

SENATE BILL 1991

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to evaluation of professional employees of
local education agencies.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, is amended by adding Sections 2 through 6 of this act as a new, appropriately designated part.

SECTION 2. The general assembly finds and declares that:

(1) Each LEA's professional employees should know how well they are performing their jobs, and should be offered the opportunity for open and honest evaluation of performance;

(2) Any decision concerning promotion, retention, demotion, transfer, compensation, non-renewal, or termination of employment due to performance should be based upon clear and substantial factors, not extraneous information undocumented or suggested by persons not having a meaningful, first-hand knowledge of the employee and the employee's performance of job-related activities;

(3) Professional evaluation should not ignore responsibility of parents to their children and the school system to participate in the education of their children. Schools should be empowered to open a dialogue with parents to determine what schools and parents should expect from each other to improve the evaluation process; and

(4) The aims and goals of the evaluation process should be improving instruction and providing the public with a measure of performance accountability of professional employees. Evaluations that accurately reflect a certified employees' performance and indicate means for improvement encourage teachers to improve performance. A teacher's right to grieve evaluation findings affords a procedure to improve confidence in

the accuracy of the teacher's performance assessment and thereby provides the teacher greater incentive for improvement and the public with a more reliable measure of accountability.

SECTION 3. Because the evaluation system created pursuant to § 49-1-302(d)(1) and (2) compels evaluators to engage in a specified process for evaluating all probationary certified employees, identifying the skill and performance areas in which the employee needs to improve, and eliminating to the maximum extent possible those deficiencies keeping the certified employee from being successful, the failure to evaluate a probationary teacher on actual classroom observations for at least one (1) full instructional period at least once each semester during the course of a school year shall constitute a failure to comply with the requirements of this part. Failure to comply with the evaluation procedure and this part shall entitle the probationary teacher to reinstatement, unless the teacher has been dismissed for cause pursuant to the hearing process in § 49-2-301(b)(1)(GG).

SECTION 4. Decisions concerning performance of a professional employee that may adversely affect employment, transfer, demotion, promotion, placement, compensation, non-renewal, or tenure shall be based upon reasonable and rational consideration of verifiable and applicable performance standards related to the subjects and grades taught. Evaluators and administrators shall inform employees of problems and give such employees the opportunity to correct deficiencies before initiating any procedural separation or dismissal.

SECTION 5. Beginning with the 2012-2013 school year, the state board of education shall implement and incorporate evaluation standards designed to measure the degree and effectiveness of parental participation in the educational process. The state board of education shall adopt the necessary policies or guidelines to assist LEAs in developing plans for the integration of parental involvement and participation standards in the evaluation of teacher effectiveness and performance. The state board shall annually review outcomes in LEAs in

order to determine parental impact on teacher effectiveness as measured in the evaluation process.

SECTION 6. Guidelines and criteria for local-level evaluation grievance procedures developed and adopted pursuant to § 49-1-302(d)(2) shall maximize fairness to the teacher initiating the appeal, openness in the process being followed, and complete disclosure of records and information collected during the evaluation and appeal. “Openness” and “disclosure” require the maintenance and availability of training records of evaluators, school survey findings, complaints related to implementation of the evaluation process, all local reports or reviews of the quality of the evaluator’s teacher evaluations, and any background or evidence developed at each stage in the appeal process.

SECTION 7. Tennessee Code Annotated, Section 49-1-302(d)(3), is amended by deleting the existing language and by substituting instead the following language:

The policies adopted pursuant to subdivision (d)(2) shall be effective no later than July 1, 2012, in order to be implemented prior to the 2012-2013 academic year and to allow the development of other measures of student growth comparable to TVAAS if no such TVAAS data is available for all certificated employees. Prior to the implementation of these policies, the existing guidelines and criteria for the evaluation of certificated persons employed by LEAs shall continue to be utilized.

SECTION 8. The state board of education is authorized to 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 9. This act shall take effect upon becoming a law, the public welfare requiring it.