

New Tenure Law

Frequently Asked Questions

Chapter 70 of the public acts of 2011 made significant revisions to the laws regarding tenure for public school teachers in Tennessee. The following are frequently asked questions and answers regarding the new tenure law:

1. How does the new law impact teachers who already have tenure?

While teachers who currently have tenure may not lose their tenure status based on the language in Public Chapter 70 that states, “no teacher who acquired tenure status prior to July 1, 2011, shall be returned to probationary status,” the amended definition of inefficiency would apply to tenured teachers who are dismissed after July 1, 2011, the effective date of the new law. The prior law contained causes for which a tenured teacher could be dismissed along with the required due process procedures to be followed. Public Chapter 70 redefines the cause of inefficiency by adding that the definition of inefficiency includes, but is not limited to, “having evaluations demonstrating an overall performance effectiveness level that is “below expectations” or “significantly below expectations” as provided in the evaluation guidelines adopted by the state board of education pursuant to § 49-1-302.”

2. What about teachers who have not been granted tenure? How do they become eligible for tenure?

Effective July 1, 2011, teachers shall meet the following requirements prior to becoming eligible for tenure status:

- (1) Served five (5) school years or not less than forty-five (45) months within a seven-year period as a probationary teacher; **and**
- (2) Received evaluations demonstrating an overall performance effectiveness level of “above expectations” or “significantly above expectations” provided by the evaluation guidelines adopted by the state board of education pursuant to § 49-1-302, during the last two (2) years of the teacher’s probationary period.

3. Can a teacher be rehired after 5 years if they do not receive tenure?

Yes. The law states that once a teacher is **eligible** for tenure, “the teacher shall be either recommended by the director of schools for tenure or nonrenewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the board of education.” However, under the provisions of the new law, a teacher is not eligible for tenure unless the teacher has served a five year probationary period **and** has received evaluations demonstrating an overall performance effectiveness level of “above expectations” or “significantly above expectations” provided by the evaluation guidelines adopted by the state board of education pursuant to § 49-1-302, during the last two (2) years of their probationary period. Therefore, a teacher may continue teaching on a year-to-year contract as a probationary teacher until the teacher is eligible for tenure. This could be indefinitely if the teacher never meets all of the new eligibility requirements. The new law is no different from the prior law in that once a teacher meets the eligibility criteria for tenure, a decision to grant tenure or nonrenew the teacher’s contract must be made.

4. When are teachers who have currently served only 1 or 2 years of their probationary period eligible for tenure?

Teachers who have not attained tenure status prior to July 1, 2011, must meet the new eligibility requirements for tenure as listed above in question 1, which include the 5 year probationary period.

5. *If a teacher receives tenure at the end of this school year, could the teacher be returned to probationary status by the director of schools?*

No. As stated above in question 1, pursuant to Public Chapter 70, no teacher who acquired tenure status prior to July 1, 2011, shall be returned to probationary status.

6. *Can teachers who receive tenure after July 1, 2011, lose tenure status?*

Yes. Any teacher who, after acquiring tenure status, receives two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of “below expectations” or “significantly below expectations”, as provided by the evaluation guidelines adopted by the state board of education pursuant to § 49-1-302, **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”.

7. *Can a teacher who loses tenure status due to poor evaluations ever regain tenure?*

Yes. When a teacher who has returned to probationary status receives 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 cannot be continued in employment if tenure is not granted by the board of education.

8. *What happens to a teacher’s tenure status if the teacher resigns in good standing and returns to the local education agency (LEA) at a later date?*

Effective, July 1, 2011, a teacher who has attained tenure status in an LEA, whether that was before July 1, 2011 or after, and later resigns from the LEA shall serve a two-year probationary period upon reemployment by the LEA, unless the probationary period is waived by the board of education upon request of the director of schools. Upon completion of the two-year probationary period, the teacher shall be eligible for tenure and shall be either recommended by the director of schools for tenure or nonrenewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the board of education.

Public Chapter 70 presents a new way of viewing tenure. Effective July 1, 2011, the granting of tenure to a teacher becomes a way of identifying the most effective teachers to enable Tennessee to learn from their practices and replicate them across the state. Although the new law sets a higher bar for tenure eligibility, it allows more flexibility for school officials to assist teachers in improvement.

For questions regarding the law, please contact Tennessee Department of Education General Counsel, Christy Ballard at 615.741.2921 or christy.ballard@tn.gov.