

SENATE BILL 2616

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to pay of local education agency
employees.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 3, is amended by adding the following language as a new part 5:

49-3-501. As used in this part, unless the context otherwise requires:

(1) "Adjustment" means an addition to the base salary schedule that is not a bonus or supplement and becomes part of the instructional employee's permanent base salary as calculated following the annual evaluation conducted under the requirements of § 49-1-302(d);

(2) "Base salary" means the annual compensation of an instructional employee, which includes any adjustments earned by the employee, but does not include any supplements earned in the current or prior years;

(3) "Eligible adjustment" means the total amount of additional salary that an instructional employee may receive in any school year;

(4) "Grandfathered salary schedule" means the salary schedule or schedules adopted by a local board of education before May 1, 2013, pursuant to Section 3;

(5) "Instructional employee" or "instructional personnel" means those employees of local boards of education whose duties require that they be evaluated under § 49-1-302(d);

(6) "Performance salary schedule" means the salary schedule or schedules adopted by a local board of education pursuant to Section 4;

(7) "Salary schedule" means the schedule or schedules used to provide the base salary for local board of education instructional personnel; and

(8) "Supplement" means an annual addition to a base salary.

49-3-502.

(a) The local board of education shall adopt a salary schedule or salary schedules to be used as the basis for paying all instructional personnel hired before May 1, 2013. Instructional personnel hired before May 1, 2013, may opt into the performance salary schedule established by the local board. Any instructional employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

(b) A grandfathered salary schedule shall be based on the salary schedule in effect for the 2012-2013 school year, and may include no more than a five percent (5%) increase to adjust for cost of living.

49-3-503.

(a) By May 1, 2013, the local board of education shall adopt a performance salary schedule that provides annual salary adjustments and supplements that school instructional personnel are eligible to receive. Beginning May 1, 2013, instructional personnel new to the LEA, returning to the LEA after a break in service without an authorized leave of absence, or appointed for the first time to a position in the LEA in the capacity of instructional personnel shall be placed on the performance salary schedule.

(b)

(1) The base salary shall be established as follows:

(A) The base salary for instructional personnel who opt into the performance salary schedule shall be the salary paid in the prior year,

and may include a cost of living adjustment of no more than five percent (5%); and

(B) The base salary under the performance salary schedule for instructional personnel shall be recalculated each year to include the prior year's salary plus any salary adjustments earned by the employee.

(2) Each local board of education shall establish a maximum base salary for instructional personnel that cannot be exceeded. Once an instructional employee reaches this maximum base salary, the employee is no longer eligible for additional salary adjustments, but may receive supplements as determined by the local board. A local board may recalculate a maximum base salary each school year, as needed.

(c)

(1) Salary adjustments shall be established as follows:

(A) The annual eligible salary adjustment for instructional personnel under the performance salary schedule shall be greater than the highest annual salary increase available to an instructional employee of the same classification through the grandfathered salary schedule adopted by the local board; and

(B) The total eligible salary adjustment for instructional personnel shall be no less than ten percent (10%) of the lowest base salary of the grandfathered pay scale. Salary adjustments may be determined by the local board within the following provisions:

(i) No more than fifty percent (50%) of the salary adjustment shall be based on classroom observations, as described in § 49-1-302(d); and

(ii) At least fifty percent (50%) of the salary adjustment shall be based on the student growth score for instructional personnel in tested subjects. For instructional personnel in non-tested subjects, the local board shall adopt subject specific growth measures pursuant to § 49-1-302(d). If the district fails to adopt such measures, school-wide growth measures shall be used to determine this portion of a non-tested instructional personnel salary adjustment.

(2) In no instance shall the total eligible salary adjustment for instructional personnel in tested subjects exceed the total eligible salary adjustment for instructional personnel in non-tested subjects.

(3) No instructional employee receiving a final score of "below expectations" or "significantly below expectations" shall receive an annual salary adjustment.

