

Kingsport City Schools

Monitoring: Review: Annually, in March	Descriptor Term: Separation Practices for Tenured Teachers	Descriptor Code: 5.200	Issued Date: 06/06/13
		Rescinds:	Issued:

1 **SUSPENSION**

2 The superintendent of schools, or designee, may suspend a tenured teacher at any time when deemed
3 necessary.¹ Before a tenured teacher is suspended s/he shall be: (1) provided with reasons for the sus-
4 pension; (2) given an opportunity to respond³; and (3) given a written decision of the suspension. The
5 causes for which a professional employee may be dismissed are as follows: incompetence, inefficiency,
6 neglect of duty, unprofessional conduct and insubordination.¹

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8 If reinstated, the employee shall be paid full salary for the period of suspension,² unless suspension
9 without pay is deemed to be an appropriate penalty.

10
11 **DISMISSAL**

12 The Board shall maintain a list of qualified individuals who have indicated a willingness to act as
13 impartial hearing officers, as defined under Tennessee law.

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15 When charges are made against a tenured teacher, charging the teacher with offenses which may justify
16 dismissal, the charges shall be made in writing, specifically stating the offenses which are charged and
17 shall be signed by the party or parties making the charges.

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19 If, in the opinion of the Board, the charges are of such nature as to warrant the release of the teacher, the
20 superintendent of schools shall give the teacher a written notice of this decision, a copy of the charges
21 against the teacher, and a copy of a form provided by the Commissioner of Education advising the teach-
22 er of his/her legal duties, rights and recourse.

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

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27 The superintendent of schools shall, within five (5) days after receipt of request, assign a hearing officer
28 from the list maintained by the Board.

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

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

1 (20) days of the receipt of the notice of appeal.
2 The Board shall hear the appeal on the record, and no new evidence may be submitted by either party.
3
4 The appealing party may appear before the Board to argue why the adverse ruling should be overturned. In
5 no event should such argument last more than fifteen (15) minutes, unless the Board should vote to extend
6 additional time. At the conclusion of the hearing, any member of the Board may vote to sustain the decision
7 of the Hearing officer, send the record back for additional evidence, revise the penalty or reverse the deci-
8 sion. The Board shall render its decision within ten (10) working days after the conclusion of the hearing. In
9 the event that the decision of the Board is appealed to the Chancery court, the Board shall transmit the entire
10 record prepared by the superintendent and reviewed by the Board to the Chancery court for its review.
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37 Legal Reference: _____
38 TCA 49-2-301 (b)(1)(EE)
39 TCA 49-5-511
40 TCA 49-5-511 through 513
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_____ Cross Reference:
Resignation 5.204