

HOUSE BILL 2503

By Brooks K

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to teacher dismissals without cause.

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

SECTION 1. This act shall be known and may be cited as the "Protection of Teachers Act".

SECTION 2. Tennessee Code Annotated, Section 49-5-511(b), is amended by adding the following as new subdivisions:

(5) When the board is making a reduction of force, the retention of tenured teachers shall be preferred over the retention of nontenured teachers.

(6) Except as provided in subdivision (b)(3)(C), no tenured teacher shall be dismissed without cause in a reduction of force if there is a position available in the system that the teacher is licensed to fill.

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

(3)

(A) A teacher rated in the three (3) highest categories based on evaluations pursuant to § 49-1-302, who has been dismissed because of abolition of a position, shall be placed on a list for reemployment.

(B) 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 schools' 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; provided, that no nontenured applicant may be employed to fill a vacancy while tenured applicants remain on the list for reemployment described in subdivision (b)(3)(A) who possess the license required for the vacancy.

(C) A principal may refuse to accept the placement or transfer of a teacher by the director of schools to the principal's school. The teacher's most recent evaluations shall be a factor in such determination.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.