



PHIL BREDESEN
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
6th FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

TIMOTHY K. WEBB, Ed.D.
COMMISSIONER

MEMORANDUM

TO: Tennessee Local Education Agencies

Cc: Timothy K. Webb, Commissioner, TDOE
Christy Ballard, General Counsel, TDOE
Joel Moseley, Director of Policy & Staff Attorney, TSBA

FROM: Lesley D. Farmer, Director - Office for Civil Rights, TDOE

DATE: October 29, 2009

RE: OCR Title IX Corporal Punishment Complaint

The State Department of Education and the Tennessee School Board Association (TSBA) have been in conversation with the United States Department of Education Office for Civil Rights (OCR) in regards to the above-referenced complaint. At this time, OCR has agreed to close the complaints if school systems are willing to revise their corporal punishment policies. To be in compliance with the civil rights laws, each system affected by this complaint would need to delete the following portion of their corporal punishment policy:

6. In determining the use and degree of corporal punishment, consideration will be given to the age, sex, size, physical and emotional condition of the child.

Because of OCR's investigation process, each school system would need to have the revised policy in place no later than January 15, 2009. After speaking with a representative from TSBA, each system may need to waive the second (2nd) reading for the policy revision in order to meet the January 15 deadline. To assist each school system, TSBA will be sending out a sample revised policy.

This office will act as the liaison between the affected Tennessee School Systems and OCR. Once your system has revised its policy, please forward the revised policy, along with the date issued to this office. You will not need to forward any documentation to OCR.

If your school system no longer has a corporal punishment policy, or if you choose to abandon the corporal punishment, as a form of discipline, in your system, please inform this office as soon as possible.

If you have any additional questions or concerns, please do not hesitate to contact me at 615.253.1550 or Lesley.Farmer@tn.gov.