



State of Tennessee

PUBLIC CHAPTER NO. 239

HOUSE BILL NO. 158

By Representative Casada

Substituted for: Senate Bill No. 183

By Senator Hensley

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 19, Part 2; Title 49, Chapter 2 and Title 49, Chapter 5, relative to public school employees.

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

SECTION 1. Tennessee Code Annotated, Section 2-19-201(2), is amended by deleting the punctuation “;” and substituting instead the following:

. “Public lands, offices, buildings, vehicles, and facilities” include those owned and used by a local education agency (LEA);

SECTION 2. Tennessee Code Annotated, Section 2-19-201, is amended by adding the following language as a new, appropriately designated subdivision:

“Teacher” means any person employed in a public school system as a teacher, helping teacher, teacher’s aide, librarian, principal, supervisor, director of schools, or member of the administrative staff.

SECTION 3. Tennessee Code Annotated, Section 2-19-201(3), is amended by deleting the language “teachers, as defined by § 49-1501.”.

SECTION 4. Tennessee Code Annotated, Section 2-19-201(3), is further amended by deleting the punctuation “.” at the end of the first sentence in the subdivision and substituting instead “, including teachers.”.

SECTION 5. Tennessee Code Annotated, Section 2-19-206, is amended by adding the following language as a new, appropriately designated subsection:

(d)

(1) Subsections (a), (b), and (c) shall not apply to teachers.

(2) It is unlawful for any teacher to display campaign literature, banners, placards, streamers, stickers, signs, or other items of campaign or political advertising on behalf of any party, committee or agency, or candidate for partisan or nonpartisan public office elected by the people, on the premises of any building or land owned by a local education agency (LEA), or to use any of the facilities of the LEA, including equipment and vehicles, for such purposes. This subdivision (d)(2) does not apply to the display of campaign banners, placards, streamers, stickers, signs, or other items of campaign or political advertising on LEA-owned property or the use of LEA equipment, when the display or use is a part of and solely for the purpose of the LEA’s program of student education relative to the electoral process. Except for the use of LEA-owned equipment and vehicles, this subdivision (d)(2) does not apply to a teacher during hours in which the teacher is not performing school duties.

(3) This subsection (d) shall not be construed to prohibit any teacher from displaying a decal or bumper sticker on the teacher’s personal vehicle while the vehicle is parked on LEA property.

SECTION 6. Tennessee Code Annotated, Section 2-19-207(b)(2), is amended by deleting the language “persons duly qualified as candidates for public office and teachers, as defined by § 49-1501,” and substituting instead “and persons duly qualified as candidates for public office”.

SECTION 7. Tennessee Code Annotated, Section 2-19-207, is amended by adding the following language as a new subsection (c):

(c)

(1) Subsections (a) and (b) shall not apply to teachers.

(2) It is unlawful for any teacher employed by an LEA during those hours of the day when the LEA requires the teacher to be performing school duties to:

(A) Engage actively in a political campaign on behalf of any party, committee, organization, or agency;

(B) Engage in a campaign for a candidate for partisan or nonpartisan public office elected by the people;

(C) Attend political meetings or rallies;

(D) Use the teacher’s employment to interfere with or affect the result of any regular or special primary election conducted within the state; or

(E) Perform political campaign duties or functions.

(3) Nothing in this subsection (c) shall be construed to deprive a teacher from voting for the party or candidate of the teacher’s choice or to deprive the teacher of the right to express the teacher’s personal opinion concerning any political subject, party, or candidate.

(4) A teacher on leave or during those hours in which the teacher is not required to be performing school duties is not subject to the restrictions in subdivision (c)(2). No policy or rule of an LEA shall be more restrictive of the political activity of a teacher on leave or during those hours in which the teacher is not required to be performing school duties than those restrictions set forth in this subsection (c).

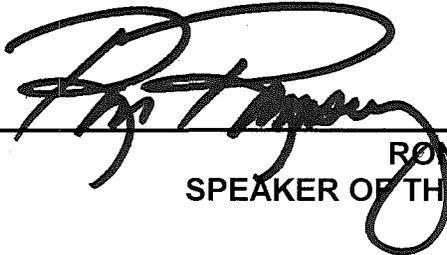
SECTION 8. This act shall take effect July 1, 2015, the public welfare requiring it.

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PASSED: April 8, 2015

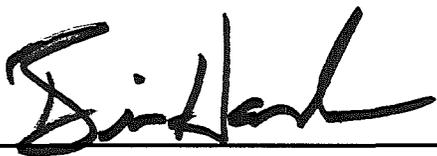


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 20th day of April 2015



BILL HASLAM, GOVERNOR