

**PET Legal Memorandums: What considerations are there when you are being hired into an interim position the fourth (4<sup>th</sup>) year on tenure?**

**Attorney General Opinion 09-144**

***Teacher tenure requirements under T.C.A § 49-5-504 (Supp. 2008)***

If a teacher, who has been hired three consecutive years, is hired a fourth time for an interim position (six weeks), is the teacher awarded tenure with the system?

**No.** *In order to be awarded tenure, the procedures set forth in Tenn. Code Ann. § 49-5-504 (Supp. 2008) must be followed. Following the three-year probationary period set forth in Tenn. Code Ann. § 49-5-504(a), “any teacher eligible for tenure status shall either be recommended by the director of schools for tenure or non-renewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the board of education.” Tenn. Code Ann. § 49-5-504(b). Under the statute, the teacher cannot be continued in employment in the school district if tenure is not granted by the board of education; therefore, the teacher in the above scenario could not be hired to an interim position within the school district where he or she was denied tenure. In the above scenario, the teacher may be hired to a full-time or interim position in another school district.*

**2.** In the event the teacher is not tenured in the above scenario, may the three years be applied later if the teacher is ultimately hired?

**Yes.** *The teacher in the above scenario may apply for a tenured position at a later date, provided that the teacher applies for the tenured position within the five-year period set forth in Tenn. Code Ann. § 49-5-504(a). Upon the timely application by the teacher, the director of schools shall either recommend the applicant for tenure or reject the application. In the event the director of schools recommended the applicant for tenure, the school board would then vote to either grant or deny tenure.*

<http://www.tn.gov/attorneygeneral/op/2009/OP/OP144.pdf>