

<b>Section G:</b>  <b>Human Resources</b>	<b>Knox County Board of Education Policy</b>		
	<b>Dismissal of Tenured Teachers</b>	Descriptor Code:	Issued:
		<b>G-380</b>	<b>7/95</b>
		Reviewed:	Revised:
	<b>3/17</b>	<b>8/17</b>	

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Efforts shall be made to correct problems which might lead to the dismissal of school personnel; however, when it becomes necessary to consider dismissal, the following procedure shall be observed for tenured, certified personnel.

**SUSPENSION**

A director of schools/designee may suspend a tenured teacher at any time that may seem necessary, pending investigation or final disposition of a case before the board or an appeal.<sup>1</sup> Before a tenured teacher is suspended s/he shall be: (1) provided with reasons for the suspension; (2) given an opportunity to respond; and (3) given a written decision of the suspension. The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in Tennessee Code Annotated 49-5-501.<sup>2</sup>

Under no circumstances shall the Director of Schools dismiss or suspend a teacher with pay. If vindicated or reinstated, the teacher shall be paid the full salary for the period during which the teacher was suspended without pay.<sup>3</sup>

**DISMISSAL**

When charges are made to the Board of Education against a tenured teacher, charging the teacher with offenses which justify dismissal of the teacher under the terms of this part, 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, charges are of such nature as to warrant the dismissal of the teacher, the Director of Schools shall give the teacher a written notice of the decision, together with a copy of a form which shall be provided by the Commissioner of Education advising the teacher as to the teacher's legal duties, rights and recourse under the terms of this part.

Any teacher convicted of a felony listed Tennessee Code Annotated 40-35-501(i)(2)<sup>4</sup>, or convicted of an offense listed in Tennessee Code Annotated 39-17-417<sup>5</sup> shall be immediately suspended, and dismissed subject to the provision.

If the dismissal of the teacher is upheld in the Board and court reviews provided for in Tennessee Code Annotated 49-5-512 and 49-5-513, the Director shall notify in writing the revocation proceedings under applicable rules of the State Board of Education.

**PERSONNEL HEARING**

A tenured teacher having received notice of charges pursuant to Tennessee Code Annotated 49-5-511 may, within thirty (30 days) after receipt of notice, demand a full and complete hearing before an impartial hearing officer, as follows:

- 1 (1) The teacher shall give written notice to the Director of Schools of the teacher's request for a
- 2 hearing;
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- 4 (2) The Director of Schools shall, within five (5) days after receipt of request, name an impartial
- 5 hearing officer who shall be responsible for notifying the parties to appear before the hearing
- 6 officer for simplification of the issues and the scheduling of the hearing,<sup>6</sup> which in no event shall
- 7 be set later than thirty days following receipt of notice demanding a hearing;
- 8 (3) All parties have the right to be represented by counsel;
- 9 (4) All parties have the right to call and subpoena witnesses;
- 10 (5) All parties have the right to require that all testimony be given under oath;
- 11 (6) The hearing officer shall administer oaths to witnesses;
- 12 (7) All parties have the right to examine all witnesses;
- 13 (8) All witnesses shall be entitled to witness fees and mileage provided by law, which fees and
- 14 mileage shall be paid by the party issuing a subpoena or calling the witness to testify;<sup>7</sup>
- 15 (9) All parties have the right to have evidence deemed relevant by the submitting party included in
- 16 the record of the hearing, even if objected to by the opposing party;
- 17 (10) A record of the hearing, either by transcript, recording, or as is otherwise agreed by the parties,
- 18 shall be prepared, if the action of the hearing officer is appealed, and all decisions of the hearing
- 19 officer shall be reduced to writing and included in the record, together with all evidence
- 20 otherwise submitted;
- 21 (11) On request of either party to the trial, witnesses may be barred from the bearing except as they
- 22 are called to testify; and
- 23 (12) The hearing may be private at the request of the teacher or in the discretion of the hearing
- 24 officer.<sup>8</sup>
- 25 (13) The impartial hearing officer selected by the director of schools shall not have a familial or
- 26 financial relationship with the teacher or representatives of the teacher or any other conflict of
- 27 interest that would preclude the hearing officer from being fair and impartial.

28 Prior to the hearing and during the hearing, the hearing officer shall exercise all the powers and duties  
 29 assigned to the hearing officer by Tennessee Code Annotated 49-5-512.

### 30 31 **APPEAL TO THE BOARD OF EDUCATION**

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33 If the teacher desires to appeal from a decision rendered in whole or in part in favor of the school system,  
 34 the teacher shall appeal the decision to the Board of Education within ten (10) working days of the hearing  
 35 officer's delivery of the written decision to the teacher.

### 36 37 **FAILURE TO TIMELY APPEAL TO THE BOARD WILL TERMINATE ALL THE** 38 **TEACHER'S APPELLATE RIGHTS, UP TO AND INCLUDING THE APPEAL TO THE** 39 **CHANCERY COURT.<sup>9</sup>**

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41 Upon written notice of appeal, the Director of Schools shall, within twenty (20) working days, transmit to  
 42 the board a copy of the proceedings, transcript, documentary and other evidence presented. The Board  
 43 shall hear the appeal on the record and no new evidence shall be introduced. The teacher may appear in  
 44 person or by counsel and argue why the decision should be modified or reversed.

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46 The Board has the power to sustain the decision, send the record back if additional evidence is necessary,  
 47 revise the penalty or reverse the decision.

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49 Before any findings and decision are sustained or punishment inflicted in the case of an appeal, a majority  
 50 of the membership of the Board shall concur in sustaining the charges and decision.

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2 The Board shall render its decision on the appeal within ten (10) working days after the conclusion of the  
3 hearing.  
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#### 5 **APPEAL TO THE CHANCERY COURT**

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7 Either party dissatisfied with the decision rendered by the Board shall have the right to appeal to the Knox  
8 County Chancery Court within twenty (20) working days after receipt of the dated notice of the decision  
9 of the board.  
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11 It shall be the duty of the Board to cause the entire record and other evidence in the case to be transmitted  
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35 **Legal References:**

- 36 1. TCA § 49-5-511, 512, 513.  
37 2. TCA § 49-5-501.  
38 3. TCA § 49-2-301.  
39 4. TCA § 40-35-501(i)(2).  
40 5. TCA § 39-17-417.  
41 6. TCA § 49-5-512(a)(2).  
42 7. TCA § 49-5-512(a)(5).  
43 8. TCA § 49-5-512(a)(8).  
44 9. TCA § 49-5-512(c)(1).

45 Approved as to Legal Form 6/19/2017  
46 By Knox County Law Director  
47 /Gary T. Dupler/Deputy Law Director  
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