individual's school performance, or creates an intimidating, hostile or offensive learning environment." Title IX prohibits the same areas of sexual harassment as Title VII.

## Conditions

**Quid pro quo** – When a school employee conditions a student's participation in an education program or school activity, or bases an educational decision (grades) on the student's submission to unwelcome sexual conduct. Quid pro quo is illegal regardless of the student's decision. According to policy guidance, a school or college "will always be liable for even one instance of quid pro quo harassment by school employees in a position of authority, even if the school or college didn't know about the harassment."

**Hostile Environment** – includes conduct of a sexual nature that is sufficiently severe, persistent, or pervasive and unwelcome. It can be created by a school employee, another student or a school visitor (student or adult).

The environment is considered hostile when the student views it as hostile and it is reasonable for the student to view it as hostile. It is usually created by a series of incidents, but can be created by a single incident, such as rape or sexual assault.

## School's Responsibility

In an effort to prevent the occurrence of sexual harassment, students are counseled about appropriate behavior. Counselors as well as staff and faculty in all departments must focus on appropriate behavior. Teachers have been given information on this subject to be passed on to the students, appropriate to their age level.

When an incident occurs, the school will take prompt and appropriate steps to stop and remedy the sexual harassment. Once observed, or told, immediate reporting to the supervisor of that department must occur. The supervisor is then required to inform the Superintendent and team members involved. All information is to be dealt with confidentially, and according to guidelines. To have the information and withhold it is to place the staff and school in a liable situation. In addition to reporting to the supervisor and superintendent, the social worker is also notified, as they make a determination as to whether the incident should be reported to Department of Children Services (DCS) and/or local police.

## School Policy

The Student Handbook is followed in determining the level and duration of punishment for the offense. Classroom teachers have been provided material and information to use in advising students on proper prevention of sexual harassment. Students sent to In-School Restriction (ISR) for this offense are further instructed by the teacher there and on occasion by the team member responsible for Title IX. Parents are informed. If a student brings a complaint of sexual harassment by a staff member the appropriate response would be:

Report the facts to the Title IX Coordinator immediately. Document the student's complaint and your observations of the student's demeanor. Submit this summary in writing to the supervisor at the time of the incident as well as the team member over that department and the superintendent.

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## **Specific Examples of Sexual Harassment**

Some activities or actions that would be considered conduct of a sexual nature are:

- Sexual advances or pressures for sexual activity
- Sexual touching
- Sexual graffiti
- Displaying or distributing sexually explicit drawings, pictures and written materials
- Sexual gestures
- Sexual or “dirty” jokes
- Touching oneself sexually
- Talking about one’s sexual activity or performance
- Repeated sexual teasing
- Suggestive sounds, howling, whistling, or catcalls
- Offensive messages on shirts, pants, or pins
- Students “making out” – Public Displays of Affection (PDA)
- Grabbing or pinching
- Cornering or blocking an individual’s movements
- Following or stalking
- Lifting, pulling, or removing clothing or undergarments
- Attempted and/or actual kissing or fondling
- Commenting on the physical appearance of students passing in the hallways
- Explicit pictures, posters, calendars in class, lockers, or on notebooks
- Pulling clothes, bra snapping
- “Hazing” of students
- Name calling, verbal or written, of a sexual nature
- Sexual threats
- Sexual bumping, grabbing, or brushing
- Passing of sexual notes, cartoons, jokes, pictures or pornographic material
- Homophobic sexual harassment
- Derogatory names
- Dismembering by making reference to body parts
- Harassment of a pregnant student, or those who have a child
- Poking, pinching, patting
- Sexual/racial comments
- Circulating “slam books” about a student
- Teasing about body development, either over/under or early/late
- Making jokes about rape
- Males or females bragging about the size of their body parts

## **Basis for Reporting to DCS and/or Police**

- a. Age, size, and mental ability of the students.
- b. Age difference.
- c. Nature of the offense (physical or verbal).

The information is also provided the team member responsible for Title IX, who, with the superintendent, evaluates the incident and action taken by the school.



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## **DRUG AND ALCOHOL POLICY**

It is the policy of the Tennessee School for the Deaf that students will not possess, consume, or distribute drugs or alcohol, or possess drug paraphernalia while on campus, or during school sponsored activities. If drugs or contraband are discovered the police must be notified.

This policy includes any and all legally controlled substances.

- Prescription medications and over-the-counter medications sold or passed off as a drug look-a-like are also forbidden. A student who keeps prescription drugs and/or over-the-counter medications in his/her cottage or in their possession during the school day is in violation of this policy. All prescription drugs and over-the-counter medications are to be kept and monitored by the school clinic.
- The use of common off-the-shelf products as inhalants for the purpose of getting “high” is a violation of this policy.

Students who knowingly ignore or fail to divulge that another student is in violation of this policy may also receive consequences for their failure to report this information to the appropriate staff member.

### **Drug Search and Testing**

It is the policy of the Tennessee School for the Deaf that students have a safe and secure environment. In order to achieve this goal, a student may be subject to physical search if there is reasonable suspicion of illegal drugs/activity. A student’s pockets, vehicle, lockers and cottage room may be searched. Their purse and/or backpack will be confiscated and then searched by a staff member.

A student may be subject to drug/alcohol testing if there are reasonable indications that the student is under the influence or may have used drugs/alcohol.

A student suspected of being under the influence of drugs/alcohol or having used drugs/alcohol will be reported to the Director of Instruction and/or the Director of Student Living.

The student may then be referred to the TSD Clinic for a determination of the need for drug/alcohol testing.

The parents and TSD Superintendent or his designee will be notified before any testing occurs. All cost for the testing will be the responsibility of TSD.

Students are deemed to have given consent for the testing for the purpose of determining drug/alcohol content of the student’s blood. Such testing will be administered at the direction of the Superintendent or his designee upon having reasonable grounds to believe the student is under the influence of drugs/alcohol.

A student may refuse drugs/alcohol testing. A student refusing to undergo a drug/alcohol test will be presumed to be under the influence and the discipline policy of the school will be followed.

Students who have committed or are committing any violation of state law will be reported to local law enforcement officers.



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## **Search of Persons, Containers, Lockers, and Vehicles**

In accordance with TCA 49-6-4205 representatives of the Tennessee School for the Deaf with reasonable suspicion have the right to conduct a personal search, search lockers, containers, packages, and vehicles brought onto campus.

A notice is posted in each school building indicating that lockers and other storage areas, containers, and packages brought into school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons or any property which is not properly in the possession of the student or the visitor.

Private vehicles may be searched if there is reasonable suspicion that TSD rules or state and local laws are being violated.

A student may be subject to a personal search because of a locker search, or because of information received from a teacher, staff member, student, or other person if such action is reasonable to the principal.

All the following standards of reasonableness shall be met:

- a. A particular student has violated school policy.
- b. The search will yield evidence of the violation of school policy or will lead to disclosure of a dangerous weapon, drug paraphernalia, or drug.
- c. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students.

## **STUDENTS CHARGED WITH A FELONY**

Any student who engages in off-campus criminal behavior which results in the student being legally charged with a felony and the student's continued presence in school poses a danger to persons or property or disrupts the educational process, shall be suspended from attendance at school. (TCA 49-6-3401 (14))

## **ITEMS NOT ALLOWED IN SCHOOL**

To ensure safety and to reduce disruption to learning, students may not bring certain items to school. The list below is a brief inventory of banned articles but can be expanded to include items not listed.

Students shall not bring the following items to school: unauthorized laptop computers, jump drives or other types of data storage devices, scooters, shoe skates, roller blades, matches, lighters, tobacco or tobacco products, alcohol, medicines, canned or bottled drinks (except water), guns, drugs, knives of any kind, box cutters, laser pointers, toys, games/electronic games, fireworks, or items of considerable value.

In matters of opinion, the school faculty, staff, or administration representative shall have the final determination of appropriateness of any item brought to school.

## **Food and Drinks**

Students may not bring food, candy, or drinks to school or in the classroom.

Food, candy, or drinks cannot be sold or purchased during school hours between 8:00 AM and 3:00 PM.

As part of a pre-approved fund raising activity or school event, food, candy, and drinks can be purchased or served from 3:00pm – 3:30pm.

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Soft drinks, tea, punch, power drinks and any other type of canned or bottled drink are not allowed in school or the classroom. Soft drinks or other beverages are not permitted in the Dining Hall due to FDA regulations. *Students may have bottled water during the day.*

Students are not permitted to purchase soft drinks during the school day and teachers will not send students to purchase drinks for them.

Soft drinks are permitted as part of an approved school event or activity.

## **RESPONSIBLE USE POLICY FOR TECHNOLOGY RESOURCES**

The Tennessee School for the Deaf offers an individualized and comprehensive educational program. The school provides a total learning environment that utilizes state of the art curricula, materials, and methods for the purpose of preparing students for adult life. Students are equipped academically, vocationally, physically, emotionally and morally to meet the daily challenges presented by society.

### **Responsible Use**

Campus technology resources, including Internet and wifi access, are provided for the instructional and business purposes of the Tennessee School for the Deaf (TSD). All users are expected to exhibit responsible, respectful, and safe behavior, following all school, local, state, and federal rules, policies, and laws, including the State of Tennessee Acceptable Use Policy and Personal Use of Social Media Policy. General school rules for behavior and communication apply to technology as well.

## **TECHNOLOGY POLICY**

### **Training & Supervision**

1. Students will be instructed in the terms of this Responsible Use Policy, Internet Safety, Cyberbullying, and Digital Citizenship each year, prior to using school technology.
2. Students must be under the direct supervision (in the room and actively watching screens) of a full-time TSD employee while working on any technology. Substitute teachers who are not full-time employees of TSD may be authorized to supervise students using technology after completing school-approved training annually.

### **Privacy**

1. TSD is a state government institution. Any information stored or transmitted using school technology, including email and text messages, can be considered public record and so subject to public inspection.
2. Users should have no expectation of privacy for any information stored or transmitted using any part of the school network, including computing devices, network resources, and Internet traffic, even if using a personally-owned device.
3. TSD reserves the right to install and use monitoring and filtering software on state-owned devices in order to manage devices, maintain user safety, and network security.

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## **Computing Devices (Desktops, laptops, tablets, iPads, etc.)**

All computing devices, including desktop and laptop computers, tablets, iPads, etc., assigned to a staff or student are to be used for the instructional and business functions of TSD and must be returned to the Technology Department upon termination of the person's relationship with TSD.

1. All computing devices should maintain password protection to access the device, such as a log in password or passcode. Unattended devices should be logged off and inaccessible to unauthorized users. All devices should be set to automatically log off or lock in order to prevent unauthorized access.
2. Users should make regular back-ups of their work and files. It is recommended that you copy your important files at least once a week to a durable media (i.e., DVD, external hard drive). Jump drives/thumb drives are NOT a durable media.
3. Software and security updates should be installed in a timely fashion. Most updates occur automatically. Users are responsible to perform updates when available.
4. Anti-virus programs should be allowed to update and run a scan daily. A full scan should be performed at least monthly.
5. Use only the devices, accounts, and passwords you are authorized to use. Report any unauthorized access to an account or computing device to the technology department immediately.
6. Adhere to software licensing provisions including installation, use, copying, etc. Students should not be allowed to download or install any software, add-ins, or apps.
7. IP addresses are a vital part of network communication. IP addresses should not be changed on a computer for any reason. Report any IP address conflicts to the technology department.

## **Network and Internet Access**

A variety of web applications are accessible via the TSD Internet connection, including wireless Internet (wifi). TSD provides access to a variety of educationally-based and business-based web applications to further its instructional goals. All Internet traffic is directed through a content filter as a level of protection for the safety and security of campus users and data.

