

SENATE BILL 2864

By Berke

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 5, Part 6, relative to the scope of
conferencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-608, is amended by deleting from subdivision (a)(7) the words and punctuation “; except as provided in subsection (b)”.

SECTION 2. Tennessee Code Annotated, Section 49-5-608, is amended by deleting subsection (b) in its entirety and substituting instead the following language:

(b) Nothing in this part shall be construed to prohibit a local board of education and professional employees, or their designated representatives, from agreeing to discuss other terms and conditions of employment deemed by the parties as important to the collaborative environment and the promotion of a professional climate based upon mutual interest and mutual gain. The failure to agree to discussion of such additional terms and conditions of employment during collaborative conferencing shall not be an act of bad faith. Agreements reached on such subjects shall be incorporated into any memorandum of understanding prepared by the parties.

SECTION 3. Tennessee Code Annotated, Section 49-5-608, is amended by deleting subsection (c) in its entirety and substituting instead the following language:

(c) No collaborative conferencing shall be conducted on the following subjects unless the board of education and professional employees, or their designated representatives, agree in advance to expanded discussion of such terms and conditions of employment during the collaborative conferencing process. Generally, no collaborative conferencing shall be conducted, without agreement, on the following subjects:

(1) Differentiated pay plans and other incentive compensation programs including stipends and associated benefits that are based on professional employee performance that exceeds expectations, or that aid in hiring and retaining highly qualified teachers for hard-to-staff schools and subject areas;

(2) Expenditure of grants or awards from federal, state or local governments and foundations or other private organizations that are expressly designated for specific purposes and carry a penalty of forfeiture for any variance from the stated purpose;

(3) Evaluation of professional employees pursuant to federal or state law or state board of education policy;

(4) Staffing decisions and state board of education or local board of education policies relating to innovative educational programs under § 49-1-207; innovative high school programs under chapter 15 of this title; virtual education programs under chapter 16 of this title; and other programs for innovative schools or school districts that may be enacted by the general assembly; and

(5) All personnel decisions concerning assignment of professional employees, including, and limited to, assignments to specific schools, creation of positions, professional duties within any determined work week, transfers within the school system and out of an area of certification or experience, layoffs, reduction in force, and recall. No agreement shall be reached that discriminates against the attainment of tenure, the recognition of professional achievement, or the status gained from dedicated and productive service over a period of years.

SECTION 4. Tennessee Code Annotated, Section 49-5-608, is amended by adding the following language as a new, appropriately designated subsection:

(_) The director of schools, individual professional employees, groups of professional employees, professional employee organizations and representatives of such individuals, groups or organizations shall be permitted to communicate with professional employees employed by the local board of education concerning any subject relevant to the operation of the school system, including the terms and conditions of professional service that are subject to collaborative conferencing pursuant to this part.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.