

# TEACHER TENURE

4040

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## I. PURPOSE

To outline guidelines whereby teachers may attain and maintain tenure status with Shelby County Schools.

## II. SCOPE

This policy applies to all Shelby County Schools teachers.

## III. DEFINITIONS

Tenure - employment status, other than probationary, that a teacher may be under while teaching in the public schools. A teacher has no property right in the teacher's tenure status and must sustain a specified performance effectiveness level on evaluations, as provided by law, to achieve and maintain tenure status. No teacher, including administrative and supervisory personnel, who has acquired tenure status is entitled to any specific position.

## IV. POLICY STATEMENT

Shelby County Schools (SCS) believes that a structured tenure system is essential to maintaining a stable and qualified teaching force for the District. SCS agrees with the basic purpose of the Tennessee Teachers' Tenure law<sup>1</sup> of affording a measure of job security to those educators who have attained tenure status in order to maintain the efficient administration of the local educational system which requires stability of programs and trained personnel. As a result, a defined system of tenure ensures that the District is accountable for administering a fair and sound process of suspension and dismissal decisions.

SCS believes tenure attainment is a shared benefit to both the District and the teacher. Therefore, SCS will make opportunities available to support teachers in their efforts to achieve tenure status. SCS further views tenure as an achievement and is committed to celebrating and rewarding teachers who attain tenure. The District also recognizes the importance of tenure because it honors the teaching profession by distinguishing excellent teachers. As such, SCS believes in granting tenure to teachers (1) who reach and maintain the highest levels of student-centered performance and (2) who consistently demonstrate an acceptable level of employee professionalism.

## Initial Tenure<sup>2</sup>

A teacher must meet the criteria below to be considered for tenure with SCS:

- (1) Has a degree from an approved four-year college or any career and technical teacher who has the equivalent amount of training established and licensed by the state board of education;
- (2) Holds a valid teacher license, issued by the state board of education based on training covering the subjects or grades taught;
- (3) Has completed a probationary period of five (5) school years or not less than forty-five (45) months within the last seven-year period, the last two (2) years being employed in a regular teaching position rather than an interim teaching position;
- (4) Has received evaluations demonstrating an overall performance effectiveness level of “above expectations” or “significantly above expectations” as provided in the evaluation guidelines adopted by the state board of education pursuant to TCA 49-1-302, during the last two (2) years of the probationary period; and
- (5) Is reemployed by the Superintendent for service after the probationary period.

## Return to Probationary Status

### A. Tenure Conferred on or after July 1, 2011

In accordance with State law, any teacher tenured on or after July 1, 2011, who, after acquiring tenure, receives two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of “below expectations” or “significantly below expectations” shall be returned to probationary status. Therefore, teachers must sustain an overall performance effectiveness level of “meeting expectations,” “above expectations,” or “significantly above expectations” on evaluations to maintain tenure status. Providing that required performance effectiveness levels are met, the teacher shall remain under the tenure status until he/she resigns, retires, or is dismissed from the District.

Additionally, any teacher tenured on or after July 1, 2011, who participates in a strike shall lose tenure and shall be returned to probationary status.<sup>3</sup>

### B. Tenure Conferred Prior to July 1, 2011

No teacher employed and who received tenure status with MCS or SCS prior to July 1, 2011, shall be returned to probationary status, except for a teacher who participates in a strike. Such teacher shall lose tenure and shall be returned to probationary status.<sup>3</sup>

Additionally, a teacher shall lose tenure status upon resignation, retirement, or dismissal from the District.

## Waivers Regarding Probationary Status for Transfers and Re-hires

Teachers who transfer into SCS from other Districts or who are re-employed with the

District may be required to complete a probationary period to regain tenure. The Board, upon request of the Superintendent, may waive any portion of the probationary period. Such teachers shall be required to maintain tenure status under the tenure system established after July 1, 2011.

In accordance with the Professional Educators Collaborative Conferencing Act<sup>3</sup>, waivers from the required probationary period shall not apply to teachers who participate in a strike.

### Regaining Tenure -Teachers Tenured on or after July 1, 2011 and/or Tenured Teachers Participating in a Strike

To regain tenure, teachers tenured on or after July 1, 2011 or tenured teachers (regardless of tenure date) participating in a strike, who return to probationary status must receive two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of “above expectations” or “significantly above expectations” as provided by the guidelines adopted by the state board of education pursuant to TCA 49-1-302. When a teacher who has returned to probationary status has received two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of “above expectations” or “significantly above expectations”, the teacher is again eligible for tenure and shall be either recommended by the Superintendent for tenure or non-renewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the Board of Education.

## **V. RESPONSIBILITY**

A. The Superintendent (or designee) is responsible for implementing this policy.

### Legal References:

1. TCA 49-5-501 and Ryan v. Anderson, 481 S.W.2d 371, 1972 Tenn. LEXIS 342 (Tenn. 1972)
2. TCA 49-5-503
3. Professional Educators Collaborative Conferencing Act-TCA 49-5-601 et seq; TCA 49-5-607