1. Internet access is available to all TSD students for instructional purposes. Streaming or downloading games, music, videos, or other media for non-instructional is prohibited.
2. All account names and passwords, including wifi/wireless access, email, student and staff information systems, Apple IDs and iPad access, and other web and local applications, are private and should not be shared. Individuals will be responsible for all information and transactions associated with their accounts. Account access is revoked upon the termination of the person's relationship with TSD.
3. All communication online should be respectful, contain appropriate language, and adhere to netiquette principles.
4. Students should maintain appropriate, professional relationships online. Harassment; bullying; and soliciting, committing, or encouraging inappropriate acts, including language, photos, behaviors, and relationships are prohibited.
5. Safeguard all sensitive information, including staff, student and family names and contact information, social security numbers, credit card numbers, computer passwords, dates of birth, driver license numbers, health and academic information,

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and other private information. Avoid sending this information along unsecured connections, including in an email or posting to websites, or otherwise encrypt or secure the information when sending.

6. Students will have access to a school email account. E-mail accounts are provided for educational and business purposes rather than as a personal email address. Training is required for students before receiving their account information. Students will only use their school assigned email account.
7. Forwarding of mass emails, chain emails, viruses, or other spam or malware is prohibited.
8. Any social media accounts should make a clear distinction between personal and professional associations. Any social media accounts created on behalf of the school must be approved by the Superintendent. All personal social media accounts must adhere to the State of Tennessee Personal Use of Social Media Policy.

## **Use of School Technology Off-Campus**

1. All rules and expectations for use of technology on campus apply when using school technology off-campus.
2. Devices and services are provided for educational purposes only.
3. Devices and services are provided for the assigned student person only.
4. Devices should be returned to campus each school or work day. All users must be able to produce their school device in order to perform maintenance or inventory functions.
5. Any behavior that impacts the learning environment or orderly operation of the school in a detrimental way, regardless of whether it occurs on campus or off-campus, during school hours or outside of school hours, may be subject to disciplinary action.
6. Failure to adhere to off-campus technology expectations may result in loss of off-campus technology privileges.

## **Copyright & Plagiarism**

Copyright protection provides the creator of works of art, literature, drama, music, and other intellectual works exclusive rights over their product. Copying, downloading, and using or distributing text, images, movies, audio files, software, or other copyright materials without the written permission of the copyright owner is illegal. Duplication and distribution for educational purposes, following the guidelines of the Fair Use Doctrine including appropriate citations, is permissible.

## **Unacceptable Use**

Users will not engage in unacceptable or illegal activities, such as, but not limited to:

1. Plagiarism or copyright infringement;
2. Copying or using materials (software, music, videos, etc.) beyond licensing terms;
3. Discrimination, defamation, harassment, sexting, hate mail, or cyberbullying (see Sexting Policy and Cyberbullying Policy);
4. Accessing, creating, or sending sexually explicit or obscene materials;
5. Manufacturing and distributing viruses, worms, trojan horses, or other malware;
6. Hacking the network or altering restrictions, filters, or protections on school equipment or using school equipment;
7. Physically damaging or vandalizing school equipment;

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8. Attaching unauthorized computing devices to school equipment or networks;
9. Trespassing in another person's accounts, emails, files, etc.;
10. Impersonating another person on the network or online;
11. Posting or uploading confidential information or another person's personal information, image, or video without permission or consent;
12. Making personal transactions online during school or work hours

## CONSEQUENCES

A violation of the rules stated in the TSD Acceptable Use Policy may result in disciplinary action depending on the severity of the offense.

School administrators may follow SWPBS procedures and/or issue one or more of the following penalties to students:

### Level One

#### Offenses:

- Inappropriate uses during school hours or at a school function after hours.
- Possessing or using devices in bedrooms.
- Using the device after 10:00 PM.

#### Consequences

- Staff confiscates device for a 24-hour period.
- Repeated offenses (more than one time) may result in a loss of the device for up to a week.

### Level Two

#### Offenses:

- Repeated Level One violations.
- Loaning your device to another student
- Borrowing a device from another student

#### Consequences

- Loss of device for a week. The device will be kept in the Cottage office and student can ask to check it once during the day.
- Office Discipline Referral with consequences assigned by dean/principal
- Second Violation of Level Two – Device will be sent home and will not be allowed on campus again for one week (seven calendar days).
- Third Violation of Level Two – Device will be sent home and will not be allowed on campus for one month (four calendar weeks).

### Level Three

#### Offenses:

- Repeated Level Two violations.
- Using offensive or vulgar language.
- Sending inappropriate, suggestive or threatening messages.

#### Consequences:

- The device will be confiscated immediately by staff and locked away. The device will be sent home and parents will be notified of the reason and that the student cannot bring the device back to school for one week (seven calendar days)
- Office Discipline Referral with consequences assigned by dean/principal
- If a threat has been made using one of the devices, the TSD Threat Policy will immediately be put into effect.
- Second Violation of Level Three – Use of the device will be suspended for one month (four calendar weeks). The device will not be allowed on campus during this period of time.

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- Third Violation of Level Three – Possession and use of the device on campus will be suspended for the remainder of the school year.

The above outline of consequences will be followed as well as one or more of the following, determined by severity of the offense:

1. Verbal reprimand
2. Phone call and/or meeting with a parent or guardian
3. Loss of credit for the work assigned that resulted in a violation
4. Loss of device for one or more days
5. Loss of access to offline and/or online resources
6. Loss of all technology related privileges
7. Repayment of charges to repair and/or replace equipment and/or software
8. In-School Restriction for one or more days
9. Suspension from school for one or more days
10. Alternative setting and/or expulsion from school
11. Referral to Local, State and/or Federal law agencies

Students who do not have a completed and signed Responsible Use Policy Signature Page on file are not permitted to access school technology, the school network, and the Internet using school equipment. Such persons are in violation of this policy and may have their privilege permanently revoked.

## **CHILDREN’S INTERNET PROTECTION ACT (CIPA)**

“The Children’s Internet Protection Act (“CIPA”), enacted December 21, 2000, requires recipients of federal technology funds to comply with certain Internet filtering and policy requirements. Schools and libraries receiving funds for Internet access and/or internal connection services must also meet the Internet safety policies of the Neighborhood Children’s Internet Protection Act (“NCIPA”) which addresses the broader issues of electronic messaging, disclosure of personal information of minors, and unlawful online activities. The Protecting Children in the 21st Century Act, enacted October 10, 2008, adds an additional Internet Safety Policy requirement covering the education of minors about appropriate online behavior.”  
-[http://www.e-ratecentral.com/CIPA/cipa\\_policy\\_primer.pdf](http://www.e-ratecentral.com/CIPA/cipa_policy_primer.pdf)

1. Internet filtering, using a “technology protection measure” is required to block material deemed inappropriate or harmful for minors.
2. An Internet Safety Policy, including the filtering measure and monitoring of student online activities is required. In addition, it must address the safety of students while using electronic communication, prevention of unauthorized access and hacking, and disclosure and distribution of personal identification information.
3. Student instruction of appropriate online behavior, such as digital citizenship, Internet safety, and cyberbullying.
4. Failure to adhere to these requirements puts the school network and Internet access in jeopardy.

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## **INTERNET SAFETY POLICY**

Internet access is available to the students of the Tennessee School for the Deaf. We are pleased to be able to provide this tool for education, innovation, and communication through the Internet. Internet access and email at TSD is not a right, but a privilege to each user at TSD.

The Internet is a system of networks that connects millions of computers across the world. It can be potentially dangerous and should be used with caution. To eliminate part of this danger, we are CIPA (Children's Internet Protection Act) certified using a web filtering system to block certain Internet sites. This service is provided by AT&T to all schools across the state on the K-12 network.

Using content filtering technologies and network security measures designed for Tennessee K-12 schools, AT&T provides safe Internet access. Educators and parents know that their students and children are protected from online pornography, hate, violence, and predatory individuals. This solution provides TSD compliance with CIPA's definition of a "technology protection measure" required to protect students. Faculty and staff must also report any improper student use of the Internet, email, or network to school administration.

Students will be taught Internet Safety at the beginning of the school year, and it will be addressed throughout the year in all classes. Our students must also sign a Responsible Use Policy which directs them on appropriate behavior while using the computer, Internet, and other technology devices. If the student violates any of the rules or policies, their computer privileges can be limited or revoked and school discipline procedures will be taken.

Teachers and staff at the Tennessee School for the Deaf participate in professional development for technology throughout the year. Teachers are instructed on methods to incorporate technology in their classrooms and best use of available technologies. The professional development that we offer for teachers and staff helps them educate students on the technologies and policies.

Parent/guardian technology education is also important. This document summarizes our student policy, definitions, and procedures on Internet use and safety. Parents are encouraged to ask any questions that they may have regarding the Internet, computers, devices, or technology policies.

The Tennessee School for the Deaf Internet Safety Policies will be reviewed and updated each year and approved by the Superintendent, Director of Instruction, and Director of Student Living.

## **SEXTING POLICY**

Sexting is defined as the act of sending, receiving, viewing, or reading any sexually explicit text messages, photo messages, video messages, or voice messages often done via cell phones or any other communication devices including but not limited to computers, tablets, and videophones. Sexting is considered inappropriate for the school setting at the Tennessee School for the Deaf and therefore prohibited on school grounds or at school events. Sexting is sexual harassment or bullying and as such is unacceptable behavior for the Tennessee School for the student.

### **Consequences:**

Depending on the severity of the situation, appropriate authorities (e.g., Department of Children Services, local police department) may or may not be contacted.



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1<sup>st</sup> Offense: All technology privileges will be suspended for a **minimum of 30 school days**.\*

2<sup>nd</sup> Offense: All technology privileges will be suspended for a **minimum of 60 school days**.\*

3<sup>rd</sup> Offense: All technology privileges will be suspended for a **minimum of 90 school days**.\*

Upon confiscation, all communication devices are subject to searches by appropriate TSD personnel and appropriate local, state, or federal authorities if there is reasonable suspicion of inappropriate content.

\*Personal devices will be sent home. School devices will be held in the principal's office. Additional consequences will be determined by the principal or dean per handbook policy.

## **CYBERBULLYING POLICY**

“Cyber-bullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets, as well as communication tools including social media sites, text messages, chat, and websites. Examples may include mean text messages or emails, rumor sent by email or posted on social network sites, and embarrassing pictures, videos, websites, or fake profiles.”  
From: [http://www.tn.gov/education/safe\\_schls/safety\\_cntr/bullying.shtml](http://www.tn.gov/education/safe_schls/safety_cntr/bullying.shtml)

1. Cyberbullying will not be tolerated at Tennessee School for the Deaf. School policies for bullying and harassment will apply to bullying occurring through electronic technology, including investigations, interviews, reporting, and consequences. Guidelines are available through School-Wide Positive Behavior Support procedures.
2. Students and staff will be instructed in identifying, dealing with, and reporting cyberbullying.
3. Cyberbullying that occurs off-campus, but impacts the school environment will be subject to disciplinary action.
4. All adults are required to report instances of bullying when they are identified, including cyberbullying

## **STUDENT-OWNED DEVICES POLICY**

Students at the Tennessee School for the Deaf are permitted to bring student-owned technology devices to campus, including cell phones, pagers, tablets, etc. In order to maintain the privilege of keeping and using a student-owned device on campus the student must adhere to all the rules and expectations outlined here. Prior to bringing such devices to school, parents and students must sign and complete the requirements of the Student-Owned Devices Policy.

For specifics on the high school cell phone policy, please refer to page 55 of the handbook.

