

HOUSE BILL 902

By Niceley

AN ACT to amend Tennessee Code Annotated, Section 49-2-203 and Title 49, Chapter 2, Part 3, relative to the election of director of schools.

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

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(14)(A), is amended by deleting the language “Notwithstanding any other public or private act to the contrary”, and by substituting instead the language “Unless a county or municipal legislative body has voted to establish the office of elected superintendent of schools and the voters of the county or municipality have by referendum approved establishment of the office of elected superintendent of schools.”

SECTION 2. Tennessee Code Annotated, Section 49-2-301(a), is amended by deleting the initial word “Each” and by substituting instead the language “Except as provided in subsection (e), each.”

SECTION 3. Tennessee Code Annotated, Section 49-2-301, is amended by adding the following new subsection:

(e)

(1)

(A) Notwithstanding subsection (a) or any provisions of Chapter 535 of the Public Acts of 1992 to the contrary, any county or municipality to which subdivision (4) applies operating a school system may re-establish the office of elected school superintendent by a two-thirds (2/3) vote of the membership of the county or municipal legislative body.

(B) Any such ordinance or resolution of a county or municipality shall not become operative until approved in an election herein provided

in the county or municipality, as the case may be. The county election commission shall hold an election on the question pursuant to § 2-3-204, providing options to vote "FOR" or "AGAINST" the ordinance or resolution, after the receipt of a certified copy of such ordinance or resolution, and a majority vote of those voting in the election shall determine whether the ordinance or resolution is to be operative.

(C) If the majority vote is for the ordinance or resolution, it shall be deemed to be operative on the date that the county election commission makes its official canvass of the election returns. If the majority vote is against the ordinance or resolution, the legislative body shall take no action on re-establishing the office of elected school superintendent for at least two (2) years from the date the election is held.

(D) If approved in such election, elections for school superintendent shall be held at the regular August election. The office shall be filled by popular vote for a term of four (4) years. The person elected shall take office September 1 following the election. The elected school superintendent shall have all the powers provided to directors of schools, and any reference to "director of schools" shall be deemed to be a reference to "superintendent" in those counties or cities which restore this office.

(2)

(A) If the office of elected school superintendent is re-established, this shall not act to abridge the contractual term of any appointed director of schools. If a county or city chooses to conduct an election prior to the expiration of a contract, it is the responsibility of the county or city

governing body to satisfy any contractual obligation to an incumbent director of schools.

(B) No board of education shall appoint or extend the contract or term of a director of public schools after a county or city re-establishes the office of superintendent, but may appoint a qualified person as acting director until the office of superintendent is filled by the voters.

(3)

(A) An elected superintendent shall be a person of literary attainment and experience in the art of teaching and school administration, and possess a license of qualification issued by the state board of education prior to the superintendent's election.

(B) The state board of education shall establish minimum requirements for license of qualifications for a superintendent, which shall include, but not be limited to, the following:

(i) The applicant shall hold a teacher's professional license with endorsement as principal or supervisor of instruction;

(ii) The applicant shall hold a master's degree with a major in education administration to include study areas such as:

(a) School organization and administration;

(b) Supervision, curriculum development and evaluation;

(c) School finance, housing, and transportation;

(d) School and communication relationships; and

(e) Technique of problem solving by group process; and

(iii) The applicant shall have had five (5) years' experience to include both teaching and/or administrative experience.

(4) The provisions of this subsection shall only apply to those school systems that had superintendents elected by a vote of the people in office on July 1, 1992.

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.