(d)

(1) In addition to the salary adjustments, each local board shall provide salary supplements for activities including, but not limited to:

(A) Assignment to a Title I eligible school;

(B) Assignment to a school in restructuring or reconstitution status as determined and reported by the department; provided, however, that the supplement shall remain in force for at least one (1) year following improved performance in the school;

(C) Teaching in a critical teacher shortage area. The state board of education shall identify statewide critical teacher shortage areas. A local board may identify other areas of critical shortage within the LEA for

purposes of this subdivision (d)(1)(C) and may remove areas identified by the state board that do not apply within the LEA, with the approval of the state board; and

(D) Assignment of additional academic responsibilities.

(2) A supplement does not become part of the instructional employee's continuing base salary, but shall be included as earnable compensation for retirement purposes.

(e)

(1) All instructional personnel who receive an overall score of "below expectations" or "significantly below expectations" on their annual evaluations shall be provided a professional development reimbursement for the year following the evaluation.

(2) An instructional employee receiving the reimbursement shall pursue professional development that specifically aligns with the recommendations provided in the employee's annual evaluation.

(3) Instructional employees shall receive reimbursement from the LEA for the cost of the professional development, not to exceed one thousand dollars (\$1,000), with submitted evidence of course completion.

49-3-504. If budget constraints in any given year limit a local board's ability to fund fully all adopted salary schedules, then the performance salary schedule shall not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to any other salary schedules adopted by the local board.

49-3-505. A local board of education may provide a cost-of-living salary adjustment to a base salary, if the adjustment:

(1) Is equivalent to less than five percent (5%) of the annual salary for instructional personnel; and

(2) Does not exceed twenty-five percent (25%) of the overall annual eligible salary adjustment available to instructional personnel.

49-3-506. A local board of education may not use advanced degrees in setting salary, adjustments or supplements for instructional personnel hired on or after May 1, 2013, unless the advanced degree is in the individual's area of certification.

49-3-507. A local board of education may not use the length of service or tenure of any instructional employee hired on or after May 1, 2013, for the purposes of setting salary, adjustments or supplements.

SECTION 2. Tennessee Code Annotated, Section 49-3-302(15), is amended by deleting the language ", which is based on training and experience".

SECTION 3. Tennessee Code Annotated, Section 49-3-302, is amended by deleting subdivisions (16) and (17) in their entireties.

SECTION 4. Tennessee Code Annotated, Section 49-3-306(a), is amended by deleting the language "a table of training and experience factors and" and the language "for beginning licensed personnel with a bachelor's degree and zero (0) years of experience" in the first sentence of the subsection.

SECTION 5. Tennessee Code Annotated, Section 49-3-306(a), is further amended by deleting the second and third sentences of the subsection in their entireties.

SECTION 6. Tennessee Code Annotated, Section 49-3-306(c), is amended by deleting the language "with comparable tenure, responsibility, training and experience" in the first sentence of the subsection and by substituting instead "with comparable responsibility and evaluations".

SECTION 7. Tennessee Code Annotated, Section 49-3-306(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e) Each LEA shall establish a local salary schedule for all licensed personnel in the LEA in accordance with part 5 of this chapter.

SECTION 8. Tennessee Code Annotated, Section 49-3-306(f), is amended by deleting the subsection in its entirety.

SECTION 9. Tennessee Code Annotated, Section 49-5-402, is amended by deleting the section in its entirety.

SECTION 10. Tennessee Code Annotated, Section 49-5-5212(d), is amended by deleting the language ", but such person shall receive any local pay to which teachers with similar training and experience are otherwise entitled".

SECTION 11. Tennessee Code Annotated, Section 49-5-5308(d), is amended by deleting the language ", but the person shall receive any local pay to which principals with similar training and experience are otherwise entitled".

SECTION 12. Tennessee Code Annotated, Section 49-5-5508(d), is amended by deleting the language ", but the person shall receive any local pay to which supervisors with similar training and experience are otherwise entitled".

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.