1. Parents are requested to follow the current procedure of calling the principal's office to relay information to the student during the academic day as the student will not be permitted to carry their device during school hours.
2. While sharing is acceptable, lending and borrowing communication devices is not permitted. Students who lend their device to another student will also be held responsible for the actions of the borrower if the borrower violates school policy.
3. Students are not permitted to possess a student-owned communication device during the academic day. The device must be left in the principal's office or designated location during school hours. This includes students who are off campus during the academic day.
4. Students may use their communication devices during residential time following the



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guidelines established by the cottages. Students may not possess devices during study time or after bedtime. All communication devices will be collected and turned off prior to bedtime and will be returned before breakfast.

5. The student will complete a class on appropriate use of personal devices before they may use any device on campus.
6. All technology policy expectations apply to student-owned devices on campus, during school-sanctioned activities, and off campus when it interferes with the educational environment and learning.
7. The student understands that their device is not private on the TSD campus or during school-sanctioned activities. TSD faculty, staff, and administration have the right to monitor their device. What the student texts or communicates on their device can be read and viewed by others.
8. The student will communicate with the appropriate TSD faculty, staff, or administrator immediately if they receive any type of threatening message from any place, on or off campus.
9. The student will not send or receive pornographic, suggestive, or violent images on their technology device.
10. The student will not give out their phone number or electronic address to strangers.
11. Faculty and staff have the right to limit or prohibit use of communication devices during special activities.
12. In an emergency situation, the principal, dean, or cottage supervisor may modify this policy on a case-by-case basis.
13. The Tennessee School for the Deaf is not responsible for the lost/theft/damage of any wireless device that students bring to campus.
14. If TSD suspects that state or federal laws have been broken while using a student-owned device on campus or during a school-sanctioned event, the police will be notified as well as other agencies, as required.

## **GUEST/VISITOR TECHNOLOGY USAGE**

While staff and students are required to use school-issued technology equipment for all instructional and business purposes, TSD permits limited guest-type access for non-school uses. Therefore:

1. Student-Owned Devices (see Student-Owned Devices Policy)
  - a. Students will not be allowed to possess or use personal technology devices during school hours or during activities or events that are under the direct supervision of the Instructional Program except on a case by case basis.
  - b. Students may possess and use approved and registered devices after school hours while under the direct supervision of the Student Living Program and under the rules and guidelines established by the Student Living Program. Students are required to register their device with their Cottage Supervisor.
2. Personally-owned technology devices, including laptops, tablets, e-readers, cell phones, etc., can be approved for school network connectivity for educational or business purposes only. Obtain and complete an Authorization for Use of Personal Device on TSD Network form from your supervisor. This information must be updated as new devices are brought to campus.
3. Maintain the device in good working order, including performing anti-virus updates and scans as well as software and security updates.

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4. There should be no expectation of privacy for personal devices used on campus. Any equipment used on the campus networks is subject to inspection and may be part of the public record.
5. Use of a personal device on campus is at your own risk. TSD is not responsible for loss, theft, or damage to the device while on or off campus.
6. The Technology Department can assist with connection of a personal device to the school network, but cannot perform any further troubleshooting of personal devices for liability and resource reasons.
7. Unauthorized use of personal technology devices may result in suspension and/or loss of technology privileges. These uses include, but are not limited to:
  - a. Using personal devices to gain an advantage in a testing situation;
  - b. Using personal devices that are not approved by the Technology Department;
  - c. Using personal devices to bypass filtering or circumvent network security;
  - d. Using personal devices for violations related to cyberbullying and harassment;
  - e. Using personal devices during work or school hours for more than incidental non-school uses.

## **SCHOOL ISSUED TECHNOLOGY POLICY**

Student technology is provided for TSD instructional purposes. In addition to the above policies, the following policies apply specifically to school owned technology use:

1. Each person is responsible for the equipment assigned to them, for returning the equipment of the assigned time, and for securing the equipment during and after use.
2. Students may only use the technology for educational purposes under the supervision of a full time TSD employee or other trained and approved adult.
3. Students may only browse or connect to Internet sites or apps as directed by staff.
4. Staff members must submit an App Request for any paid apps for staff or student technology. Once purchased, the apps will be assigned to the appropriate device and the requestor will be informed when they are ready to be downloaded.
5. If the device is lost, stolen, or damaged, inform the Technology Department or designated person immediately for repair or replacement.

## **HOMELESS CHILDREN POLICY AND PROCEDURES**

At Tennessee School for the Deaf all of our students are deaf or hard of hearing and TSD has been determined to be their Least Restrictive Environment (LRE). We serve children from 2 years of age to 12<sup>th</sup> grade. We also have a Post Secondary Program for those students who have graduated from High School but need additional help in obtaining employment, postsecondary training, etc.

The Homeless Liaison for the Tennessee School for the Deaf is Megan Halliburton, Director of Social Services (865.579.2436). In the event a current student or future student at TSD is classified as homeless under the McKinney-Vento Act, Megan Halliburton will contact the Homeless Liaison of the student's LEA to inform them of the matter. Megan Halliburton and the administration at TSD will assist the LEA to ensure the student is provided transportation, temporary housing, if needed, full enrollment in school and implementing the student's IEP. The LEA is responsible for gathering personal information about the student and his/her family and sharing that information with TSD administration.

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Tennessee School for the Deaf does not receive any federal funds for homeless education. The LEA of the student will provide all funding necessary to assist a homeless student and his/her family. In the event that we are called upon to help offset accommodations financially, we will use funds from our general budget, federal budgets, Title I-A, and may request assistance from the Parent Teacher Counselor Association (PTCA). PTCA is a student centered 501(c)3 organization, that may provide initial, modest financial support to the student and his/her family. Our primary roles will include helping identify homeless students, contacting the LEA Homeless Liaison, implementation of the student's IEP and providing assistance to the LEA when needed.

## **Definition of Homeless:**

Homeless students are defined as children who:

- are displaced temporarily due to the loss of housing, economic hardship or similar reason – they may be living in hotels, motels, trailer parks, camp grounds, public parks, transitional or emergency shelters; they may have been abandoned or awaiting foster care placement.
- have a primary nighttime residence that is a public or private place not designated or ordinarily used as a regular sleeping accommodation for human beings.
- are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus/train stations or similar settings.
- are migratory students who meet one of the above circumstances.

## **Compliance Indicators:**

TSD provides the following services to students who are designated as homeless students:

- will be provided with a liaison to ensure that they are enrolled and receive all educational services appropriate to their hearing loss and instructional needs.
- will not be segregated nor stigmatized by their temporary condition. They will be an integral part of any or all classes and programs that are appropriate to their educational needs.
- will have transportation arranged through the school district in which the student resides.
- will be monitored and attendance will reported to the school district in which the student resides.
- will not need a permanent address to be enrolled.
- will not be denied enrollment due to missing school records or additional enrollment documentation is not immediately available.
- will have access to all components of the school program.
- will receive breakfast and lunch without cost.
- will receive all school supplies without cost.
- will provide residential options as needed or requested for students throughout the school year.
- will provide interpreter services for deaf/hard of hearing parents or for parents who are non-English speaking. Their educational rights are explained, and they are given printed copies of those rights.
- will connect families to a variety of federally supported or faith-based program to provide food, clothing, shelter, and/or medical assistance throughout the calendar year.

Note: This policy is aligned with the provisions of the McKinney-Vento Act.

## **ZERO TOLERANCE POLICY AND PROCEDURES**

Pursuant to TCA 49-6-4216 school policies and procedures for zero tolerance, the Tennessee School for the Deaf is committed to ensuring a safe and secure learning environment, free of

# TENNESSEE SCHOOL FOR THE DEAF

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drugs, drug paraphernalia, violence, and dangerous weapons. As such, the Tennessee School for the Deaf will impose swift, certain, and severe disciplinary sanctions on any student:

- A. Who brings drugs, drug paraphernalia or a dangerous weapon onto a school vehicle, onto school property, or to any school event or activity; or
- B. Who, while on a school vehicle, on school property, or while attending any school event or activity:
  - Is under the influence of a drug; or
  - Possesses, sells, or provides another person a drug or drug paraphernalia.
  - Assaults a school employee or other person(s) who work within the program.
  - Provides or sells substances legally or illegally possessed that are provided or sold as a lookalike drug.
  - Possesses a dangerous weapon.

For the purposes of this policy, zero tolerance will apply to instructional time, cottage time and any school sanctioned activity on or off campus. For the purposes of this policy, the following definitions apply:

1. Controlled substance is a drug or other substance identified under schedules I, II, III, IV, or V in section 202 (c) of the Controlled Substance Act (21 USC 812);
2. Illegal drug:  
Is a controlled substance; but does not include a substance or drug paraphernalia that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under IDEA or under any other provision of federal law.
3. Weapon is a device, instrument, material, or substance, animate or inanimate that is used for or readily capable of, causing death or serious bodily injury.
4. Define assault as defined in IDEAIA-2004.

In accordance with TCA 49-6-3401 a student found in violation of the TSD Zero Tolerance Policy shall be expelled for a period of not less than one (1) calendar year; except that the superintendent may modify this expulsion on a case-by-case basis. For the purposes of this policy, expulsion is defined as a placement in an interim alternative educational setting. All TSD students shall be accorded a free appropriate public education (FAPE).

A TSD student who has been found in violation of the TSD zero tolerance policy will be subject to the following:

## **Procedure**

1. Student – Principal discussion of offense prior to Student Discipline Referral
2. Parents will be notified
3. The LEA will be notified
4. Legal authorities will be notified when appropriate
5. The student will be immediately removed from the classroom/cottage
6. The student will receive zeros (0) in all classroom work.

## **Consequences**

1. The student will be suspended for up to ten (10) days
2. An IEP Team will be convened to discuss alternative setting
3. A manifestation will be discussed at the IEP meeting
4. A Functional Behavior Assessment (FBA) will be completed and Behavior Intervention Plan (BIP) will be implemented at the IEP meeting.

# TENNESSEE SCHOOL FOR THE DEAF

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The Superintendent may modify the one (1) year expulsion on a case-by-case basis.

## **Interim Alternative Placement**

An IEP Team will be convened to determine if the student's placement is to be changed.

## **Cottage – Zero Tolerance**

The Zero Tolerance Cottage Program is designed to serve students who violate the TSD Zero Tolerance Policy.

### **The Zero Tolerance Cottage Program will provide:**

1. Recreational activities facilitated by cottage staff
2. Drug education and or counseling by appropriate personnel
3. Educational materials dealing with drugs, weapons, interpersonal relationships and other appropriate topics
4. Study period/tutoring
5. Escorts to and from school, clinic and church (when approved)

### **Students placed in the Zero Tolerance Cottage Program are expected to:**

1. Do their personal laundry
2. Maintain personal hygiene
3. Assist in preparing their meals
4. Maintain a clean and neat personal appearance
5. Maintain a clean and neat environment in the cottage
6. Demonstrate respect for fellow students and staff
7. Demonstrate cooperation
8. Adhere to the rules and policies set forth in the TSD Handbook
9. Adhere to the rules and policies set forth in the Zero Tolerance Cottage Program

## **Instructional Program – Zero Tolerance**

The Zero tolerance classroom is designed to serve student(s) who have been found to be in violation of the TSD Zero Tolerance Policy.

1. Student(s) will continue to receive services and programming as identified in their IEP. The student will earn grades in all subject areas and credits will be awarded as appropriate.
2. The student will be placed in a classroom with a certified teacher separate from the regular program. Zero tolerance students will have limited interaction with other students and staff.
3. The student will receive a regular school lunch and will eat lunch in the zero tolerance classroom.
4. Anytime the student is out of the zero tolerance classroom he/she will be escorted to and from appointments or meetings.
5. A Zero Tolerance student will not be permitted to participate in after school activities such as athletics, clubs, or class activities or events, i.e., prom, senior trip, etc.
6. Day students will not be permitted on campus after school hours.

