

Tenn. Code Ann. § 49-3-306

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*** Current through the 2013 Regular Session ***

Title 49 Education
Chapter 3 Finances
Part 3 Tennessee Education Finance Act of 1977

Tenn. Code Ann. § 49-3-306 (2013)

49-3-306. Computation -- Pay supplement -- Licensed personnel salaries.

(a) (1) The commissioner, as approved by the state board of education, shall annually formulate a table of training and experience factors and a state salary schedule to be effective for each school year, which shall be applicable to all licensed personnel in every LEA, and which shall include an established base salary per school year consisting of a term of two hundred (200) days for beginning licensed personnel with a bachelor's degree and zero (0) years of experience. Licensed personnel having more training and experience shall receive more than the established base per school year. Certified personnel having less training and experience shall receive less than the established base per school year. The salary schedule shall not be applicable to substitute personnel. In the alternative, an LEA may submit to the commissioner its own proposed salary schedule, subject to collective bargaining where applicable. Implementation of such a salary schedule shall be subject to approval by the commissioner and the state board. In no case shall a salary schedule adopted pursuant to this subdivision (a)(1) result in the reduction of the salary of a teacher employed by the LEA at the time of the adoption of the salary schedule. Any additional expenditure incurred as a result of any such salary schedule shall be subject to appropriation by the governing body empowered to appropriate the funds.

(2) In addition to the state salary schedule developed by the commissioner for fiscal year 2004-2005 pursuant to subdivision (a)(1), the commissioner shall develop a local salary schedule for each LEA for fiscal year 2004-2005. Notwithstanding this section or any other law to the contrary, the local salary schedule shall provide that the LEA adopt a local salary supplement for fiscal year 2004-2005 that is lower than the supplement paid in fiscal year 2003-2004, so long as any such reduction by a LEA in the local salary supplement is not larger in amount than any increase in the state minimum salary for that LEA for fiscal year 2004-2005 resulting from appropriations made pursuant to this subdivision (a)(2). Any reduction by a LEA of the local salary supplement for fiscal year 2004-2005 shall be subject to existing collective bargaining agreements to which such LEA is a party. In the event the agreement bars a reduction in local salary supplements and the LEA is unable to reach an agreement permitting the reduction, the commissioner shall reduce the state minimum salary for that LEA in an appropriate amount for fiscal year 2004-2005. Nothing in this subdivision (a)(2) shall be construed to diminish or in any way serve to reduce any general state salary schedule increase that may be provided outside the parameters of chapter 670 of the Public Acts of 2004. Nothing in this subdivision (a)(2) shall be construed to prohibit or modify the mandatory nature of negotiations of salary for fiscal year 2004-2005 where such supplements or improvements in salary are implemented subsequent to the commissioner's recalibration or possible reduction of some local salary supplements as they existed on the 2003-2004 local salary schedules.

(b) (1) Salaries shall be payable in at least ten (10) monthly installments during any school year.

(2) State education funds received by any LEA for the state salary schedule shall be payable in equal installments starting with the first regular pay period.

(3) The salary for part-time personnel shall be proportionately less than that provided for full-time personnel.

(4) (A) Nothing in this section shall prevent any LEA from supplementing salaries from its own local funds when the funds are in addition to the local contribution of the LEA.

(B) When any LEA allowed any licensed personnel at the beginning of or during the preceding school term, an amount in addition to the salary that was required for such personnel under the state salary schedule in effect at the beginning of or during the preceding school term and which additional amount is paid entirely out of local funds, then the LEA shall continue to pay the additional amount out of local funds.

(C) Subdivision (b)(4)(B) shall not prohibit a reduction in local salary supplements pursuant to subdivision (a)(2).

