

Lakeland Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Nepotism	Descriptor Code: 1.108	Issued Date:
		Rescinds:	Issued:

1 Whenever a person is considered by the director of schools for initial employment in the system and
 2 that person is related to a member of the Board, the director of schools, an administrator in the system,
 3 a county commissioner, or any appointed or elected county official, the relationship shall be publicly
 4 made known to the Board prior to the employment of such person.¹

5 If a member of the Board has a relative who is an employee in the system, prior to voting on any
 6 matter of business that may have an effect upon the employment of the relative, the member shall
 7 declare such relationship. In making such a declaration, the member shall certify that his/her vote on
 8 the pending matter will be in the best interest of the school system.¹

9 No person shall supervise or be supervised by an employee if he/she is related to the employee.

10 For purposes of this policy, the terms “related to” and "relative" include the following relationships:
 11 spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother,
 12 sister, uncle, aunt, nephew, niece, or any person who resides in the same household.

Legal References

1. TCA 49-2-202

Cross References

Assignment/Transfer of Personnel 5.115

Lakeland Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Separation Practices for Non-Tenured Teachers	Descriptor Code: 5.201	Issued Date:
		Rescinds:	Issued:

1 **SUSPENSION PENDING AN INVESTIGATION ¹**

2 The director of schools may suspend a teacher at any time that may seem necessary, pending investigation or
3 final disposition of a case before the board or an appeal. Under no circumstances shall the director of schools
4 suspend a non-tenured teacher with pay. If reinstated, the non-tenured teacher shall be paid full salary for the
5 period of suspension, unless suspension without pay is deemed to be an appropriate penalty.

6 **SUSPENSION OF THREE DAYS OR LESS ²**

7 A director of schools/designee may suspend a teacher for incompetence, inefficiency, neglect of duty,
8 unprofessional conduct and insubordination. Before an employee is suspended he/she shall be: (1) provided
9 with written notice, including the reasons for the suspension along with an explanation of the evidence; (2)
10 given an opportunity to respond to the director at a recorded conference, if requested within five (5) days; and
11 (3) given a written decision of the suspension within ten (10) days. Both parties may be represented by counsel
12 at the conference, which shall be recorded.

13 **DISMISSAL OR SUSPENSION GREATER THAN THREE DAYS**

14 The director of schools may dismiss or suspend for more than three days any non-tenured teacher **during the**
15 **contract year** for incompetence, inefficiency, insubordination, improper conduct or neglect of duty after giving
16 the non-tenured teacher, in writing, due notice of the charges.

17 The director of schools shall give the non-tenured teacher an opportunity for a full and complete hearing before
18 an impartial hearing officer. ²

19 The Board will appoint an impartial hearing officer to conduct such hearings. The hearing officer will hear the
20 case and the employee shall have the right to:

- 21 1. be represented by counsel;
22 2. call and subpoena witnesses;
23 3. examine all witnesses; and
24 4. require that all testimony be given under oath.

25 Factual findings and decisions in all dismissal cases shall be reduced to written form and delivered to the
26 affected employee within ten (10) working days following the close of the hearing. The employee may appeal
27 the decision to the Board within ten (10) working days of the hearing officer rendering the written decision to
28 the employee. Written notice of appeal to the Board shall be given to the director of schools. Within twenty (20)
29 days' of receipt of notice, the director shall prepare a copy of the proceedings, transcript, documentary and other
30 evidence presented and provide the Board a copy of the same.

31 The Board shall hear the appeal. No new evidence shall be introduced. The non-tenured teacher may appear in
32 person or be represented by counsel and argue why the decision should be modified or reversed. The Board shall
33 take one of the following actions:

- 34 1. sustain the decision;
35 2. send the record back if additional evidence is necessary; or
36 3. revise the penalty or reverse the decision.

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

4 The director of schools shall also have the right to appeal any adverse ruling by the Hearing Officer in same
5 manner as the non-tenured teacher.

6 Within twenty (20) days after receipt of notice of the decision of the Board, either party may appeal to the
7 chancery court in the county where the school system is located. The Board shall provide the entire record of the
8 hearing to the court.

9 **NONRENEWAL**

10 Non-tenured teachers are subject to the same rules and regulations and are entitled to the privileges of
11 employment enjoyed by tenured teachers except that they have no claim upon continuing employment or tenure
12 protections.

13 The principal is responsible for discussing deficiencies as part of the evaluation process with the non- tenured
14 teacher and providing assistance for overcoming these deficiencies.

15 The director of schools is under no obligation to re-employ non-tenured teachers at the end of their con- tract
16 period. If the director of schools determines not to renew the contract of a non-tenured teacher,¹ the following
17 action shall be taken:

- 18 1. The Board shall be notified at the next regular board meeting; and
- 19 2. Written notice of non-renewal shall be hand delivered or sent to the employee by registered mail so that
20 it will be received by the employee prior to June 15.³

21 **RESIGNATION**

22 A teacher shall give the director of schools notice of resignation at least thirty (30) days before the effective date
23 of the resignation.⁴ The Board may waive the thirty (30) days-notice requirement and permit a teacher to resign
24 in good standing.

25 The conditions under which it is permissible to break a contract with the Board are as follows:

- 26 1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified statement
27 of a physician approved by the Board;
- 28 2. The release by the Board of the teacher from the contract which the teacher has entered into with the
29 Board.

