

SUSPENSION/DISMISSAL OF TEACHERS

I. PURPOSE

To provide guidelines for the suspension and/or dismissal of tenured and non-tenured teachers.

II. SCOPE

This policy shall apply to all tenured and non-tenured teachers.

III. POLICY STATEMENT

A. Suspension of Teachers

The Superintendent may suspend a teacher with or without pay 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 have been made pursuant to TCA 49-5-511(a)(4), a suspension pending investigation shall not exceed ninety (90) days in duration. If vindicated or reinstated, a teacher suspended without pay shall be paid the full salary for the period during which the teacher was suspended.

B. Charges Against and Dismissal of Teachers

The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination, as defined in T.C.A. § 49-5-501.

When charges are made to the Board against a teacher, charging the teacher with offenses that would justify dismissal of the teacher, the charges shall be made in writing, specifically stating the offense/s that are charged.

If, in the opinion of the Board, charges are of such a nature as to warrant the dismissal of the teacher, the Superintendent shall give the teacher a written notice of this decision, together with a copy of the charges and 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.

Hearings for tenured teachers

A tenured teacher, who receives notification of charges pursuant to T.C.A. § 49-5-511, may, within thirty (30) days after receipt of the notice, demand a hearing on the charges before an impartial hearing officer selected by the board, as follows:

1. The teacher shall give written notice to the Superintendent of the teacher's request for a hearing;
2. The Superintendent shall, within five (5) days after receipt of the request, notify the hearing officer who shall be responsible for notifying the parties of his/her assignment to conduct a hearing on the charges. The hearing officer shall 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, which in no event shall be set later than thirty (30) days following receipt of notice demanding 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;
3. All parties shall have the right to be represented by counsel, the opportunity to call and subpoena witnesses, the opportunity to examine all witnesses, the right to require that all testimony be given under oath and the right to have evidence deemed relevant by the submitting party included in the record of the hearing, even if objected to by the opposing party;
4. All witnesses shall be entitled to the witness fees and mileage proved by law, which fees and mileage shall be paid by the party issuing a subpoena or calling the witnesses to testify;
5. The hearing officer shall administer oaths to witnesses, who testify under oath;
6. A record of the hearing, either by transcript, recording, or as is otherwise agreed by the parties shall be prepared if the decision of the hearing officer is appealed, and all decisions of the hearing officer shall be

reduced to writing and included in the record, together with all evidence otherwise submitted;

7. On request of either party to the hearing, witnesses may be barred from the hearing except as they are called to testify. The hearing may be private at the request of the teacher or in the discretion of the hearing officer; and
8. At appropriate states of the hearing, the hearing officer may give the parties the full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders. The hearing officer shall within ten (10) days of closing the hearing, decide what disposition to make of the case and shall immediately thereafter give the board and the teacher written findings of fact, conclusions of law and a concise and explicit statement of the outcome of the decision.

Appeals

If the teacher desires to appeal from a decision rendered in whole or in part in favor of the school system, the teacher shall first exhaust the administrative remedy of appealing the decision to the board of education within ten (10) working days of the hearing officer's delivery of the written findings of fact, conclusions and decision to the employee.

1. Upon written notice of appeal, the Superintendent shall prepare a copy of the proceedings, transcript, documentary and other evidence presented, and transmit the copy to the board within twenty (20) working days of receipt of notice of appeal.
2. The board shall hear the appeal on the record and no new evidence shall be introduced. The employee may appear in person or by counsel and argue why the decision should be modified or reversed. The board may sustain the decision, send the record back if additional evidence is necessary, revise the penalty or reverse the decision. Before any findings and decision are sustained or punishment inflicted, a majority of the membership of the board shall concur in sustaining the charges and decision. The board shall render its decision on the appeal within ten (10) working days after the conclusion of the hearing.
3. The Superintendent shall also have the right to appeal any adverse ruling by the hearing officer to the board under the same conditions required for a teacher's appeal.

Reduction in Force

The dismissal of teachers resulting from loss of positions due to a decrease in enrollment or for other good reasons shall be in accordance with applicable state law and Board policy 4043- Reduction in Workforce/Layoff (<http://www.scsk12.org/uf/policy/pm/4000/4043.html>).

IV. RESPONSIBILITY

Legal References:

1. T.C.A. § 49-5-511
2. T.C.A. § 49-5-512

Cross References:

1. 4043 Reduction in Workforce/Layoff