(c) A board may, with the approval of the commissioner, make such readjustment in the salary of licensed personnel as may be necessary to place the salary in fair relation to the salaries of other licensed personnel in the same LEA with comparable tenure, responsibility, training and experience; except that the affected licensed personnel shall be entitled to a hearing before the board. In computing the salaries required to be maintained by this subsection (c), only the part of the salaries paid under the authority of any LEA need be maintained. No LEA shall be required to supply any decrease in funds formerly available to supplement salaries from other than local sources.

(d) Notwithstanding any other law to the contrary, any board may increase the salaries of its employees at any time during the school year, upon the basis of a new or amended contract, if in so doing it does not exceed its budget as adopted or amended. For an LEA that meets class size requirements under § 49-1-104, nothing in this subsection (d) shall be construed to prohibit BEP funds generated in salary components for nonlicensed personnel to be used to increase salaries for currently employed nonlicensed personnel except where the funds are generated for new or additional positions.

(e) Each LEA shall establish a local salary schedule for all licensed personnel in the LEA, and the schedule shall include, as a minimum, the same salary level or levels based upon college preparation as established by the state board in the state salary schedule. For fiscal year 2004-2005, the schedule shall include, as a minimum, the schedule recommended by the commissioner for salary equalization purposes under subdivision (a)(2).

(f) The LEA's training and experience factor shall be calculated by the SEA as follows: by using the table of training and experience factors adopted by the state board, the SEA will classify all licensed personnel employed by the LEA on December 1, or the first full teaching day thereafter, according to training and experience as provided in the rules and regulations and compute the average training and experience factor for such personnel.

(g) (1) Establishment of programs and cost differentials shall be as follows:

(A) Regular academic: [Click here to view image.](#)

(B) Vocational education: [Click here to view image.](#)

(C) Special education: [Click here to view image.](#)

(2) Identified and served students with a disability shall be included in the program attendance surveys in the appropriate regular academic and vocational education programs as provided in the rules and regulations. The special education cost differential is supplemental to the regular academic and vocational education programs and is based on the preceding year's identified and served students with a disability.

(3) This table of programs and cost differentials shall apply to educational programs as of the opening of schools for the 1977-1978 school year. At its quarterly meeting in February 1978, and annually thereafter, the state board, as approved by the commissioner, shall establish both the education programs and the cost differentials of the programs applicable to the following school year, which may vary from the table in this subsection (g).

(h) Notwithstanding any other provision of this section to the contrary, an LEA shall develop, adopt and implement a differentiated pay plan under guidelines established by the state board of education to aid in staffing hard to staff subject areas and schools and in hiring and retaining highly qualified

teachers. The plan shall be reviewed and evaluated annually to consider any change in circumstances regarding the hiring and retention of highly qualified teachers in the LEA's schools and subjects taught or any necessary revision or restructuring of the plan. No plan or revised plan shall be implemented prior to approval of the plan by the department of education. Each LEA shall implement a differentiated pay plan prior to the beginning of the 2008-2009 school year.

HISTORY: Acts 1977, ch. 289, § 5; 1978, ch. 705, § 1; 1978, ch. 809, § 1; T.C.A., § 49-605; Acts 1984 (1st Ex. Sess.), ch. 6, § 12; 1984 (1st Ex. Sess.), ch. 7, § 81; 1984, ch. 829, § 33; 1985, ch. 96, § 1; 1985, ch. 464, § 2; 1985, ch. 465, § 2; 1986, ch. 629, § 1; 1986, ch. 777, § 1; 1986, ch. 803, § 1; 1987, ch. 284, § 1; 1988, ch. 761, §§ 1, 2; 1989, ch. 105, § 1; 1989, ch. 199, § 4; 1992, ch. 535, § 84; 2001, ch. 284, § 2; 2001, ch. 306, § 1; 2003, ch. 355, § 59; 2004, ch. 670, §§ 6-8; 2007, ch. 376, § 6; 2010 (1st Ex. Sess.), ch. 2, § 12; 2011, ch. 47, § 33; 2011, ch. 378, § 10.