## **Classroom Policies and Procedures – Zero Tolerance**

The zero tolerance classroom teacher will be under the supervision of a school principal. The regular classroom teachers of the student placed in the zero tolerance classroom are

# TENNESSEE SCHOOL FOR THE DEAF

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responsible for the student's IEP and for providing lessons and materials to the zero tolerance teacher. This includes:

- Copy of daily/weekly lesson plans
- Notes, seatwork, assignments, quizzes, and tests
- Media presentations, i.e., videos, films, etc.
- Textbooks will be kept in the Zero tolerance classroom and are not to be removed

(All work in texts will take place in the Zero tolerance classroom)

The zero tolerance classroom teacher and the regular classroom teacher will collectively update IEP goal sheets. Both teachers and the principal are responsible for ensuring that all the services and programs identified on the student's IEP are appropriately provided. However, time outside the zero tolerance classroom will be limited to the extent possible (students must continue to receive Free Appropriate Public Education (FAPE)).

The assigned teachers of the student will meet regularly, a minimum of once a week, with the zero tolerance classroom teacher to review work, assignments, and discuss the student's progress. The classroom teacher will work out a schedule with the zero tolerance teacher to accomplish this goal. This schedule will be submitted to the principal.

The zero tolerance classroom teacher will attend and participate in all scheduled staff meetings unless excused by the principal. Prior to the completion of the student's time in the zero tolerance classroom, an IEP meeting will be convened to discuss the student's re-introduction into the regular program.

A student in the zero tolerance classroom will be expected to comply with all the rules for the classroom established by the zero tolerance classroom teacher as well as those set forth in the student handbook or as stipulated in the student's IEP. Discipline and consequences will be administered when school and classroom rules are violated.

## **SUICIDE WATCH POLICY AND PROCEDURES**

This policy/procedure should be followed in the event of a suicide attempt, threat, or gesture. This also includes threats from one student to another or to an adult to do harm. Any student who threatens, attempts, or feigns an attempt to kill herself/himself, regardless of actual intent, shall be placed on a minimum 24-hour suicide watch. The person supervising the student at the time of the threat shall put the watch into effect. During the watch, this student shall be under visual contact of a staff member at all times.

### **Definitions - Suicide Acts**

A suicide threat – includes but is not limited to verbal or gestural expressions to kill self, whether made in earnest or as a haphazard or flippant comment. (It may be intended to evoke attention or manipulate others).

A suicide gesture – is a feigned attempt at suicide. The student may have in fact injured herself/himself but did not intend to die.

A suicide attempt – is any intentional act on behalf of the student that may result in injury or harm to self.

If circumstances warrant such action, the 24-hour watch may be waived or modified by the school psychologist (following the procedure under Release of Watch below). While such action is being considered, the student must remain visually accessible at all times.

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## **Reporting**

The team member responsible (or designee) shall contact the Superintendent and inform him of the situation.

The team member (Director of Instruction, Director of Student Living, Director of CERC) who is responsible for the student at the time any suicide attempt, threat, or gesture is made (or his/her designee) shall call that student's parent.

The team member responsible (or designee) shall call the school psychologist. If the school psychologist is unavailable, contact the Director of CERC.

At or before the transition from school to cottage or vice versa, team member responsible for notifying the parent (or designee) should notify the team members of other departments providing student supervision that the student is on suicide watch.

## **Medical Attention**

The medical clinic must be contacted immediately with information that there has been a suicide gesture/attempt. The student should be seen at the clinic as soon as practicable if there is reason to suspect injury.

## **Release of Watch**

The school psychologist (if unavailable, Director of CERC) may release the student from the watch after gathering input from the following, as appropriate: Guidance Counselor, Cottage Supervisor, Dean, and Principal.

Consultation with the clinical psychologist will be utilized as needed. The guidance counselor as well as the dean and/or principal shall be notified as soon as possible when the student has been released from suicide watch.

## **THREAT WATCH POLICY AND PROCEDURES**

A threat which may present the danger of violence is defined as any conduct which places a student or staff member in reasonable fear of impending bodily injury. Mere gestures such as making a gun with one's hand and pretending to shoot someone, making the "cut your throat" sign or saying, "I'm going to kill you" would in and of themselves not warrant a threat watch. Any student engaging in abusive, harassing, or threatening conduct while on school property, in a school vehicle, or at any school activity shall be subject to disciplinary action as outlined in the TSD Handbook.

In the special case that the student's behavior constitutes a threat which may present the danger of violence to another student or staff member, the offending student shall be placed on a watch until the behavior specialist or school psychologist determines that it is safe to terminate the watch.

The staff person supervising the student at the time of the infraction shall put the watch into effect. During the watch, the student shall be visually accessible by a staff member at all times. The implementation of a watch shall only be waived by staff specified in the release of watch procedure.

## **Reporting**



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The team member who is responsible for the student at the time of the incident (or designee) shall call the school psychologist or the behavior specialist. If none of the above is available, contact the Director of CERC. (If at this time the watch is waived, the following steps may be cancelled).

The team member (or designee) shall call the student's parents. (If delegated, this should be done on a case-by-case basis).

At or before transition from school to cottage or vice-versa, the team member responsible for notifying the parent (or designee) shall notify supervisors of other departments providing student supervision that the student is placed on watch. At this time the Superintendent, Director of Instruction, Director of CERC and Director of Student Living shall be notified that the student is on threat watch.

## **Release of Watch**

The school psychologist and/or behavior specialist (Director of CERC if staff members are not available) will make this determination after gathering input from the following, as appropriate: school counselor, cottage supervisor, dean, principal. Consultation with the clinical psychologist will be utilized as needed.

## **CHILD ABUSE AND NEGLECT REPORTING PROCEDURE**

If a TSD employee suspects that a TSD student has been abused, neglected and/or sexually abused, that staff member is to contact DCS or the TSD designated liaison (social worker) immediately. If the Social Worker is unavailable, the head nurse, who functions as the backup liaison, is to be contacted. The report must include, to the extent known, the name, address, and age of the child and the name of the person responsible for the care of the child and the facts requiring the report.



# TENNESSEE SCHOOL FOR THE DEAF

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## INSTRUCTIONAL DEPARTMENT

### ELEMENTARY SCHOOL

#### VISION STATEMENT

TSD Elementary School will function as a professional community in which teachers pursue a clear shared purpose for all students' learning, engage in collaborative activities to achieve that purpose, and focus on high expectations for all students. Our students will demonstrate incremental growth in academic areas, communication abilities, and life skills.

#### MISSION STATEMENT

- ❖ We commit to a positive environment through collaboration and professional development to ensure student achievement and growth.
- ❖ We will use data to guide our instruction.
- ❖ We will work alongside school counselors, cottage staff and parents to expand each student's social and life skills.

#### GRADING SYSTEM

Kindergarten thru 1 <sup>st</sup> Grade		
E		Excellent
S		Satisfactory
P		Progressing
N		Needs Improvement
2 <sup>nd</sup> thru 5 <sup>th</sup> Grade		
93-100	A	Exceptional
85-92	B	Above Average
75-84	C	Average
70-74	D	Below Average
69-Below	F	Unsatisfactory

#### ASSESSMENTS

**TCAP** - The State Department of Education mandates that children in grades 3 – 8 take the TCAP Achievement Test annually. These exams will comprise 15% of the student's final grade for the spring semester. Accommodations and modifications are determined by the IEP team.

**MAP** (Measures of Academic Progress) – is an online computer assessment that TSD has chosen to identify student learning needs and academic growth. MAP self adjusts to each individual student's level and details what skills should be addressed by the teacher. MAP tests are given three times a year (beginning, middle and end). Scores are included in the student's IEP and used to guide decisions on IEP goals and objectives.

#### PUPIL PROGRESSION

Students are promoted each year based on meeting IEP goals and earning passing grades in each subject area.

# TENNESSEE SCHOOL FOR THE DEAF

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## MIDDLE SCHOOL

### MISSION STATEMENT

The mission of the Middle School Department of Tennessee School for the Deaf is to strive for excellence in the areas of mental, social, physical, and emotional development so students become active learners, responsible citizens and live independently.

### THE MIDDLE SCHOOL BELIEF STATEMENTS

1. A safe and positive environment is necessary for ongoing learning.
2. Students need instruction provided in a variety of ways to meet all learning styles.
3. Assessments should be appropriate and meaningful for students and teachers.
4. Students need to develop skills for making responsible decisions.
5. Students learn that their actions result in positive or negative consequences.
6. Students participate daily in activities that prepare for successful transition to high school.

### GRADING SYSTEM

Grades will be based on the following standard:		
93-100	A	Excellent
85-92	B	Above Average
75-84	C	Average
70-74	D	Below Average
69-Below	F	Failing
	I	Incomplete

### REPORTING PERIODS/HONOR ROLL

Report cards are issued quarterly (4 times per year).

The Honor Roll is based on the following:

Academic Honors: All A's

Academic Honorable Mention: All A's and B's

### ASSESSMENTS

**TCAP** - The State Department of Education mandates that children in grades 3 – 8 take the TCAP Achievement Test annually. These exams will comprise 15% of the student's final grade for the spring semester. Accommodations and modifications are determined by the IEP team.

**MAP** (Measures of Academic Progress) – is an online computer assessment that TSD has chosen to identify student learning needs and academic growth. MAP self adjusts to each individual student's level and details what skills should be addressed by the teacher. MAP tests are given three times a year (beginning, middle and end). Scores are included in the student's IEP and used to guide decisions on IEP goals and objectives.

# TENNESSEE SCHOOL FOR THE DEAF

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## HIGH SCHOOL

### HIGH SCHOOL MISSION STATEMENT

Our mission is to facilitate optimal learning for all students to enable them to lead productive and fulfilling lives in a changing and complex society.

### HIGH SCHOOL GRADUATION REQUIREMENTS

High school students at the Tennessee School for the Deaf are required to meet the following graduation requirements. The extent to which each student matriculates through this program is determined by the student's IEP. Students who complete this course of study and meet all state assessment requirements (End-of-Course Exams) will become eligible for a regular high school diploma.

<u>Requirements for Students</u>	
<b>TOTAL CREDITS REQUIRED: 22</b>	
<b>MATH:</b> 4 Credits Including Algebra I, II, Geometry and a fourth higher level math course	<b>SCIENCE:</b> 3 Credits Including Biology, Chemistry or Physics, and a third lab course
<b>ENGLISH:</b> 4 Credits English I, II, III, IV	<b>SOCIAL STUDIES:</b> 3 Credits World History, American History, Government & Economics
<b>PHYSICAL EDUCATION AND WELLNESS:</b> 1.5 Credits	<b>PERSONAL FINANCE:</b> .5 Credits
<b>FOREIGN LANGUAGE:</b> 2 Credits  <b>FINE ARTS:</b> 1 Credit	<b>ELECTIVE FOCUS:</b> 3 Credits Math and Science, Career and Technical Education, Fine Arts, or Humanities

### PROGRAM OF STUDY

A Program of Study will be developed for every high school student. The Program of Study is a sequence of instruction consisting of coursework, co-curricular activities, work-site learning, service learning and other learning experiences. This sequence of instruction provides preparation for a career.

The student in cooperation with the transition services staff and members of the IEP Team will develop a personal plan of study. This is their individual scope and sequence of coursework, co-curricular activities, work site learning, service learning, and other learning experiences based upon his/her chosen career goals and aspirations. The plan of study will be revisited annually to make adjustments as the interests and career aspirations of the student change. This is a flexible resource designed to change in concert with the interests and needs of the learner.

