

HOUSE BILL 619

By Casada

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 3, relative to the state salary schedule.

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

SECTION 1. Tennessee Code Annotated, Section 49-3-306, is amended by deleting the section in its entirety, and substituting instead the following:

(a) As used in this section, 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 employee's permanent base salary as calculated following the annual evaluation under § 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 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, 2014, pursuant to subsection (b);

(5) "Instructional personnel" means any person with a license to teach in an LEA in compliance with chapter 5, part 1 of this title and the rules and regulations of the state board of education, excluding substitute teachers;

(6) "Performance salary schedule" means the salary schedule or schedules adopted by a local board pursuant to subsection (c);

(7) "Salary schedule" means the schedule or schedules used to provide the base salary for district school board personnel; and

(8) "Supplement" means an annual addition to a base salary. A supplement does not become part of the employee's continuing base salary, but shall be considered compensation.

(b)

(1) Each local board shall adopt a salary schedule or salary schedules to be used as the basis for paying all school employees hired before May 1, 2014. Instructional personnel hired before May 1, 2014, may opt into the performance salary schedule established by the LEA. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

(2) A grandfathered salary schedule shall be based on the salary schedule in effect for the 2013-2014 school year, and may include no more than a five percent (5%) increase to adjust for cost of living.

(c)

(1) By May 1, 2014, local boards shall adopt a performance salary schedule that provides annual salary adjustments and supplements that school instructional personnel are eligible to receive. Beginning May 1, 2014, instructional personnel new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel shall be placed on the performance salary schedule.

(2) 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.

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

(4) Salary adjustments shall be established as follows:

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

(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. This total shall be based on the final effectiveness rating of instructional personnel, in accordance with the standards and criteria under § 49-1-302;

(C) 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; and

(D) No instructional personnel receiving a final effectiveness rating of “below expectations” or “significantly below expectations” shall receive an annual salary adjustment.

(5) In addition to the salary adjustments, each local board shall provide for salary supplements to teachers receiving an evaluation rating of at or above expectations for activities that include, but are 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 of education; provided, that the supplement remains in force for at least one (1) year following improved performance in that school;

(C) Certification and teaching in critical teacher shortage areas. The state board of education shall identify statewide critical teacher shortage areas. The local board, however, may identify other areas of critical shortage within the LEA for purposes of this subdivision (c)(5) 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.

(6)

(A) Any instructional personnel who receive a final score of “below expectations” or “significantly below expectations” for their annual evaluations shall be provided a professional development reimbursement for the year following the evaluation.

(B) Each employee shall pursue professional development that specifically aligns with the recommendations provided in the employee's annual evaluation.

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

(d) If budget constraints in any given year limit a local board's ability to fund fully all adopted salary schedules, 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 LEA.

(e) A local board 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.

(f) A local board may not use advanced degrees in setting salary, adjustments or supplements for instructional personnel hired on or after May 1, 2014, unless the advanced degree is in the individual's area of certification.

(g) A local board may not use the length of service or tenure of any instructional personnel hired on or after May 1, 2014, for the purposes of setting salary, adjustments, or supplements.

SECTION 2. The state board of education shall promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.