

Weakley County Board of Education



Monitoring:

Descriptor Term:

Descriptor Code:

Issued Date:

Separation Practices for Tenured Teachers

5.200

9/28/2015

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SUSPENSION PENDING AN INVESTIGATION¹

A director of schools may suspend a teacher at any time that may seem necessary, pending investigation or final disposition of a case before the board or an appeal. Under no circumstances shall the director of schools suspend a teacher with pay. If reinstated, the teacher shall be paid full salary for the period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

SUSPENSION OF THREE DAYS OR LESS^{2, 3, 4}

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

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

DISMISSAL OR SUSPENSIONS GREATER THAN THREE DAYS⁵

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

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

If, in the opinion of the Board, the charges are of such nature as to warrant the release or a suspension greater than three days of the teacher, the director of schools shall give the teacher a written notice of this decision, a copy of the charges against the teacher, and a copy of a form

Legal References:

¹ TCA 49-5-511(a)(3)
² TCA 49-2-301(b)(1)(EE); TCA 49-5-512(d)
³ TCA 49-5-511(a)(2)
⁴ TCA 49-5-511-513
⁵ TCA 49-5-512-513

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1 provided by the Commissioner of Education advising the teacher of his/her legal duties, rights
2 and recourse.

3
4 A tenured teacher who has been given notice of charges against him/her may within thirty (30)
5 days after receipt of notice give written notice to the director of schools of his/her request for a
6 hearing.

7
8 The director of schools shall, within five (5) days after receipt of request, assign a hearing officer
9 from the list maintained by the Board.

10
11 The hearing officer shall notify the parties, or their attorney, of the officer's assignment and
12 direct the parties or the attorneys for the parties, or both, to appear before the hearing officer for
13 simplification of issues and the scheduling of the hearing. That hearing shall be set no later than
14 thirty (30) days following receipt of the initial request for a hearing. In the discretion of the
15 hearing officer, all or part of any prehearing conference may be conducted by telephone if each
16 participant has an opportunity to participate, be heard, and to address proof and evidentiary
17 concerns. The hearing officer is empowered to issue appropriate orders and to regulate the
18 conduct of the proceedings.

19
20 Either party may appeal to the Board of Education an adverse ruling by giving written notice of
21 appeal within ten (10) working days of the hearing officer's delivery of the hearing officer's
22 written findings and conclusions. The director of schools shall prepare a copy of the proceedings,
23 including all transcripts and evidence, documentary or otherwise, and transmit the same to the
24 Board within twenty (20) days of the receipt of the notice of appeal.

25
26 The Board shall hear the appeal on the record, and no new evidence may be submitted by either
27 party. The appealing party may appear before the Board to argue why the adverse ruling should
28 be overturned. In no event should such argument last more than fifteen (15) minutes, unless the
29 Board should vote to extend additional time. At the conclusion of the hearing, any member of the
30 Board may vote to sustain the decision of the Hearing officer, send the record back for additional
31 evidence, revise the penalty or reverse the decision. The Board shall render its decision within
32 ten (10) working days after the conclusion of the hearing. In the event that the decision of the
33 Board is appealed to the Chancery court, the Board shall transmit the entire record prepared by
34 the director and reviewed by the Board to the Chancery court for its review.

35 36 **RESIGNATION**

37
38 A teacher shall give the director of schools notice of resignation at least thirty (30) days before
39 the effective date of the resignation. A teacher, who fails to give such notice, in the absence of
40 justifiable extenuating circumstances, shall forfeit all tenure status. The Board may waive the
41 thirty (30) days notice requirement and permit a teacher to resign in good standing.

42
43 The conditions under which it is permissible to break a contract with the Board are as follows:

44
45 1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified
46 statement of a physician approved by the Board;

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2 2. The release by the Board of the teacher from the contract which the teacher has entered into
3 with the Board.⁶

4
5 Any teacher on leave shall notify the director of schools in writing at least thirty (30) days prior
6 to the date of return if the teacher does not intend to return to the position from which he/she has
7 taken leave. Failure to render such notice may be considered a breach of contract.⁷

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

14 15 **RETIREMENT**

16
17 Retirement shall mean a termination of services under conditions which will allow the employee
18 to draw benefits from retirement plans and/or social security benefits.

19
20 Employees eligible for retirement benefits may elect to retire at any age according to the
21 provisions of the retirement system.

22
23 Central office personnel shall assist employees in securing retirement benefits; however, it shall
24 be the responsibility of the retiring employee to provide verification of eligibility in writing from
25 TCRS to the central office. It shall be the responsibility of the retiring employee to file for
26 benefits.

27
28 Employees who retire under TCRS may be employed up to one-hundred twenty (120) days per
29 year without loss of retirement benefits. Retired teachers may substitute teach for an additional
30 ninety (90) days if the director of schools certifies in writing to the Board that no other qualified
31 personnel are available to substitute teach.⁹

32
33 The director of schools may employ teachers retired for at least one year for full-time
34 employment as a kindergarten through twelfth grade teacher on a year-to-year basis. Retirement
35 benefits will not be lost or suspended under certain conditions, which include but are not limited
36 to the following:¹⁰

37
38 1. The director of schools of the employing system must certify in writing that no other qualified
39 individuals are available to fill the position;

Legal References:

⁶ TCA 49-5-508

⁷ TCA 49-5-706

⁸ TCA 49-5-411

⁹ TCA 8-36-805

¹⁰ TCA 8-36-821

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- 1
- 2 2. The Commissioner of Education must certify that the employing school system serves an area
- 3 that lacks qualified teachers to serve in the position to be filled;
- 4
- 5 3. The retired teacher must hold a valid license and shall not be entitled to tenure status;
- 6
- 7 4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave
- 8 or receive medical insurance coverage; and
- 9
- 10 5. The salary paid to the retired member shall not be less than the rate of compensation set by the
- 11 Board for teachers with no experience filling similar positions, nor more than eighty-five percent
- 12 (85%) of the rate of compensation set by Board for teachers with comparable training and years
- 13 of experience filling similar positions.