# TENNESSEE SCHOOL FOR THE DEAF

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## **DIPLOMA OPTIONS**

### **High School Diploma**

The high school diploma will be awarded to students who:

1. Earn the specified twenty-two (22) units of credit
2. Have satisfactory records of attendance and conduct.

### **Tennessee School for the Deaf Diploma**

A special education diploma may be awarded at the end of their fourth year of high school to students with disabilities who have:

1. Not met the requirements for a high school diploma
2. Have satisfactorily completed an individualized education program
3. Have satisfactory records of attendance and conduct

Students who obtain the special education diploma may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22) years old.

### **Occupational Diploma**

An occupational diploma may be awarded at the end of their fourth year of high school to students with disabilities who:

1. Have not met the requirements for a high school diploma
2. Have satisfactorily completed an individualized education program
3. Have satisfactory records of attendance and conduct
4. Have completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment (SKEMA) created by the Department of Education and have completed two (2) years of paid or non-paid work experience

The determination that an occupational diploma is the goal for a student with a disability will be made at the conclusion of the student's tenth (10th) grade year or two (2) academic years prior to the expected graduation date. Students who obtain the occupational diploma may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22) years old.

## **TRANSITIONAL SERVICES**

Transition Services provides supports for TSD students. The primary focus of Transition Services is to prepare students toward a path of their choosing: a vocational path, a 2-year or 4-year college track, on-the-job training, a technical school, etc. Transition services works closely with students in areas of self-advocacy and self-determination, as well as learning about resources and benefits within their chosen community. Transition services also provide services in assessment of student interests and aptitude, as well as coordination of work-based learning experiences.

# TENNESSEE SCHOOL FOR THE DEAF

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## REPORT CARDS/HONOR ROLL

Report cards are issued every quarter. The honor roll is based on the following:

- Academic
- Work Study
- Special Program

First Honors	All A's on Report Card, GPA: 4.0
Second Honors	A's and B's, GPA: 3.0 – 3.9
Honorable Mention	A's and B's with one C, GPA: 3.0 – 3.5

## GRADING SYSTEM

Grades will be based on the following standard:				
93-100	A	Excellent		4 grade points
85-92	B	Good		3 grade points
75-84	C	Average		2 grade points
70-74	D	Below Average		1 grade point
69-Below	F	Failure		0 grade points
	O	No Credit		
	I	Incomplete		
	X	Continuation		

## REPORTING INFORMATION

Grade reports are mailed to parents/guardians every quarter. Grades are reported as alphabetic letters and are determined by the percent scale listed above. If students are 18 years of age, grades, with student's approval, will be mailed to the parents/guardians. Grades are accumulative, representing all class work from the beginning of the course to the date of the report. Each successive report is not the average of previous grade reports; rather, it represents the compiled scores of all daily lessons, homework, projects, quizzes, examinations and other classroom assignments during the period of days covered by the report. TNReady assessments in Mathematics and English/Language Arts as well as End of Course (EOC) Exams will account for 25% of the grade.

Final Exam	25% of Final Grade
Midterm	15% (Optional)
Daily/Tests	45-60% of Final Grade
EOC Test	25%

## VALEDICTORIAN AND SALUTATORIAN

To be eligible for these academic honors, seniors must meet the following minimum requirements:

Valedictorian	GPA of 3.5 or greater
Salutatorian	GPA of at least 3.25

# TENNESSEE SCHOOL FOR THE DEAF

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## **STUDENT PROGRESS**

A student who receives an F during the quarter will be sent to tutoring the following quarter and an IEP will be scheduled. Any student making a D may be sent upon recommendation of the teacher. If the student continues to make a D or F within two weeks into the next grading period, the teacher will notify the principal in writing. An in-house staffing will be called within one week. Staff persons involved with the student as deemed appropriate will be invited. An IEP meeting will be convened as result of the staffing. If a student fails two consecutive grading periods in a semester (block schedule), an IEP meeting will be held to discuss further action. If a student has failed three (3) classes for the year, an IEP meeting will be held in the spring to make recommendations for the following school year. Each student's progress toward graduation and classes needed will be discussed at the IEP meeting.

## **ASSESSMENTS**

### **State**

All high school students must take the appropriate TNReady, End-of-Course (EOC) exam, or Alternative Assessment that are part of specific core academic courses. The scores from these exams will count as a percentage of the student's final grade in that course. State Assessments will be given in the following core academic courses: English I, English II, English III, American History, Biology, Algebra I, and Algebra II. Other core courses may also be included in these assessments as determined by the State Department of Education.

### **District**

MAP (Measures of Academic Progress) – is an online computer assessment that TSD has chosen to identify student learning needs and academic growth. MAP self adjusts to each individual student's level and details what skills should be addressed by the teacher. MAP tests are given three times a year (beginning, middle and end). Scores are included in the student's IEP and used to guide decisions on IEP goals and objectives.

SKEMA (Skills, Knowledge and Experience Mastery Assessment) – is a framework that ensures students have demonstrated the ability to earn an occupational diploma. The goal of the occupational diploma is to provide students with the opportunities and experience to obtain skills required to earn a wage, live as independently as possible and be productive citizens.

## **CLUBS/ORGANIZATIONS**

### **Academic Bowl**

The academic bowl is a competition bowl among deaf schools and mainstreaming school programs each year. The regional champ team will participate in the national bowl competition at Gallaudet University in Washington, DC.

### **Children with Cochlear Implants Club (CCIC)**

Children with Cochlear Implants Club is a peer support and service club for middle school and high school students with cochlear implants.

### **Junior TAD/NAD**

Membership in Junior TAD/NAD is open to all High School Students. Its purpose is to provide students with knowledge and understanding necessary to promote independent living and self-determination of all deaf individuals and to provide students opportunities for growth and development in leadership skills.

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## **Beta Club**

The Beta Club meets monthly for the purpose of promoting scholarship, leadership, and good citizenship. Membership is based on these characteristics.

## **TOPS**

Tennessee Organization of Proud Students meets twice a month. This is a supportive/service group for TSD's hard of hearing teens. Its meetings provide opportunities for socializing with other hard of hearing people; becoming involved in community service; and exploring issues that interest hard of hearing students.

## **Vikings Club**

This club meets once to twice a month to have experiences in the community and does community service projects for enrichment in socialization.

## **Virtual Vikings**

Virtual Vikings is affiliated with the Cyber-Patriot Program sponsored by the United States Air Force Reserve. The club participates in state and national competitions to solve problems that involve cyber-security. Club members experience hands-on how to address real-world problems in technology.

## **CLASS MEMBERSHIP**

### **Classes**

Upon entry into the high school students will be assigned to a grade and class. Each class is charged with planning, organizing, and funding activities that support the goals of the class. Each class is also responsible for conducting community service activities throughout the school year.

Each class (Senior, Junior, Sophomore, and Freshman) will hold regularly scheduled meetings. Meetings may be called as needed.

## **HIGH SCHOOL CELL PHONE POLICY**

In an effort to promote appropriate use of technology while keeping the integrity of the classroom instruction intact, the TSD High School Cell Phone Policy will allow students to have their cell phones during the school day (8:00am – 3:30pm) under the following rules:

1. Students must keep their cell phones on their person or in their backpack (cell phones must be put away and not on their desks).
2. Phones must be silenced, muted, or turned off while in the classroom.
3. Phones may be used in the classroom with teacher's permission.
4. Students may use their cell phones between classes and at lunch.
5. Phones may not be used outside the classroom during instructional time, i.e.: restrooms, locker, library, appointments or any location outside the classroom.

Consequences for violations:

Time frame: within a 9 week period (quarter)

- 1<sup>st</sup> Violation: Cell phone is taken until the end of class
- 2<sup>nd</sup> Violation: Cell phone is taken until the end of the school day
- 3<sup>rd</sup> Violation: Cell phone is taken and given to the principal to be kept for up to 24 hours.
- 4<sup>th</sup> Violation: A meeting will be held to determine appropriate consequences

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## STUDENT LIVING

### RESIDENTIAL LIVING MISSION STATEMENT

We believe that the residential program at the Tennessee School for the Deaf is a unique educational/residential environment. The program is designed to meet the needs of each student. Our program is designed to furnish our students with skills necessary to maintain a home-like environment, provide a pleasant learning adventure, foster mutual respect for each other and adults, and afford our students with opportunities to better understand the community that we live and serve in.

### STUDENT LIVING DEPARTMENTS

The student living department is divided into three (3) areas: elementary, middle school, and high school, there are also three (3) deans each assigned to specific cottages. Each cottage is individual in that it creates its own program tailored to fit the needs of its unique student population. The student living department also maintains certain shared rules/regulations as designated by the Director of Student Living and the deans. In an effort to provide consistency between the instructional and student living departments, the discipline policy outlined in the Student handbook is followed.

### CURRICULUM

A cottage curriculum is used to assist the staff in teaching independent living skills and varies depending upon the age and ability of each child. Activities and field trips are used within the program in an attempt to make incidental learning more fun.

### COTTAGE STUDY CENTER (Phone # 865.579.2448)

The cottage study center was established as a link between the instructional department and student living to increase the effectiveness of student learning. It offers both materials and structured/unstructured support to students who need extra help with homework.

### RECREATION (Phone # 865.579.2407)

The recreation program provides various leisure activities for all of the students in the department. This program also oversees elementary and middle school sports which includes football, volleyball, basketball and baseball.

### TRANSPORTATION

Students are transported home each weekend by bus. This is facilitated by the Director of Transportation, Donna Breeden (Voice: 865.579.2489, VP: 865.622.2272, Fax: 865.579.2516). Chaperones are assigned to insure the trips home and back are well coordinated. Student **may no longer** use state transportation to visit a friend's home on the weekend.

### DAY STUDENTS

Students who do not reside in the cottage and are provided transportation by the school system, their parents, or who drive themselves to school each day are considered day students.



# TENNESSEE SCHOOL FOR THE DEAF

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## **PERSONAL VEHICLES**

Personal vehicles may be used by students for the purpose of driving from home to school. Proof of insurance must be provided by the parent or student in order for the vehicle to be driven on campus. The Akin Gym is the designated parking area for day students with insurance. Students without proof of insurance must park their vehicle off campus and walk to their destination. Students may obtain approval to drive on campus by completing a "Request to Drive on Campus" form issued by the Student Living office.

## **RESIDENTIAL PROGRAM – DAY STUDENTS**

Day students are assigned to a cottage and are under the supervision of that cottage anytime they are on campus other than normal school hours or when accompanied by a parent. Students must check in with the cottage staff in their assigned cottage immediately upon arrival.

While under cottage supervision, day students must follow the same rules as the residential students in their assigned cottages. Passes will be required when visiting other areas on campus. Day students that show up in cottages other than their assigned one will be asked to show their pass. If they have no pass, they will be asked to leave and their assigned cottage will be informed of the unauthorized visit.

Arrangements must be made beforehand for staying at the cottage. It is strongly encouraged that arrangements be made no later than 8:00 a.m. of the day of the visit. This is necessary to ensure that a staff member will be present in the cottage. Often, our staff and students go on field trips or other activities that take them off campus. If parents are picking their child up, they need to inform the supervisor on duty of the time the student will be picked up. Punctuality is important.

If parents wish for a day student to stay in the cottage overnight, they must inform the supervisor at least 24 hours prior to the stay.

A cottage supervisor may deny a request from a day student and/or parent to visit in cottages (daytime or overnight visits) for the following reasons:

1. Insufficient beds.
2. Previously planned off-campus activities.
3. Student behavior problems.
4. Students or parents who repeatedly violate policy or procedures.

Day students may eat meals in the cottage when they are on campus for socialization, athletic events, and/or other activities.

## **ATHLETIC EVENTS**

Day students are required to sign in at their assigned cottage before the athletic event is to begin, unless accompanied by a parent. If they arrive after the event has begun, they are to locate a cottage staff member and inform him/her that they are in the building. While under the supervision of the cottage staff, day students are expected to follow the same rules as residential students in their assigned cottages.

