



# State of Tennessee

## PUBLIC CHAPTER NO. 1

SENATE BILL NO. 25

By Norris

Substituted for: House Bill No. 51

By Todd, Lollar, White, McManus, Coley

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 2, relative to administration of local education agencies.

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

SECTION 1. Tennessee Code Annotated, Section 49-2-502, is amended by designating the current language as subsection (a) and by adding the following new language as subsection (b):

(b)(1) Notwithstanding the provisions of subsection (a) or any other law to the contrary, *if* the proposed transfer of the administration of the schools in the special school district to the county board of education would result in an increase in student enrollment within the county school system of one hundred percent (100%) or more, *and if* a majority of the voters who cast votes in the referendum vote in favor of the transfer; *then* a comprehensive transition plan shall be developed, *and* the transfer shall take effect at the beginning of the third, full school year immediately following certification of the election results.

(2) The comprehensive transition plan shall be developed by a transition planning commission. The transition plan shall consider and provide for each of the matters set forth in § 49-2-1201(i) and § 49-2-1204. Prior to its implementation, the transition plan shall be submitted to the department of education for review and comments. The transition planning commission shall consist of twenty-one (21) members, as follows:

(A) The county mayor, the chair of the county board of education and the chair of the board of education of the special school district shall serve as ex officio members of the commission;

(B) The county mayor, the chair of the county board of education and the chair of the board of education of the special school district shall each appoint five (5) competent citizens to serve as members of the transition planning commission; and

(C) The governor, the speaker of the senate and the speaker of the house of representatives shall jointly appoint three (3) competent citizens to also serve as members of the transition commission.

(3) From and after the effective date of the transfer of the administration of the schools in the special school district to the county board of education, the restrictions imposed on the creation of municipal school districts, in § 6-58-112(b), and special school districts, in § 49-2-501(b)(3), shall no longer apply in such county.

SECTION 2. This act shall take effect on becoming law, the public welfare requiring it, and shall apply to any proposed § 49-2-502 transfer pending on or after such date.



SENATE BILL NO. 25

PASSED: February 10, 2011

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 11<sup>th</sup> day of February 2011

  
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BILL HASLAM, GOVERNOR

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**State of Tennessee**  
**PUBLIC CHAPTER NO. 138**

**SENATE BILL NO. 717**

**By Berke**

Substituted for: House Bill No. 735

**By Harry Brooks**

AN ACT to amend Tennessee Code Annotated, Section 49-2-203, relative to notice provided by a board of education to a director of schools before taking employment action against the director of schools.

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

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(14)(C), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(C) No school board shall extend the contract of a director of schools without giving notice of the intent to do so at least fifteen (15) calendar days prior to the scheduled meeting at which action shall be taken. Further, except in cases concerning allegations of criminal or professional misconduct, no school board shall terminate the contract or remove a director of schools from office without giving notice at least fifteen (15) calendar days prior to the scheduled meeting at which action shall be taken. Notice of extension or termination of a contract of a director of schools shall include the date, time and place of the meeting, and shall comport with all other requirements of §§ 8-44-103 and 49-2-202(c)(1). The proposed action shall be published as a specific, clearly stated item on the agenda for the meeting. Such item, for the convenience of the public attending the meeting, shall be the first item on the agenda; and

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 717

PASSED: April 18, 2011

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 2nd day of May 2011

  
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BILL HASLAM, GOVERNOR



**State of Tennessee**  
**PUBLIC CHAPTER NO. 135**

**SENATE BILL NO. 330**

**By Summerville, Gresham**

Substituted for: House Bill No. 233

By Harry Brooks, McCormick, Maggart

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5; Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9, relative to prospective teachers.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 56, is amended by adding the following language as a new, appropriately designated section:

49-5-56\_\_.

(a) Public institutions of higher education that provide teacher training programs shall allow equal access to any domestic professional educators' organization.

(b) As used in this section:

(1) "Domestic professional educators' organization" means an organization that:

(A) Is incorporated under Title 48, Chapter 52;

(B) Solicits professional membership from all certificated employees of LEAs;

(C) Grants the same rights and privileges of membership to all its professional members; and

(D) Provides equal services to its professional members; and

(2) "Equal access" includes, but is not limited to, the following types of activities:

(A) Distributing information on the campus of a public institution of higher education;

(B) Recruiting and speaking on campus to groups of students who are in teacher training programs at a public institution of higher education;

(C) Using meeting rooms of a public institution of higher education to meet with students in teacher training programs; and

(D) Posting information, if permitted, on a public institution's campus bulletin boards.

