

Tennessee School Boards Association

Monitoring: Review: Annually, in February	Descriptor Term: Separation Practices for Tenured Teachers	Descriptor Code: 5.200	Issued Date: 02/29/08
		Rescinds: 5.201/5.204/ 5.205	Issued:

1 SUSPENSION

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3 A director of schools/designee may suspend a tenured teacher at any time when deemed necessary.¹ Before
4 a tenured teacher is suspended s/he shall be: (1) provided with reasons for the suspension; (2) given an
5 opportunity to respond³; and (3) given a written decision of the suspension. The causes for which a profes-
6 sional employee may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofes-
7 sional conduct and insubordination.¹

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9 Under no circumstances shall a director of schools suspend an employee with pay. If reinstated, the em-
10 ployee shall be paid full salary for the period of suspension,² unless suspension without pay is deemed to
11 be an appropriate penalty.

12 DISMISSAL

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

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

23
24 A tenured teacher who has been given notice of charges against him/her may within thirty (30) days after
25 receipt of notice give written notice to the director of schools of his/her request for a hearing before
26 the Board.

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28 The director of schools shall within five (5) days after receipt of request, indicate the place of such hear-
29 ing and set a convenient date, which shall not be later than thirty (30) days following receipt of notice
30 requesting a hearing.

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32 The chairman of the board shall conduct the hearing and be empowered to issue subpoenas for and admin-
33 ister oaths to witnesses.

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35 The teacher shall be allowed a full, complete and impartial hearing before the Board, including the right
36 to have evidence deemed relevant by the teacher included in the record of the hearings, even if the chair-
37 man objects.⁴

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39 A complete transcript of the hearing shall be prepared and included in the record.
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3 The Board shall within ten (10) days after the hearing decide what disposition to make of the case from the
4 following: (1) dismissal; (2) suspension without pay; or (3) reinstatement. The Board shall immediately
5 thereafter give the employee written notice of its findings and decision.

6 7 **RESIGNATION**

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

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

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16 1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified state-
17 ment of a physician approved by the Board;
- 18
19 2. The release by the Board of the teacher from the contract which the teacher has entered into with
20 the Board.⁵

21
22 Any teacher on leave shall notify the director of schools in writing at least thirty (30) days prior to the date
23 of return if the teacher does not intend to return to the position from which he/she has taken leave. Failure
24 to render such notice may be considered a breach of contract.⁶

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26 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with the
27 Commissioner and request the suspension of a teacher's certificate. After the Commissioner has provided
28 the teacher an opportunity for defense during a hearing, the Commissioner may suspend the certificate for
29 no less than thirty (30) and no more than three hundred sixty-five (365) days.⁷

30 31 **RETIREMENT**

32
33 Retirement shall mean a termination of services under conditions which will allow the employee to draw
34 benefits from retirement plans and/or social security benefits.

35
36 Employees eligible for retirement benefits may elect to retire at any age according to the provisions of the
37 retirement system.

38
39 Central office personnel shall assist employees in securing retirement benefits; however, it shall be the
40 responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to the
41 central office. It shall be the responsibility of the retiring employee to file for benefits.

42
43 Employees who retire under TCRS may be employed up to one-hundred (120) days per year without loss
44 of retirement benefits. Retired teachers may substitute teach for an additional ninety (90) days if the direc-
45 tor of schools certifies in writing to the Board that no other qualified personnel are available to substitute
46 teach.⁸

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The director of schools may employ teachers retired for at least one year for full-time employment as a kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost or suspended under certain conditions, which include but are not limited to the following:⁹

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

Legal References:

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