

<u>Section G:</u>  <b>Human Resources</b>	<b>Knox County Board of Education Policy</b>		
	Descriptor Term:	Descriptor Code:	Issued:
	<b>Suspension/Dismissal of Non-Tenured Teachers</b>	<b>G-381</b>	<b>10/96</b>
		Reviewed:	Revised:
	<b>3/17</b>	<b>7/17</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 non-tenured, certified personnel.

**SUSPENSION/DISMISSAL OF NON-TENURED TEACHERS**

The Director of Schools or the Director’s designee may dismiss any employee under the Director’s jurisdiction at any time when deemed necessary.<sup>1</sup> Before an employee is suspended, he or she shall be: (1) provided with reasons for the suspension; (2) given an opportunity to respond,<sup>2</sup> and (3) given a written decision of the suspension.

Under no circumstances shall the Director of Schools dismiss or suspend a non-tenured teacher with pay. If vindicated or reinstated, the non-tenured teacher shall be paid the full salary for the period during which the teacher was suspended.

The Director of Schools may dismiss any non-tenured teacher *at any time when deemed necessary* for incompetence, inefficiency, insubordination, improper conduct or neglect of duty, after giving the non-tenured teacher, in writing, due notice of the charges. The Director of Schools is also authorized to dismiss a teacher convicted of a felony.

The Director of Schools shall give the non-tenured teacher an opportunity for a full and complete hearing before an impartial hearing officer.

**PERSONNEL HEARINGS**

The Board will appoint an impartial Personnel Hearing Officer to conduct such hearings. The Personnel Hearing Officer will hear the case and the employee shall have the right to:

1. Notice of the charge or charges;
2. An opportunity for a full and complete hearing before an impartial hearing officer selected by the Board;
3. An opportunity to be represented by counsel;
4. An opportunity to call and subpoena witnesses; and
5. An opportunity to examine all witnesses; and
6. The right to require that all testimony be given under oath.<sup>2</sup>

Factual findings and decisions in all dismissal cases shall be reduced to written form and delivered to the affected employee within ten (10) working days following the close of the hearing.

**APPEALS**

Any non-tenured, licensed employee desiring to appeal from a decision rendered in favor of the school system shall first exhaust the administrative remedy of appealing the decision to the Board of Education within ten (10) working days of the hearing officer rendering the written findings of fact and conclusions to the affected employee.

Upon written notice of such appeal being given to the Director, the Director shall prepare a copy of the proceedings, transcript, documentary and other evidence presented, and transmit the same within twenty (20) working days of receipt of notice of appeal to the Board.

The Board shall hear the appeal on the record and no new evidence shall be introduced. The affected employee may appear in person or by counsel and argue why the decision should be modified or reversed.

The Board shall take one of the following actions:

1. Sustain the decision;
2. Send the record back if additional evidence is necessary; or
3. Revise the penalty or reverse the decision.

Before any such charges shall be sustained or punishment inflicted, a majority of the membership of the Board shall concur in sustaining the charges.

The members of the Board shall render a decision on the appeal within ten (10) working days after the conclusion of the hearing.

The Director of Schools shall also have the right to appeal any adverse ruling by the Hearing Officer to the Board under the same conditions as are set out herein.

Any party dissatisfied with the decision rendered by the Board shall have the right to appeal to the chancery court where the school system is located within twenty (20) working days after receipt of notice of the decision of the Board. It shall be the duty of the Board to cause to be transmitted the entire record and other evidence in the case to the court. The review of the court shall be de novo on the record of the hearing held by the hearing officer and reviewed by the Board.

(Note: Non-renewal of non-tenured teachers after the contract year is not suspension or dismissal and does NOT follow the suspension/dismissal procedures outlined in this policy. Please refer to Board Policy G-331 "Non-Tenure" for further information.)

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Legal References:

1. TCA § 49-5-511, 512, 513.
2. TCA § 49-2-301.

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