When students are accompanied by their parents, they are under their parents' supervision.

# TENNESSEE SCHOOL FOR THE DEAF

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## **PROCEDURES FOR AWAY ATHLETIC EVENTS AND OTHER SCHOOL ACTIVITIES**

Day students returning to campus at night from away athletic events and other school activities will stay in their designated cottage until their parents arrive to pick them up.

## **MEDICATION**

Anytime a day student must take medication while at school, the student must deliver the medication to the clinic. A note from the parent informing the clinic what the medicine is for and when it is to be administered should accompany the medication.

## **DISCIPLINE**

All day students will be expected to follow rules outlined in the TSD Student Handbook as well as individual cottage rules. Any time a day student violates rules repeatedly, he/she may have privileges suspended for a length of time to be determined by the cottage supervisor, a dean, and/or the Director of Student Living.

# TENNESSEE SCHOOL FOR THE DEAF

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## **INTERSCHOLASTIC ATHLETICS**

The athletic program at TSD is recognized as an integral part of the total educational program. Through participation in athletics the student is offered a laboratory for the development of certain life skills that cannot be found in any other program at school. Sports in the athletic program include cheerleading, girls' volleyball, football, girls' basketball, boys' basketball, swimming and track and field. Policy guidelines are established and set forth in the TSD Athletics Policy Handbook. Each coach is responsible for covering these policies with the students at the beginning of each sport season. Participation in athletics at TSD is not the right of any student, but is an honor each individual must earn. The student who participates in athletics at TSD is not only representing himself/herself, but his /her conduct also influences others opinion of the school and the deaf community as a whole. For this reason, the importance of proper conduct, attitude and sportsmanship are stressed in all phases of the program. TSD is a member school of the Tennessee Secondary School Athletic Association (TSSAA) and follows all eligibility rules set forth by this controlling body. The athletic program is considered a part of the academic program and is under the supervision of the Director of Instruction. All students have the right to appeal decisions and consequences by making a formal appeal to the Athletic Director, Director of Instruction and Superintendent. All final decisions are under approval of the Athletic Director, Director of Instruction and the Superintendent.

### **GENERAL POLICIES THAT APPLY TO ALL VARIETY ATHLETICS**

#### **ELIGIBILITY REQUIREMENTS**

Any potential student-athlete must be a student of TSD and adhere to all school policies as outlined in the current School Handbook.

Any student in grades 9-12, who is eligible, according to TSSAA requirements, will be eligible to try out for varsity athletics.

#### **SCHOOL ATTENDANCE**

- All student-athletes are expected to abide by the official attendance policy of TSD.
- Student-athletes may not participate in any athletic contest if he/she was absent from school the day of the contest.
- Student-athletes may not participate in any athletic contest on Saturday if he/she was absent from school on the preceding Friday.
- Student-athletes may be allowed to play if the absence from school is excused by the Principal and/or the Director of Instruction.

#### **TRYOUTS**

- Any potential student-athlete must be a student of TSD and adhere to all school policies as outlined in the current School Handbook.
- Any student in grades 9-12 who are eligible, according to TSSAA requirements, will be eligible to try out for varsity athletics.

# TENNESSEE SCHOOL FOR THE DEAF

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- All varsity athletics tryouts will be scheduled and managed by the coaches of their respective sport.
- All varsity rosters will be decided on by the coaches of their respective sport.
- The final roster will be announced by the next school day after the final day of tryouts.

## **PARTICIPATION IN MORE THAN ONE SPORT AT A TIME**

Student-athletes may have the opportunity to play more than one sport at a time.

Coaches are expected to work together to plan practice and contest schedules to satisfy the needs of both teams equally.

If both coaches are not satisfied with the arrangement, they may meet with the Athletic Director and student-athlete to discuss resolutions. The Athletic Director will make the final decision using the input of the coaches and student-athlete.

Student-athletes may move to another team only when coaches of both sports agree to the move. If no agreement is made, the student-athlete may not move. For example, a student-athlete would like to join the volleyball team after joining the cheerleading squad. This would require that the volleyball and cheerleading coaches agree to the move.

Student-athletes are not required nor encouraged to participate in any meetings, practices or contests in the second sport until the conclusion of the first sport. For example, student-athletes will not be required or encouraged to begin spring practice of another sport until the Track and Field season concludes.

The beginning and ending dates for each season is regulated by the TSSAA and outlined in the TSSAA Handbook.

## **PRACTICE**

Practice during and outside of the regular season is addressed in the TSSAA Handbook. All varsity teams will abide by those regulations. All student-athletes are expected to attend all scheduled practices. Student-athletes may be excused from practice by the request of a parent or guardian and with permission from the team coach. Student-athletes may be excused from practice and/or a contest by the Clinic due to illness that requires an overnight stay and/or injury requiring a doctor's release. Student-athletes must notify the coaches, in person or in writing, of their absence prior to a practice or contest to be excused. If the student-athlete fails to do so or the excuse is not acceptable to the coach, the absence will be unexcused.

Unexcused absences will result in the following:

- First – suspension from the next scheduled contest
- Second – suspension from the remainder of the scheduled contests including postseason; student-athlete will remain on the team
- Third – dismissed from the team

## **STRENGTH AND CONDITIONING PROGRAM**

The Strength and Conditioning Coaches will work with each team's coaches to develop a plan for each individual and team for the entire season. All coaches are expected to supervise and follow the plan laid out for each season. All student-athletes are expected to participate in team strength and conditioning sessions under the supervision of coaches. Failure to do so will be handled by coaches and the Athletic Director.

# TENNESSEE SCHOOL FOR THE DEAF

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## **SERVICE PROJECT**

Each team will perform, as a team, at least one service project during their season. The coaches will submit the team service project idea to the Athletic Director for approval prior to completing the project. The Athletic Director will approve/deny the request within twenty-four hours of receiving the request.

## **SUSPENSION FROM CLASS AND/OR SCHOOL**

Student-athletes must attend but not participate in any athletic contest during their suspension for classroom or school related incidents. Student-athletes must attend and participate in practice sessions during their suspension.

## **DISCIPLINARY ACTION**

Any disciplinary action for athletic related incidents will be made by the team coaches and reported, in writing, to the Athletic Director. The coaches will explain, to the student-athlete, the violation and consequence of the violation. The student-athlete will have the opportunity to explain the incident to coaches before a consequence is decided.

The process for a student-athlete to appeal a disciplinary decision by the coaches is as follows:

- a. The appeal of a disciplinary action must be initiated by the student-athlete, in writing, to the Athletic Director by the next school day. The Athletic Director will meet with the coaches and student-athlete by the next school day after receiving the appeal to discuss the incident before rendering a decision. The decision of the Athletic Director will be submitted to the coaches and student-athlete, in writing, by the next school day.
- b. The student-athlete may appeal the Athletic Director's decision by the next school day, in writing, to the Director of Instruction. The Director of Instruction will meet with the Athletic Director, coaches and student-athlete by the next school day after receiving the appeal to discuss the incident before rendering a decision. The decision of the Director of Instruction will be submitted to the Athletic Director, coaches and student-athlete, in writing, by the next school day.
- c. The student-athlete may appeal the Director of Instruction's decision by the next school day, in writing, to the Superintendent. The Superintendent will meet with the Director of Instruction, the Athletic Director, coaches and student-athlete by the next school day after receiving the appeal to discuss the incident before rendering a decision. The decision of the Superintendent will be submitted to the Director of Instruction, the Athletic Director, by the next school day.

## **DISMISSAL AND QUITTING**

- Any student-athlete placed on "1:1 restriction" or "eye contact" will be immediately dismissed from the team.
- Any student-athlete who is placed on "twenty-four hour watch" will not be able to participate in any athletics practice, contest or event until the watch has been lifted.
- If a student-athlete is dismissed from a team by the coaches for underage tobacco use, use of alcohol and/or drugs, sexual misconduct, fighting, possession or use of any

# TENNESSEE SCHOOL FOR THE DEAF

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weapon, he/she will not be eligible to participate in varsity athletics for a twelve month period from the date of being dismissed.

- Student-athletes may appeal the dismissal and/or the twelve month suspension in writing to the Athletic Director.
- If a student-athlete wishes to quit a sport, he/she must notify the coaches in person by the next school day.
- If a student-athlete quits a team without notifying the coaches by the next school day, he/she will not be eligible to participate in the immediately following sport season as well as the next season of the sport in which he/she quit. For example: A student-athlete would not be eligible in basketball if she quit the volleyball team without the required notice as well as being ineligible the following volleyball season.
- If a student-athlete quits the team with the required notice, he/she will not be eligible to participate in the immediately following sport but will be eligible to participate in the following season of the sport in which he/she quit. For example: A student-athlete would not be eligible in basketball if she quit the volleyball team with the required notice but would be eligible the following volleyball season.
- The Athletic Director and Head Coach will send a letter to the parents of any student-athlete who is dismissed or quits explaining the decision. This letter will be sent via the bus chaperones on the next homegoing immediately after dismissal/quitting.

## **SOCIAL MEDIA AND ONLINE EXPECTATIONS**

All coaches and student-athletes have the responsibility, as representatives of the Tennessee School for the Deaf, to portray the school, the team, and themselves in a positive manner at all times. The following website is helpful for coaches, parents and student-athletes to educate themselves on the inherent risks associated with social media and internet use. <http://www.onguardonline.gov/topics/protect-kids-online>. All student-athletes' social media accounts are subject to monitoring without notice or consent if these sites are accessed on school issued devices or on personal devices using the school's internet connections at any time.

Examples of inappropriate use of social media and the internet may include but are not limited to the following:

- a. Post material, including videos, pictures, comments or posters that may be determined by others as profane, threatening, harassing, illegal, obscene, defamatory, slanderous, or hostile towards any individual or entity including the Tennessee School for the Deaf, the Athletic Department, team uniforms and/or the official Viking logo. *For example: posting "star signs," gang signs, profanity, obscenities, etc.*
- b. Post material, including videos, pictures, comments or posters that may be determined by others as unsportsmanlike or demeaning to an individual or an opposing team.
- c. Post confidential information such as phone numbers, email addresses, etc. of anyone other than yourself. If you do choose to post your own information, it is important to remember that it could be misused by others.
- d. Allowing any other individual to use your identification for posting material.

Consequences for misuse of social media and the internet include the following for each season:

- a. First offense – Suspension from the next scheduled athletic contest
- b. Second offense – Dismissal from the team

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## **ACADEMIC/VOCATIONAL FIELD TRIPS**

Student-athletes will be excused from any practice to attend an academic or vocational field trip or activity that has been approved by the Director of Instruction. Notice will be given to the Athletic Director and coaches by the Director of Instruction and/or the Principal prior to the field trip or activity. All other field trips will be left to the discretion of the coaching staff.

## **TRAVEL**

When traveling as a team, all student-athletes are expected to dress in TSD Vikings/Lady Vikings attire displaying our team colors. When available, all teams will be transported together, with coaches and staff, to and from away athletic contests via bus. For those times when vans are necessary for transportation, a coach or staff member will be responsible for driving to and from the contest. Student-athletes may leave from the contest with a parent or guardian with prior permission.

## **MEDICAL**

It is the responsibility of the head coach to submit, to the Athletic Director, a completed Incident Report and/or Accident Form for any injury during athletics requiring a visit to the Clinic within 24 hours of the incident. All medical decisions, including participation restrictions, are made by the Clinic and/or the student-athlete's doctor. Coaches are expected to follow the recommendations of the Clinic and/or the student-athlete's doctor.

Student-athletes will not be permitted to participate in team activities after an injury without a release from the Clinic and/or the student-athlete's doctor.

