

HOUSE BILL 449

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 2, Part 2 and Title 49, Chapter 5, Part 4, relative to employment of school personnel.

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

SECTION 1. Tennessee Code Annotated, Section 49-2-202(a), is amended by adding the following language as new subdivision (3) and by renumbering subsequent subdivisions accordingly:

(3)

(A) A person who does not serve on a local board of education on December 31, 2013, shall not be eligible to be elected to serve on a local board of education or to be appointed to fill a vacancy on a board after December 31, 2013, if the person has a relative employed by the LEA.

(B) If a member of a local board who is serving on December 31, 2013, has a relative employed by the LEA on December 31, 2013, then the relative may continue to be employed by the LEA, but the relative shall not be promoted unless a majority of the members of the local board, other than the member whose relative is employed, vote to promote the relative upon the recommendation of the director of schools.

(C) If an employee of the LEA becomes a relative by marriage of a member of the local board after December 31, 2013, then the relative may continue to be employed by the LEA, but the relative shall not be promoted unless a majority of the members of the local board, other than the member whose relative is employed, vote to promote the relative upon the recommendation of the director of schools.

(D) If a relative of a member of a local board of education seeks employment with an LEA and the director of schools finds that the relative is the best candidate for the position, then the relative shall be employed, only if a majority of the members of the local board, other than the member whose relative is seeking employment, review the relative's credentials for the position and certify to the director that the relative may be hired.

(E) As used in this subdivision (a)(3), "relative" means a spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece or any family member who resides in the same household.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 5, Part 4, is amended by adding the following language as a new, appropriately designated section:

49-5-4\_\_.

(a) As used in this section, unless the context otherwise requires, "relative" means a spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece or any family member who resides in the same household.

(b)

(1) The provisions of this subsection shall only apply to persons who are relatives, neither of whom is the director of schools.

(2) Except as provided in subdivision (b)(3), no LEA employees who are relatives shall be employed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative. To the extent possible, the provisions of this subsection shall not be construed to prohibit two (2) or more relatives from working for the LEA.

(3) If two (2) employees who are relatives are within the same direct line of supervision or become within the same direct line of supervision by marriage or promotion, then the director of schools shall strive to resolve the violation of subdivision (b)(2) by transfer within the LEA. The employees shall be given notice of the violation and the possible options for resolution. The employees may express their opinion as to their choices of positions. The director of schools has the final decision. If director finds that no resolution is possible, then the employment of both relatives may continue, but the work of the employee who is being supervised by the employee's relative shall be evaluated by a school employee other than the relative who is appointed by the director for that purpose.

(c)

(1) Except as provided in subdivision (c)(2), a director of schools who is hired on or after July 1, 2013, shall not employ the director's relative. This subdivision (c)(1) does not apply to directors of schools who were hired before July 1, 2013, and whose contract is renewed on or after July 1, 2013.

(2) A relative of the director who was hired as an employee of the LEA prior to the director being hired and who is qualified for the position the employee holds may continue to be employed by the LEA. An employee of the LEA who is qualified for the position the employee holds and who becomes the director's relative by marriage after the director is hired may continue to be employed by the LEA.

(3) If the director of schools is the immediate supervisor of the director's relative, then the work of the relative shall be evaluated by a person appointed by the local board of education for that purpose.

(4) A director's relative who is employed by the LEA shall not be promoted during the time the director is employed as the director unless a majority of the local board of education votes to promote the director's relative.

SECTION 3. This act shall take effect July 1, 2013, the public welfare requiring it.