(c) Use of campus facilities by a professional educators' organization shall be governed by the rules and regulations on access and use of campus property and facilities adopted by the governing body of the public institution of higher education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 330

PASSED: April 18, 2011

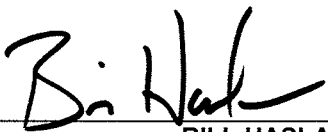


RON RAMSEY  
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 2nd day of May 2011



BILL HASLAM, GOVERNOR



**State of Tennessee**  
**PUBLIC CHAPTER NO. 70**

**SENATE BILL NO. 1528**

**By Norris, Woodson, Tracy, Kelsey, Johnson, Beavers, Gresham, McNally, Campfield,  
Summerville, Overbey, Faulk, Roberts, Watson, Mr. Speaker Ramsey**

Substituted for: House Bill No. 2012

By McCormick, Dunn, Campbell, Lundberg, White, Harry Brooks, Haynes, Sargent, Gotto, Hall,  
Don Miller, Sexton, Wirgau, Eldridge, Hurley, Elam, Powers, Holt, Maggart

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5, relative to the employment of teachers.

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

SECTION 1. Tennessee Code Annotated, Section 49-5-401, is amended by deleting the language "May 15" in subsection (a) and by substituting instead the language "June 15".

SECTION 2. Tennessee Code Annotated, Section 49-5-409(b)(2), is amended by deleting the language "May 15" and by substituting instead the language "June 15".

SECTION 3. Tennessee Code Annotated, Section 49-5-409, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

Nothing in this section shall prohibit a board from abolishing a position after June 15, for sufficient, just and nondiscriminatory reasons; provided, that the person holding the position is notified immediately in writing stating the reasons for abolishing the position and the person is entitled to the next position that the person is qualified to hold and that opens within the school system during the remainder of the school year. The determination of whether a teacher is qualified for an open position shall be made by the director of schools, and the teacher's most recent evaluations may be a factor in such determination.

SECTION 4. Tennessee Code Annotated, Section 49-5-501, is amended by deleting subsection (6) in its entirety and substituting instead the following:

"Inefficiency" means being below the standards of efficiency maintained by others currently employed by the board for similar work, or habitually tardy, inaccurate or wanting in effective performance of duties. The definition of inefficiency includes, but is not limited to, having evaluations demonstrating an overall performance effectiveness level that is "below expectations" or "significantly below expectations" as provided in the evaluation guidelines adopted by the state board of education pursuant to § 49-1-302.

SECTION 5. Tennessee Code Annotated, Section 49-5-501, is amended by deleting subsection (11) in its entirety and by substituting instead the following:

"Tenure" is the employment status other than probation that a teacher may be under while teaching in the public schools. A teacher has no property right in the teacher's tenure status and must sustain a specified performance effectiveness level on evaluations, as provided in this part, to achieve and maintain tenure status. If a teacher acquires tenure, the teacher shall remain under that status until such time as the teacher resigns, retires, is dismissed or the teacher is returned to probationary status by the director of schools under the provisions of this part. No teacher who acquired tenure status prior to July 1, 2011, shall be returned to probationary status. No teacher, including administrative and supervisory personnel, who has acquired tenure status is entitled to any specific position.

SECTION 6. Tennessee Code Annotated, Section 49-5-502, is amended by deleting the words "permanent or limited" wherever it appears.

SECTION 7. Tennessee Code Annotated, Section 49-5-503, is amended by deleting the section in its entirety and by substituting instead the following:

Any teacher who meets all of the following requirements is eligible for "tenure":

(1) Has a degree from an approved four-year college or any career and technical teacher who has the equivalent amount of training established and licensed by the state board of education;

(2) Holds a valid teacher license, issued by the state board of education, based on training covering the subjects or grades taught;

(3) Has completed a probationary period of five (5) school years or not less than forty-five (45) months within the last seven-year period, the last two (2) years being employed in a regular teaching position rather than an interim teaching position;

(4) Has received evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above expectations" as provided in the evaluation guidelines adopted by the state board of education pursuant to § 49-1-302, during the last two (2) years of the probationary period; and

(5) Is reemployed by the director of schools for service after the probationary period.