Coaches will handle and administer all necessary medications for student-athletes during all away trips. All unused medicine and supplies must be returned to the Clinic upon arrival back on campus. Medical treatment for student-athletes from teams other than TSD will be referred to the Clinic. They will make the treatment decision. A coach or staff member from the team must accompany the student-athlete to the Clinic.

## **PUBLICITY AND NEWS MEDIA**

The Athletic Director is responsible for ensuring that all home athletic contests and events will be live streamed via [www.thecube.com/cube/tsdvikings](http://www.thecube.com/cube/tsdvikings). This is an important service for our student-athletes' parents as well as for our alumni. The Athletic Director and the coaches are expected to report all athletic contest results to the local news media and the National Deaf Interscholastic Athletic Association (NDIAA) within twenty-four hours of completion. Any request for special coverage for athletic contests and/or events must be submitted to the Athletic Director who will request approval from the Director of Instruction and the Superintendent.

## **VOLUNTEERS**

All individuals who wish to volunteer in the athletics program must submit a Volunteer Form to the Athletic Director and be approved by the Director of Instruction prior to beginning. Once approved, coaches will submit a list of responsibilities for the volunteer to the Athletic Director. Volunteers who wish to help coach must also be approved with the TSSAA prior to beginning.

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## **PROCEDURAL SAFEGUARDS**

### *ADDENDUM*

#### **INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

#### **NOTICE OF PROCEDURAL SAFEGUARDS**

*Tennessee  
Department of Education  
Division of Special Education*

*February 2008*

The Individuals with Disabilities Education Act (IDEA), the Federal law concerning the education of students with disabilities, requires schools to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under the IDEA, U.S. Department of Education regulations and Tennessee law and regulations.

A copy of this notice must be given to parents only one time a school year, except that a copy must be given to the parents:

- (1.) upon initial referral or parent request for evaluation;
- (2.) upon receipt of the first State complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the first due process complaint under §300.507 in a school year;
- (3.) when a decision is made to take a disciplinary action that constitutes a change of placement; and
- (4.) upon parent request. [34 CFR §300.504(a)]

This procedural safeguards notice includes a full explanation of all of the procedural safeguards available under §300.148 (unilateral placement at private school at public expense), §§300.151 through 300.153 (State complaint procedures), §300.300 (consent), §§300.502 through 300.503, §§300.505 through 300.518, and §§300.530 through 300.536 (procedural safeguards in Subpart E of the Part B regulations), and §§300.610 through 300.625 (confidentiality of information provisions in Subpart F).



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**GENERAL INFORMATION  
PRIOR WRITTEN NOTICE  
34 CFR §300.503 and  
Tennessee Rules & Regulations  
§0520-01-09-.16**

**Notice**

Your school district must give you written notice (provide you certain information in writing), at least ten (10) school days prior to:

1. Proposing to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; **or**
2. Refusing to initiate or to change the identification, evaluation, or educational placement of your child or the provision of FAPE to your child.

**Content of notice**

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's individualized education program (IEP) Team considered and the reasons why those choices were rejected; **and**
8. Provide a description of other reasons why your school district proposed or refused the action.

**When IEPs must be in effect  
0520-01-09-.13**

Your child's IEP must be implemented as soon as possible after completion. If agreement was not reached, no change in your child's IEP or eligibility status will be made for fourteen (14) days, in order to afford you time to request a due process hearing.

**Notice in understandable language**

The notice must be:

1. Written in language understandable to the general public; **and**
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; **and**
3. There is written evidence that 1 and 2 have been met.

**NATIVE LANGUAGE  
34 CFR §300.29**

*Native language*, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

**ELECTRONIC MAIL  
34 CFR §300.505**

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; **and**
3. Notices related to a due process complaint.

**PARENTAL CONSENT DEFINITION  
34 CFR §300.9 and Tennessee Rules &  
Regulations §0520-01-09-.03**

**Consent**

*Consent* means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.
2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime. Withdrawal of consent must be in writing.

Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

**PARENTAL CONSENT**  
**34 CFR §300.300**

**Consent for initial evaluation**

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under the heading **Parental Consent**.

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing the Act's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. Your school district will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

**Special rules for initial evaluation of wards of the State**

If a child is a ward of the State and is not living with his/her parent —

The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents have been terminated by court order; **or**
3. A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

*Ward of the State*, as used in the IDEA, means a child who is:

1. A foster child;
2. Considered a ward of the State under State law; **or**
3. In the custody of a public child welfare agency.

**Parental consent for services**

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

The school district must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education

and related services for the first time, or if you refuse to give such consent, your school district may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; **and**
2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

**Parental consent for reevaluations**

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; **and**
2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, your school district does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

**Documentation of reasonable efforts to obtain parental consent**

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; **and**
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

### **Other consent requirements**

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; **or**
2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children.

Your school district may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its consent override procedures (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and is not required to consider your child as eligible to receive equitable services (services made available to parentally-placed private school children with disabilities).

### **INDEPENDENT EDUCATIONAL EVALUATIONS 34 CFR §300.502**

#### **General**

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an independent educational evaluation, the school district must provide you with information about where you may obtain an independent educational evaluation and about the school district's criteria that apply to independent educational evaluations.

#### **Definitions**

*Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

*Public expense* means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support are available in the State to meet the requirements of Part B of the Act.

#### **Parent right to evaluation at public expense**

You have the right to an independent educational evaluation of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an independent educational evaluation of your child at public expense, your school district must, without unnecessary delay, either:
  - (a) File a due process complaint to request a hearing to show that its

evaluation of your child is appropriate; or (b) Provide an independent educational evaluation at public expense, unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district's criteria.

2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
3. If you request an independent educational evaluation of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.

You are entitled to only one independent educational evaluation of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

#### **Parent-initiated evaluations**

If you obtain an independent educational evaluation of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education (FAPE) to your child; **and**
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

#### **Requests for evaluations by administrative law judges**

If an administrative law judge requests an independent educational evaluation of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

#### **School district criteria**

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation).

Except for the criteria described above, a school district may not impose conditions or timelines

related to obtaining an independent educational evaluation at public expense.

**CONFIDENTIALITY OF INFORMATION  
DEFINITION 34 CFR §300.611**

As used under the heading

**Confidentiality of Information:**

- *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- *Education records* means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).
- *Participating agency* means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

**PERSONALLY IDENTIFIABLE  
34 CFR §300.32**

*Personally identifiable* means information that has:

- (a) Your child’s name, your name as the parent, or the name of another family member;
- (b) Your child’s address;
- (c) A personal identifier, such as your child’s social security number or student number; **or**
- (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

**NOTICE TO PARENTS  
34 CFR §300.612**

The school district must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; **and**
4. A description of all of the rights of parents and children regarding this

information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as “child find”), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of the activity to locate, identify, and evaluate children in need of special education and related services.

**ACCESS RIGHTS 34 CFR §300.613**

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of the IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an individualized education program (IEP), or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; **and**
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

**RECORD OF ACCESS  
34 CFR §300.614**

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

**RECORDS ON MORE THAN ONE CHILD  
34 CFR §300.615**

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

**LIST OF TYPES AND LOCATIONS OF  
INFORMATION  
34 CFR §300.616**

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

**FEEs  
34 CFR §300.617**

Each participating agency may charge a fee for copies of records that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under Part B of the IDEA.

**AMENDMENT OF RECORDS AT  
PARENT'S REQUEST  
34 CFR §300.618 and Tennessee Rules &  
Regulations §0520-01-09-.22**

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described under the heading **Opportunity For a Hearing**. The school district, upon receiving a request from a parent pursuant to 34 C.F.R. §300.618, shall decide, within ten (10) school days of its receipt of the request, whether to amend the information as requested.

**OPPORTUNITY FOR A HEARING  
34 CFR §300.619**

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

**HEARING PROCEDURES  
34 CFR §300.621**

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA).

**RESULT OF HEARING  
34 CFR §300.620**

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy

or other rights of the child, it must change the information accordingly and inform you in writing. If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; **and**
2. If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

**CONSENT FOR DISCLOSURE OF PERSONALLY  
IDENTIFIABLE INFORMATION  
34 CFR §300.622**

Unless the information is contained in education records, and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA), your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

**SAFEGUARDS  
34 CFR §300.623**

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under Part B

of the IDEA and the Family Educational Rights and Privacy Act (FERPA). Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

**DESTRUCTION OF INFORMATION  
34 CFR §300.624**

Your school district must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child. The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

**STATE COMPLAINT &  
DISPUTE RESOLUTION PROCEDURES**

**DIFFERENCE BETWEEN DUE PROCESS  
HEARING COMPLAINT AND WRITTEN  
ADMINISTRATIVE COMPLAINT PROCEDURES**

The regulations for Part B of IDEA set forth separate procedures for written administrative complaints and for due process complaints and hearings. As explained below, any individual or organization may file a written administrative complaint alleging a violation of any Part B requirement by a school district, the Tennessee Department of Education Division of Special Education, or any other public agency. Only you or a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child. While staff of the Tennessee Department of Education Division of Special Education generally must resolve a written administrative complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an administrative law judge must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45-calendar-days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the administrative law judge grants a specific extension of the timeline at your request or the school district's request. The written administrative complaint and due process complaint, resolution and hearing procedures are described more fully below.

**WRITTEN ADMINISTRATIVE COMPLAINT  
PROCEDURES  
34 CFR §300.151-152 and Tenn. Code  
Annotated §49-10-604**

**General** - The Tennessee Department of Education Division of Special Education,

pursuant to T.C.A. §49-10-604, will investigate any complaint, including a complaint filed by an organization or individual. In resolving a complaint in which the Tennessee Department of Education Division of Special Education has found a failure to provide appropriate services, the Department will address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child; **and**
2. Appropriate future provision of services for all children with disabilities.

**Time limit; minimum procedures**

Within 60 calendar days after a complaint is filed the Tennessee Department of Education Division of Special Education will:

1. Carry out an independent on-site investigation, if the Division determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; **and** (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; **and**
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; **and** (b) the reasons for the Division's final decision.

**Time extension; final decision;  
implementation**

The Division will:

1. Permit an extension of the 60 calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular complaint; **or** (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution.
2. Provide, if needed: (a) technical assistance activities; (b) negotiations; **and** (c) corrective actions to achieve compliance.

**State complaints and due process hearings** - If a written complaint is received that is also the subject of a due process hearing as described below under the heading **Filing a Due Process Complaint**, or the complaint contains multiple issues of which one or more are part of such a hearing, the Division will set aside the written complaint, or any part of the written complaint

that is being addressed in the due process hearing until the hearing is over. Any issue in the written complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above. If an issue raised in a written complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue. A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the Division.

**FILING A COMPLAINT**  
**34 CFR §300.153 and Tennessee Code**  
**Annotated §49-10-604.**

An organization or individual may file a signed written administrative complaint under the procedures described above.

The written complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of the IDEA or its regulations;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific child:
  - (a) The name of the child and address of the residence of the child;
  - (b) The name of the school the child is attending;
  - (c) In the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending;
  - (d) A description of the nature of the problem of the child, including facts relating to the problem; **and**
  - (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.

The party filing the written administrative complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the Division.

**MODEL FORMS**  
**34 CFR §300.509**

The Tennessee Department of Education Division of Special Education has developed forms to help you file a written administrative complaint.

**MEDIATION**  
**34 CFR §300.506 and Tennessee Code**  
**Annotated §49-10-605**

**General**

The school district must make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of the IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of the IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading **Filing a Due Process Complaint**.

**Requirements**

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B of the IDEA; **and**
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State; **and**
2. Who would explain the benefits and encourage the use of the mediation process to you.