30 Any teacher on leave shall notify the director of schools in writing at least thirty (30) days' prior to the date of
31 return if the teacher does not intend to return to the position from which he/she has taken leave. Failure to
32 render such notice may be considered a breach of contract.⁵

33 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with the
34 Commissioner and request the suspension of a teacher's certificate. After the Commissioner has provided the
35 teacher an opportunity for defense during a hearing, the Commissioner may suspend the certificate for no less
36 than thirty (30) and no more than three hundred sixty-five (365) days.⁶

37 **RETIREMENT**

38 Retirement shall mean a termination of services under conditions which will allow the employee to draw
39 benefits from retirement plans and/or social security benefits.

40 Employees eligible for retirement benefits may elect to retire at any age according to the provisions of the
41 retirement system. Central office personnel shall assist employees in securing retirement benefits; however, it

1 shall be the responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to
2 the central office. It shall be the responsibility of the retiring employee to file for benefits.

3 Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year without loss
4 of retirement benefits. Retired teachers may substitute teach for an additional ninety (90) days if the director of
5 schools certifies in writing to the Board that no other qualified personnel are available to substitute teach.⁷

6 The director of schools may employ teachers retired for at least one year for full-time employment as a
7 kindergarten through twelfth grade teacher on a year-to-year basis. Retirement benefits will not be lost or
8 suspended under certain conditions, which include but are not limited to the following:⁸

- 9 1. The director of schools of the employing system must certify in writing that no other qualified
10 individuals are available to fill the position;
- 11 2. The Commissioner of Education must certify that the employing school system serves an area that lacks
12 qualified teachers to serve in the position to be filled;
- 13 3. The retired teacher must hold a valid license and shall not be entitled to tenure status;
- 14 4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave or receive
15 medical insurance coverage; and
- 16 5. The salary paid to the retired member shall not be less than the rate of compensation set by the Board
17 for teachers with no experience filling similar positions, nor more than eighty-five percent (85%) of the
18 rate of compensation set by Board for teachers with comparable training and years of experience filling
19 similar positions.

20 *(Note: Nonrenewal of non-tenured teachers after the contract year is not suspension or dismissal and does NOT*
21 *follow the suspension/dismissal procedures outlined in this policy. Rather, nonrenewal of non-tenured teachers*
22 *after the contract year follows the nonrenewal procedures outlined in this policy.)*
23

Legal References

1. TCA 49-5-511(a)(3)
2. TCA 49-2-301 (b)(1)(GG), TCA 49-5-512(d)
3. TCA 49-5-409
4. TCA 49-5-508
5. TCA 49-5-706
6. TCA 49-5-411
7. TCA 8-36-805
8. TCA 8-36-821

Lakeland Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: <b style="text-align: center;">Medicines	Descriptor Code: 6.405	Issued Date:
		Rescinds:	Issued:

1 If under exceptional circumstances a child is required to take non-prescription or prescription
 2 medication during school hours and the parent cannot be at school to administer the medication, only
 3 the principal or the principal's designee will assist in self-administration of the medication if the
 4 student is competent to self-administer medicine with assistance in compliance with the following
 5 regulations: ¹

6 Written instructions signed by the parent will be required and will include:

- 7 1. Child's name;
- 8 2. Name of medication;
- 9 3. Name of physician;
- 10 4. Time to be self-administered;
- 11 5. Dosage and directions for self-administration (non-prescription medicines must have label
- 12 direction);
- 13 6. Possible side effects, if known; and
- 14 7. Termination date for self-administration of the medication.

15 The medication must be delivered to the principal's office in person by the parent or guardian of the
 16 student unless the medication must be retained by the student for immediate self-administration. (i.e.
 17 students with asthma)

18 The administrator/designee will:

- 19 1. Inform appropriate school personnel of the medication to be self-administered;
- 20 2. Keep written instructions from parent in student's record;
- 21 3. Keep an accurate record of the self-administration of the medication;
- 22 4. Keep all medication in a locked cabinet except medication retained by a student per physi-
- 23 cian's order;
- 24 5. Return unused prescription to the parent or guardian only; and
- 25 6. Ensure that all guidelines developed by the Department of Health and the Department of
- 26 Education are followed.

27 The parent or guardian is responsible for informing the designated official of any change in the
 28 student's health or change in medication.

29 A copy of this policy shall be provided to a parent or guardian upon receipt of a request for long-term
 30 administration of medication.

31

1 BLOOD GLUCOSE SELF-CHECKS

2 Upon written request of a parent or guardian, and if included in the student's medical management plan
3 and in the IHP, a student with diabetes shall be permitted to perform a blood glucose check or
4 administer insulin using any necessary diabetes monitoring and treatment supplies, including sharps.
5 The student shall be permitted to perform the testing in any area of the school or school grounds at any
6 time necessary.

7 Sharps shall be stored in a secure, but accessible location, including the student's person, until use of
8 such sharps is appropriate.

9 Use and disposal of sharps shall be in compliance with the guidelines set forth by the Tennessee Oc-
10 cupational Safety and Health Administration (TOSHA).²

Legal References

1. TCA 49-5-415
2. TCA 49-5-415(d)(7), Public Acts 2006,
Chapter No. 54

Cross References

Student Health Services 6.401