

# Dyer County Board of Education

Descriptor Term:

## Dismissal of Non-tenured Teachers

Descriptor Code:

**GBNB**

Rescinds:

**GBNB**

Board Approved:

**10/2/19**

Board Approved:

**8/20/96**

1 The director of schools may dismiss any non-tenured teacher –during the contract year or incompetence,  
2 inefficiency, insubordination, improper conduct, or neglect of duty after giving the non-tenured teacher, in writing,  
3 due notice of the charges. The director of schools shall give the non-tenured teacher an opportunity for a full and  
4 complete hearing before an impartial hearing officer.

5  
6 The board will appoint an impartial hearing officer to conduct such hearings. The hearing officer will hear the  
7 case and the employee shall have the right to:

- 9 1. be represented by counsel;
- 10
- 11 2. call and subpoena witnesses;
- 12
- 13 3. examine all witnesses; and
- 14
- 15 4. require that all testimony be given under oath.
- 16

17 Factual findings and decisions in all dismissal cases shall be reduced to written form and delivered to the affected  
18 employee within ten (10) working days following the close of the hearing. The employee may appeal the decision  
19 to the board within ten (10) working days of the hearing officer rendering the written decision to the employee.

20 Written notice of appeal to the board shall be given to the director of schools. Within twenty (20) days of receipt  
21 of notice, the director of schools shall prepare a copy of the proceedings, transcripts, documentary, and other  
22 evidence presented and provide the board a copy of the same. The board shall hear the appeal. No new evidence  
23 shall be introduced. The non-tenured teacher may appear in person or be represented by counsel and argue why  
24 the decision should be modified or reversed. The board shall take one of the following actions:

- 25 1. sustain the decision;
- 26
- 27 2. send the record back if additional evidence is necessary, or
- 28
- 29 3. revise the penalty or reverse the decision.

30 Before any decision to dismiss is made, a majority of the membership shall concur in sustaining the charges. The  
31 board shall render a decision to the appeal within ten (10) working days after the conclusion of the hearing.

32  
33 The director of schools shall also have the right to appeal any adverse ruling by the hearing officer in the same  
34 manner as the non-tenured teacher.

35  
36 Within twenty (20) days after receipt of notice of the decision of the board, either party may appeal to the  
37 chancery court in the county where the school system is located. The board shall provide the entire record of the  
38 hearing to the court.

39  
40  
41  
42 \_\_\_\_\_  
Legal References:

- 43 1. TCA 49-2-301(b)(1)(GG).
- 44
- 45