

Murfreesboro City School Board

Monitoring: Review: Annually, in February	Descriptor Term: Separation Practices for Tenured Teachers	Descriptor Code: 5.200	Issued Date: REVIEWED 2/19; 2/20; 2/21
		Rescinds: PER 39	Issued: 05/01/12

1 REPORTING OF CRIMINAL ARRESTS

2 All employees shall report being arrested to their immediate supervisor within two (2) days of the arrest. The
3 supervisor must report the offense to the Director of Schools immediately, and the Director of Schools must report
4 the arrest to the Board Chair as soon as practical.

4 SUSPENSION PENDING AN INVESTIGATION ¹

5 The Director of Schools may suspend a teacher at any time that may seem necessary, pending investigation or
6 final disposition of a case before the Board or an appeal. If the matter under investigation is not the subject of an
7 ongoing criminal investigation or a Department of Children's Services investigation, and if no charges for
8 dismissal have been made, a suspension pending investigation shall not exceed ninety (90) days in duration. The
9 Director of Schools may suspend a teacher with or without pay. If the suspension is without pay and the teacher
10 is vindicated or reinstated, the teacher shall be paid full salary for the period of suspension.

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

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

18 The Director of Schools may suspend a tenured teacher with or without pay. If the suspension is without pay and
19 the teacher is reinstated, the tenured teacher shall be paid full salary for the period of suspension, unless suspension
20 without pay is deemed to be an appropriate penalty.

21 DISMISSAL OR SUSPENSIONS GREATER THAN THREE DAYS ⁵

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

24 When charges are made against a tenured teacher, charging the teacher with offenses which may justify dismissal
25 or a suspension greater than three (3) days, the charges shall be made in writing, specifically stating the offenses
26 which are charged and shall be signed by the party or parties making the charges.

27 If, in the opinion of the Board, the charges are of such nature as to warrant the release or a suspension greater than
28 three (3) days of the teacher, the Director of Schools shall give the teacher a written notice of this decision, a copy
29 of the charges against the teacher, and a copy of a form provided by the Commissioner of Education advising the
30 teacher of his/her legal duties, rights and recourse.

31 A tenured teacher who has been given notice of charges against him/her may within thirty (30) days after receipt
32 of notice give written notice to the Director of Schools of his/her request for a hearing.

33 The Director of Schools shall, within five (5) days after receipt of request, assign a hearing officer from the list
34 maintained by the Board.

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

42 Either party may appeal to the Board of Education an adverse ruling by giving written notice of appeal within ten
43 (10) working days of the hearing officer's delivery of the hearing officer's written findings and conclusions. The
44 Director of Schools shall prepare a copy of the proceedings, including all transcripts and evidence, documentary
45 or otherwise, and transmit the same to the Board within twenty (20) days of the receipt of the notice of appeal.

46 The Board shall hear the appeal on the record, and no new evidence may be submitted by either party. The
47 appealing party may appear before the Board to argue why the adverse ruling should be over- turned. In no event
48 should such argument last more than fifteen (15) minutes, unless the Board should vote to extend additional time.
49 At the conclusion of the hearing, any member of the Board may vote to sustain the decision of the Hearing officer,
50 send the record back for additional evidence, revise the penalty or reverse the decision. The Board shall render
51 its decision within ten (10) working days after the conclusion of the hearing. In the event that the decision of the
52 Board is appealed to the Chancery court, the Board shall transmit the entire record prepared by the Director and
53 reviewed by the Board to the Chancery court for its review.

54 RESIGNATION

55 A teacher shall give the Director of Schools notice of resignation at least thirty (30) days before the effective date
56 of the resignation. A teacher who fails to give such notice, in the absence of justifiable extenuating circumstances,
57 shall forfeit all tenure status. The Board may waive the thirty (30) days' notice requirement and permit a teacher
58 to resign in good standing.

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

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

62 2. The drafting of the teacher into military service by a selective service board; or

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

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

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

67 RETIREMENT

68 Retirement shall mean a termination of services under conditions which will allow the employee to draw
69 benefits from retirement plans and/or social security benefits. Employees eligible for retirement benefits may elect
70 to retire at any age according to the provisions of the retirement system.

71 Central Office personnel shall assist employees in securing retirement benefits; however, it shall be the
72 responsibility of the retiring employee to provide verification of eligibility in writing from the Tennessee
73 Consolidated Retirement System (TCRS) to the Central Office. It shall be the responsibility of the retiring
74 employee to file for benefits.

75 Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year without loss
76 of retirement benefits. Retired teachers may substitute teach for additional days if the Director of Schools certifies
77 in writing to the Board that no other qualified personnel are available to substitute teach.⁹

78 The Director of Schools may employ teachers retired for at least one year for full-time employment as a
79 kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost or
80 suspended under certain conditions, which include but are not limited to the following:¹⁰

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

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
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