SECTION 8. Tennessee Code Annotated, Section 49-5-504, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any teacher, otherwise qualified for tenure status, shall meet the following requirements prior to becoming eligible for tenure status:

(1) Served five (5) school years or not less than forty-five (45) months within a seven-year period as a probationary teacher; and

(2) Received evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above expectations" provided by the evaluation guidelines adopted by the state board of education pursuant to § 49-1-302, during the last two (2) years of their probationary period.

(b) Notwithstanding any other provision of law to the contrary, once a teacher is eligible for tenure, the teacher shall be either recommended by the director of schools for tenure or nonrenewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the board of education.

(c) Time spent on leave of absence, except sick leave as provided in § 49-5-710, shall not be counted as a part of the probationary period.

(d) A teacher who has attained tenure status in a school system and later resigns from the system shall serve a two-year probationary period upon reemployment by the system, unless the probationary period is waived by the board of education upon request of the director of schools. Upon completion of the two-year probationary period, the teacher shall be eligible for tenure and shall be either recommended by the director of schools for tenure or nonrenewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the board of education.

(e) Any teacher who, after acquiring tenure status, receives two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of "below expectations" or "significantly below expectations", as provided by the evaluation guidelines adopted by the state board of education pursuant to § 49-1-302, shall be returned to probationary status by the director of schools until the teacher has received two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above expectations". When a teacher who has returned to probationary status has received two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above expectations", the teacher is again eligible for tenure and shall be either recommended by the director of schools for tenure or nonrenewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the board of education.

(f) Subsection (e) does not apply to teachers who acquired tenure prior to July 1, 2011.

SECTION 9. Tennessee Code Annotated, Section 49-5-511, is amended by deleting subdivision (b)(3) in its entirety and substituting instead the following:

A tenured teacher who has been dismissed because of abolition of a position shall be placed on a list for reemployment in the first vacancy the teacher is qualified by training and experience to fill. Nothing in this subsection (b) shall be construed to deprive the director of schools of the power to determine the filling of such vacancy on the basis of the director of school's evaluation of the teacher's competence, compatibility and suitability to properly discharge the duties required for the vacant position considered in the light of the best interest of the students in the school where the vacancy exists. The teacher's most recent evaluations may be a factor in such determination.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect July 1, 2011, the public welfare requiring it.

SENATE BILL NO. 1528

PASSED: March 31, 2011



RON RAMSEY  
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 12<sup>th</sup> day of April 2011



BILL HASLAM, GOVERNOR



**State of Tennessee**  
**PUBLIC CHAPTER NO. 43**

**SENATE BILL NO. 161**

**By Watson**

Substituted for: House Bill No. 253

**By Cobb**

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 49, Chapter 1, Part 3, relative to the state board of education.

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

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (42) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding the following language as a new subdivision thereto, as follows:

( ) State board of education, created by § 49-1-301;

SECTION 3. The division of state audit in the office of the comptroller of the treasury shall provide its findings to the House and Senate Government Operations Committees by July 1, 2013, on the state board of education's responses to the findings and recommendations in the January, 2011, performance audit of the state board of education.

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.

SENATE BILL NO. 161

PASSED: March 24, 2011

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 6<sup>th</sup> day of April 2011

  
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BILL HASLAM, GOVERNOR



**State of Tennessee**

**PUBLIC CHAPTER NO. 179**

**HOUSE BILL NO. 1633**

**By Representative Ramsey**

**Substituted for: Senate Bill No. 1443**

**By Senators Overbey, Tracy**

AN ACT to amend Tennessee Code Annotated, Section 49-2-122, relative to the placement of automated external defibrillator devices.

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

SECTION 1. Tennessee Code Annotated, Section 49-2-122, is amended by deleting subsection (c) and by substituting instead the following language:

(c) Each placement of an AED shall be supervised and endorsed by a physician with an unrestricted license to practice medicine or osteopathy in this state. When a school receives its first AED, it shall place the AED in a location that may be accessed readily from any area of the school, which may include those areas of the school that are used for physical education or activity. Subsequently, additional AEDs shall be placed in locations that are accessible during emergency situations. AEDs shall not be placed in an office that is not accessible to any person who might need to use the AED or in any location that is locked during times that students, parents or school employees are present at school or school events.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 1633

PASSED: APRIL 21, 2011



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES



ROY RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 5<sup>th</sup> day of May 2011

  
BILL HASLAM, GOVERNOR