The Tennessee Department of Education Division of Special Education is responsible for the cost of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; **and**
2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under Part B of IDEA.



**Impartiality of mediator**

The mediator:

- 1. May not be an employee of the Tennessee Department of Education or the school district that is involved in the education or care of your child; **and**
- 2. Must not have a personal or professional interest which conflicts with the mediator’s objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

**MODEL FORMS 34 CFR §300.509**

The Tennessee Department of Education Division of Special Education has developed forms to help you file a request for mediation.

**DUE PROCESS COMPLAINT PROCEDURES**

**FILING A DUE PROCESS COMPLAINT  
34 CFR §300.507**

**General**

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child or the provision of a free appropriate public education (FAPE) to your child.

The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process complaint within the timeline because:

- 1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; **or**
- 2. The school district withheld information from you that it was required to provide you under Part B of the IDEA.

**Information for parents**

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, **or** if you or the school district file a due process complaint.

**DUE PROCESS COMPLAINT  
34 CFR §300.508**

**General**

In order to request a hearing, you or the school district (or your attorney or the school district’s attorney) must submit a due process complaint to the other party. That complaint must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the complaint, must also provide the State Educational Agency with a copy of the complaint.

**Content of the complaint**

The due process complaint must include:

- 1. The name of the child;
- 2. The address of the child’s residence;
- 3. The name of the child’s school;
- 4. If the child is a homeless child or youth, the child’s contact information and the name of the child’s school;
- 5. A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; **and**
- 6. A proposed resolution of the problem to the extent known and available to you or the school district at the time.

**Notice required before a hearing on a due process complaint**

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district’s attorney), files a due process complaint that includes the information listed above.

**Sufficiency of complaint**

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (you or the school district) notifies the administrative law judge and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process complaint insufficient, the administrative law judge must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately.

**Complaint amendment**

You or the school district may make changes to the complaint only if:

- 1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; **or**
- 2. By no later than five days before the due process hearing begins, the administrative law judge grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

**Local educational agency (LEA) or school district response to a due process complaint**

If the school district has not sent a prior written notice to you, as described under the heading **Prior Written Notice**, regarding the subject matter contained in your due process complaint,

the school district must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; **and**
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient.

#### **Other party response to a due process complaint**

Except as stated under the sub-heading immediately above, **Local educational agency (LEA) or school district response to a due process complaint**, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

#### **MODEL FORMS 34 CFR §300.509**

The Tennessee Department of Education Division of Special Education has developed forms to help you file a due process complaint.

#### **CHILD'S PLACEMENT PENDING DUE PROCESS 34 CFR §300.518**

Except as provided below under the heading **PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES**, once a due process complaint is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the school district agree otherwise, your child must remain in his or her current educational placement.

#### **(20)**

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process complaint involves an application for initial services under Part B of the IDEA for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of the IDEA and you consent for the child to receive special education and related services for the first time,

then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

#### **RESOLUTION PROCESS 34 CFR §300.510**

##### **Resolution meeting**

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the individualized education program (IEP) Team who have specific knowledge of the facts identified in your due process complaint. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; **and**
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute. The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; **or**
2. You and the school district agree to use the mediation process, as described under the heading **Mediation**.

##### **Resolution period**

If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that an administrative law judge dismiss your due process complaint. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint **or** fails to participate in the resolution meeting, you may ask a administrative law judge to order that the 45-calendar-day due process hearing timeline begin.

**Adjustments to the 30-calendar-day resolution period**

If you and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day. After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day. If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district withdraws from the mediation process, then the 45-calendar-day timeline for the due process hearing starts the next day.

**Written settlement agreement**

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; **and**
2. Enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States or by the State Educational Agency, if your State has another mechanism or procedures that permit parties to seek enforcement of resolution agreements.

**Agreement review period**

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

**DUE PROCESS HEARINGS**

**34 CFR §300.511 and Tenn. Code Annotated §49-10-606**

**General**

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process

hearing, as described in the **Due Process Complaint** and **Resolution Process** sections.

**Administrative law judge**

At a minimum, an administrative law judge:

1. Must not be an employee of the Tennessee Department of Education or the school district that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as an administrative law judge;
2. Must not have a personal or professional interest that conflicts with the administrative law judge's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of the IDEA, and Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts; **and**
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

**Subject matter of due process hearing**

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

**Timeline for requesting a hearing**

You or the school district must request an impartial hearing on a due process complaint within two years of the date you or the school district knew or should have known about the issue addressed in the complaint.

**Exceptions to the timeline**

The above timeline does not apply to you if you could not file a due process complaint because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; **or**
2. The school district withheld information from you that it was required to provide to you under Part B of the IDEA.

**HEARING RIGHTS  
34 CFR §300.512**

**General**

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;

4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; **and**
5. Obtain written, or, at your option, electronic findings of fact and decisions.

**Additional disclosure of information**

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing.

An administrative law judge may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

**Parental rights at hearings**

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; **and**
3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

**HEARING DECISIONS  
34 CFR §300.513**

**Decision of administrative law judge**

An administrative law judge's decision on whether your child received a free appropriate public education (FAPE) must be based on substantive grounds.

In matters alleging a procedural violation, an administrative law judge may find that your child did not receive FAPE only if the procedural inadequacies:

1. Interfered with your child's right to a free appropriate public education (FAPE);
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to your child; **or**
3. Caused a deprivation of an educational benefit.

**Construction clause**

None of the provisions described above can be interpreted to prevent a administrative law judge from ordering a school district to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

**Separate request for a due process hearing**

Nothing in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

**Findings and decision to advisory panel and general public**

The Tennessee Department of Education after deleting any personally identifiable information must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; **and**
2. Make those findings and decisions available to the public.

**APPEALS  
34 CFR §300.514**

**Finality of hearing decision**

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

**TIMELINES  
34 CFR §300.515**

Not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings **or**, as described under the sub-heading **Adjustments to the 30-calendar-day resolution period**, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; **and**
2. A copy of the decision is mailed to each of the parties.

An administrative law judge may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party.

Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

**CIVIL ACTIONS  
34 CFR §300.516**

**General**

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a state chancery or circuit court or in a district court of the United States without regard to the amount in dispute.

**Time limitation** The party (you or the school district) bringing the action shall have 60 calendar days from the date of the decision of the administrative law judge to file a civil action.

### **Additional procedures**

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; **and**
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

### **Jurisdiction of district courts**

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

### **Rule of construction**

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws; you must first use the available administrative remedies under the IDEA (i.e., the due process complaint, resolution meeting, and impartial due process hearing procedures) before going directly into court.

### **ATTORNEYS' FEES 34 CFR §300.517**

#### **General**

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you.

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; **or** (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; **or ???**

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

#### **Award of fees**

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
  - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 calendar days before the proceeding begins;
  - b. The offer is not accepted within 10 calendar days; **and**
  - c. The court finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.

3. Fees may not be awarded relating to any meeting of the individualized education program (IEP) Team unless the meeting is held as a result of an administrative proceeding or court action. Fees also may not be awarded for a mediation as described under the heading Mediation.

A resolution meeting, as described under the heading **Resolution meeting**, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; **or**
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading **Due Process Complaint**.

However, the court may not reduce fees if the court finds that the school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

## **PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES**

### **AUTHORITY OF SCHOOL PERSONNEL 34 CFR §300.530**

#### **Case-by-case determination**

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

#### **General**

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting (which must be determined by the child's individualized education program (IEP) Team), another setting, or suspension. School personnel may also impose additional removals of the child of not more than **10 school days** in a row in that same school year for separate incidents of misconduct; as long as those removals do not constitute a change of placement (see ***Change of Placement Because of Disciplinary Removals*** for the definition, below). Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading **Services**.

#### **Additional authority**

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see ***Manifestation determination***, below) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under **Services**. The child's IEP Team determines the interim alternative educational setting for such services.

#### **Services**

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a child with a disability who has been

removed from his or her current placement for **10 school days or less** in that school year, if it provides services to a child without disabilities who has been similarly removed.

A child with a disability who is removed from the child's current placement for **more than 10 school days** must:

1. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; **and**
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and **if** the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (see definition below), **then** school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

#### **Manifestation determination**

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the IEP Team (as determined by the parent and the school district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; **or**
2. If the conduct in question was the direct result of the school district's failure to implement the child's IEP.

If the school district, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the school district, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP,

the school district must take immediate action to remedy those deficiencies.

**Determination that behavior was a manifestation of the child's disability**

If the school district, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; **or**
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading **Special circumstances**, the school district must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

**Special circumstances**

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district; **or**
3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district.

**Definitions**

*Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

*Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

*Serious bodily injury* has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

*Weapon* has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

**Notification**

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents of that decision, and provide the parents with a procedural safeguards notice.

**CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS**  
**34 CFR §300.536**

A removal of a child with a disability from the child's current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; **or**
2. The child has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals;
  - c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; **and**

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

**DETERMINATION OF SETTING**  
**34 CFR § 300.531**

The individualized education program (IEP) Team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the headings **Additional authority** and **Special circumstances**, above.

**APPEAL**

**34 CFR § 300.532**

**General**

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; **or**
2. The manifestation determination described above.

The school district may file a due process complaint (see above) to request a due process

hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

**Authority of administrative law judge**

An administrative law judge that meets the requirements described under the sub-heading **Administrative law judge** must conduct the due process hearing and make a decision. The administrative law judge may:

1. Return the child with a disability to the placement from which the child was removed if the administrative law judge determines that the removal was a violation of the requirements described under the heading **Authority of School Personnel**, or that the child's behavior was a manifestation of the child's disability; **or**
2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the administrative law judge determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings **Due Process Complaint Procedures, Hearings on Due Process Complaints**, except as follows:

1. The school district must arrange for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing.
2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see **Appeals**, above).

**PLACEMENT DURING APPEALS  
34 CFR §300.533**

When, as described above, the parent or school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the school district agree otherwise) remain in the interim alternative educational setting pending the decision of the administrative law judge, or until the expiration of the time period of removal as provided for and described

under the heading **Authority of School Personnel**, whichever occurs first.

**PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES 34 CFR §300.534  
General**

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

**Basis of knowledge for disciplinary matters**

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child;
2. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; **or**
3. The child's teacher, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school district's director of special education or to other supervisory personnel of the school district.

**Exception**

A school district would not be deemed to have such knowledge if:

1. The child's parent has not allowed an evaluation of the child or refused special education services; **or**
2. The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

**Conditions that apply if there is no basis of knowledge**

If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the sub-headings **Basis of knowledge for disciplinary matters** and **Exception**, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include



suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

**REFERRAL TO AND ACTION BY LAW  
ENFORCEMENT AND JUDICIAL AUTHORITIES  
34 CFR §300.535**

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; **or**
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

**Transmittal of records**

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; **and**
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

**REQUIREMENTS FOR UNILATERAL  
PLACEMENT BY PARENTS OF CHILDREN IN  
PRIVATE SCHOOLS AT PUBLIC EXPENSE  
GENERAL 34 CFR §300.148**

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

**Reimbursement for private school placement**

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or

referral by the school district, a court or an administrative law judge may require the agency to reimburse you for the cost of that enrollment if the court or administrative law judge finds that the agency had not made a free appropriate public education (FAPE) available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. An administrative law judge or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by school districts.

**Limitation on reimbursement**

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) At the most recent individualized education program (IEP) meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; **or**
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice; (b) You had not received notice of your responsibility to provide the notice described above; or (c) Compliance with the requirements above would likely result in physical harm to your child; **and**
2. May, in the discretion of the court or a administrative law judge, not be reduced or denied for the parents' failure to provide the required notice if: (a) The parent is not literate or cannot write in English; or (b) Compliance with the above requirement would likely result in serious emotional harm to the child.

**NOTES**