

Murfreesboro City School Board

Monitoring: Review: Annually, in February	Descriptor Term: Separation Practices for Tenured Teachers	Descriptor Code: 5.200	Issued Date: 09/13/22
		Rescinds: 5.200	Issued: 02/00/21

REPORTING OF CRIMINAL ARRESTS

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

ALLEGATIONS REQUIRING TEMPORARY REMOVAL FROM DUTY

If an investigation of a certified employee's conduct is required, the Director of Schools shall determine whether to temporarily modify the certified employee's work status based on concerns for safety or to minimize disruption to the educational environment. This may include, but is not limited to:

- Reassignment to alternate duties;
- Placement on administrative leave with pay; or
- Temporary removal from the school setting.

Such action shall not be considered disciplinary in nature but rather a precautionary measure until a determination can be made regarding an appropriate return to duties, or the imposition of disciplinary action, which could include suspension without pay.

SUSPENSION PENDING AN INVESTIGATION¹

The 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. If the matter under investigation is not the subject of an ongoing criminal investigation or a Department of Children's Services investigation, and if no charges for dismissal have been made, a suspension pending investigation shall not exceed ninety (90) days in duration. The Director of Schools may suspend a teacher with or without pay. If the suspension is without pay and the teacher is vindicated or reinstated, the teacher shall be paid full salary for the period of suspension.

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

A Director of Schools/designee may suspend a teacher for incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination. Before an employee is suspended they shall be: (1) provided with written notice, including the reasons for the suspension along with an explanation of the evidence; (2) given an opportunity to respond to the Director/designee 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.

The Director of Schools may suspend a tenured teacher with or without pay. If the suspension is without pay and the teacher is 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 DAYS⁴

~~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 (3) 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 (3) 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 provided by the Commissioner of Education advising the teacher of his/her legal duties, rights, and recourse.

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

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

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

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

The Board shall hear the appeal on the record, and no new evidence may be submitted by either party. The appealing party may appear before the Board to argue why the adverse ruling should be overturned. In no event should such argument last more than fifteen (15) minutes unless the Board should vote to extend additional time. At the conclusion of the hearing, any member of the Board may vote to sustain the decision of the hearing officer, send the record back for additional evidence, revise the penalty, or reverse the decision. The Board shall render its decision within ten (10) working days after the conclusion of the hearing. Within twenty (20) working days after receipt of notice of the decision of the Board, either party may appeal to the Rutherford County Chancery Court. The Board shall provide the entire record of the hearing to the court.
~~In the event that the decision of the Board is appealed to the Chancery court, the Board shall transmit the entire record prepared by the Director and reviewed by the Board to the Chancery court for its review.~~

RESIGNATION

A teacher shall give the Director of Schools notice of resignation at least thirty (30) days before the effective date of the resignation. A teacher who fails to give such notice, in the absence of justifiable extenuating circumstances, shall forfeit all tenure status. The Board may waive the thirty (30) days' notice requirement and permit a teacher to resign in good standing.⁵

The conditions under which it is permissible to break a contract with the Board are as follows:⁶

1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified statement of a physician approved by the Board;
2. The drafting of the teacher into military service by a selective service board; or
3. The release by the Board of the teacher from the contract which the teacher has entered into with the Board.

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

~~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~~

RETIREMENT

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

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

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 49-5-508(a)
6. TCA 49-5-508(c)
7. TCA 49-5-706
8. ~~TCA 49-5-411(b)~~
8.

Cross References

Public Hearings 1.401
 Teacher Tenure 5.117
 Recommendations and File Transfers 5.203

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