

# Obion County Board of Education

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term: <b>Separation Practices for Tenured Teachers</b>	Descriptor Code: <b>5.200</b>	Issued Date: <b>05/12/08</b>
		Rescinds: <b>5.201/5.204 5.205</b>	Issued: <b>02/02/04</b>

1     **SUSPENSION**

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

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9     Under no circumstances shall a director of schools suspend an employee with pay. If reinstated, the  
10    employee shall be paid full salary for the period of suspension,<sup>2</sup> unless suspension without pay is deemed  
11    to 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  
21    the teacher, and a copy of a form provided by the Commissioner of Education advising the teacher of  
22    his/her legal duties, rights and recourse.

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24    A tenured teacher who has been given notice of charges against him/her may within thirty (30) days  
25    after receipt of notice give written notice to the director of schools of his/her request for a hearing be-  
26    fore 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  
29    hearing and set a convenient date, which shall not be later than thirty (30) days following receipt of  
30    notice 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  
33    administer oaths to witnesses.

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

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

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12 A teacher shall give the director of schools notice of resignation at least thirty (30) days before the  
13 effective date of the resignation. A teacher who fails to give such notice, in the absence of justifiable  
14 extenuating circumstances, shall forfeit all tenure status. The Board may waive the thirty (30) days  
15 notice requirement and permit a teacher to resign in good standing.  
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17 The conditions under which it is permissible to break a contract with the Board are as follows:

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19 1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified  
20 statement of a physician approved by the Board;  
21  
22 2. The release by the Board of the teacher from the contract which the teacher has entered into with  
23 the Board.<sup>5</sup>  
24

25 Any teacher on leave shall notify the director of schools in writing at least thirty (30) days prior to the  
26 date of return if the teacher does not intend to return to the position from which he/she has taken leave.  
27 Failure to render such notice may be considered a breach of contract.<sup>6</sup>  
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29 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with  
30 the Commissioner and request the suspension of a teacher's certificate. After the Commissioner has  
31 provided the teacher an opportunity for defense during a hearing, the Commissioner may suspend the  
32 certificate for no less than thirty (30) and no more than three hundred sixty-five (365) days.<sup>7</sup>  
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34 **RETIREMENT**

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36 Retirement shall mean a termination of services under conditions which will allow the employee to  
37 draw benefits from retirement plans and/or social security benefits.  
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39 Employees eligible for retirement benefits may elect to retire at any age according to the provisions of  
40 the retirement system.  
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42 Central office personnel shall assist employees in securing retirement benefits; however, it shall be the  
43 responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to the  
44 central office. It shall be the responsibility of the retiring employee to file for benefits.  
45

46 Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year  
47 without loss of retirement benefits. Retired teachers may substitute teach for an additional ninety (90)  
48 days if the director of schools certifies in writing to the Board that no other qualified personnel are  
49 available to substitute teach.<sup>8</sup>

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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:<sup>9</sup>

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

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Legal References:

1. TCA 49-2-301 (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