

CHAPTER NO. 683

SENATE BILL NO. 467

By Kyle, Cooper, Crutchfield

Substituted for: House Bill No. 1913

**By Davidson, Winningham, Williams, Shaw, Towns, Ronnie Davis, Whitson, Sands,
Sherry Jones, Brenda Turner**

AN ACT To amend Tennessee Code Annotated, Section 49-5-601, relative to the purpose of the Education Professional Negotiations Act (EPNA).

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

SECTION 1. Tennessee Code Annotated, Section 49-5-601, is amended by adding new subdivisions (b)(4), (b)(5) and (b)(6) as follow:

(b) (4) The “terms and conditions of professional service” or “working conditions” of professional employees are those fundamental matters that affect a professional employee financially or the employee’s employment relationship with the board of education. While a board of education is not required to agree or concede to any proposal, good faith negotiations of terms and conditions of employment or working conditions of employees shall be undertaken, provided that no proposal may directly prevent the director of schools from transferring faculty and staff to address performance and accountability deficiencies as identified by state accountability standards. Basic education policy shall not be a mandatory subject of negotiations. “Basic education policy” shall be defined to include such things as the content of the curriculum, teaching strategies, class offerings, student placement and other things related to the policy’s effect on the school system’s overall ability to meet and maintain the state’s student performance standards.

(5) Notwithstanding other provisions of Title 49 to the contrary, directors of schools shall have the ultimate right to transfer all professional employees subject only to Section 49-2-303 and 49-5-510. Nothing in this section shall be construed to make transfers or assignments mandatory subjects of negotiations.

(6) Notwithstanding any other provision to the contrary, nothing in this act shall be construed to prevent a board of education or professional employee organization from engaging the services of qualified individuals for purposes of advice and consultation during the negotiations process. No such individual may directly serve as a negotiator as defined in Section 49-5-602.

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

PASSED: April 17, 2002


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this day of 2002

DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had Senate Bill No. 467 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.