Hickman County Board of Education

	Descriptor Term: **Teacher Tenure**	Descriptor Code: **5.117**	Issued Date: **08/03/20**
		Rescinds: **5.117**	Issued: **05/07/18**

General

To attain tenure status,[1] a teacher must: (1) meet tenure eligibility requirements; (2) be renewed and recommended by the director of schools; and (3) receive a majority vote of the board.

TENURE ELIGIBILITY[2]

Teachers that meet the following requirements are eligible for tenure:

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 is 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; and

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, during the last two (2) years of the probationary period.

If a teacher has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period due to allowable circumstances outlined in state law, he/she may utilize the most recent two (2) years of available evaluation scores achieved during the probationary period to become eligible for tenure.[3]

ACQUISITION OF TENURE STATUS

Once a teacher is eligible for tenure, he/she shall be either recommended by the director of schools for tenure or nonrenewed. If tenure is denied by the board, the teacher shall be dismissed.[4]

The following additional guidelines shall apply:

1. The director of schools will recommend persons eligible for tenure at a board meeting in ample time to provide notice of non-renewal to each teacher not recommended for tenure within five (5) business days following the last instructional day for the school year.[5]

2. The decision to grant tenure is solely within the discretion of the board.[6] Only those teachers who receive a majority vote of the membership of the board will be granted tenure.[7]

3. A teacher who is eligible for tenure, but tenure is denied by the board, shall not be rehired beyond the current contract year.[4]

TEACHER RETURNING TO EMPLOYMENT

A teacher who has acquired tenure status in the school system and later resigns shall serve a two-year probationary period upon reemployment, unless the probationary period is waived by the board upon request of the director of schools. Upon completion of the two-year period, the teacher shall either be recommended by the director of schools for tenure or non-renewed. If tenure is denied by the board, the teacher shall be dismissed.[8]

TEACHER TRANSFERRING FROM ANOTHER SCHOOL SYSTEM[9]

A tenured or nontenured teacher with five (5) or more years of prior service that transfers from another school system to begin employment in the Hickman County School System shall serve the regular probationary period. The board, upon the recommendation of the director of schools, may waive the probationary period and grant tenure status or shorten the probationary period.

If a nontenured teacher with fewer than five (5) years of service transfers from another school system, such teacher shall not be eligible for tenure status until the teacher has served at least five (5) years when service in both school systems is counted.

All tenure decisions made under this section are subject to the requirements concerning overall teacher performance effectiveness levels.

TEACHER RETURNING TO PROBATIONARY STATUS[10]

Any tenured teacher who 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 by the director of schools until the teacher has received two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above expectations."

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 director of schools for tenure or nonrenewed; provided, however, that the teacher shall be dismissed if tenure is denied by the board. [4]

This section does not apply to teachers who acquired tenure prior to July 1, 2011.

Legal References

1. TCA 49-5-501(11)(A)
2. TCA 49-5-503
3. Public Acts of 2021, Special Legislative Session Chapter No. 2
4. TCA 49-5-504(b)
5. TCA 49-5-409(b); Public Acts of 2021, Chapter No. 378
6. TCA 49-2-203(a)(1)
7. TCA 49-2-202(g)
8. TCA 49-5-504(d)
9. TCA 49-5-509
10. TCA 49-5-504(e), (f)

Cross References

Separation Practices for Tenured Teachers 5.200

Separation Practices for Non-Tenured Teachers 5.201